2020
Summary of Enacted and Pending Legislation
(as of October 14, 2020)

New York State Conference of Mayors and Municipal Officials

Mayor Richard C. David, City of Binghamton, President

Peter A. Baynes, Executive Director
Table of Contents

Finance

Government Operations and Community Development

Employee Relations and Public Safety

Telecommunications, Environment and Energy
The following document summarizes the status of bills of interest passed by both houses of the New York State Legislature in 2020. Organized by subject area, it includes those initiatives that directly or indirectly affect cities and villages, beginning with those that were included in the 2020-21 State Budget. Questions on any of these initiatives can be directed to NYCOM Deputy Executive Director Barbara Van Epps or the appropriate staff person as indicated below.

Finance

**Staff Contact: Barbara Van Epps**

**Enacted as Part of the 2020-21 State Budget**

The State Legislature approved a $178 billion 2020-21 State Budget. Given the current circumstances and the significant downturn in the economy, we believe this budget could have been much worse for cities and villages. However, it is important to acknowledge that mid-year adjustments to the State’s financial plan are a very real possibility and we will need to work together to ensure that the State’s problems are not pushed down to local governments and that the next Federal stimulus package includes direct assistance to all municipalities, regardless of their population.

**Authorization for Mid-Year State Budget Reductions** – The Budget includes language that permits the State Budget Director to make uniform or targeted reductions to appropriations if the State Budget becomes unbalanced because revenues fall below projections or expenditures rise above projections during three different periods (April 1-30, May 1-June 30, July 1-December 31) of the state fiscal year. Any plan for proposed reductions must be shared with the Legislature and they will have ten days to prepare and adopt their own plan by concurrent resolution. If the Legislature does not do so, the Budget Director’s proposed reductions would go into effect automatically.

**AIM Funding** – The Budget makes no changes to the amount of AIM funding for cities, villages and towns and the associated AIM-related payments that certain villages and towns receive from county sales tax revenue.

**Transportation Funding** – CHIPS is funded at the current $438 million and the Budget includes the full restoration of $65 million in Extreme Winter Recovery funding. The Budget also includes $100 million each for PAVE-NY and BRIDGE-NY. In addition, the Budget increases the CHIPS bidding-out threshold from $250,000 to $350,000, allowing municipalities the option to perform any projects at or under the $350,000 threshold with their own workforce rather than bidding out the contract competitively.

**Water and Sewer Infrastructure Funding** – The Budget includes an additional $500 million for drinking water and wastewater infrastructure funding, similar to what was proposed in the Executive Budget.

**Amendments to Discovery Reform** – The State Budget includes several amendments to the discovery reforms that NYCOM was seeking. Specifically, the Budget repeals the requirement that the prosecutor provide initial discovery within 15 calendar days of the defendant being arraigned and adds new provisions requiring that:

1. If a defendant is in custody, the prosecutor must provide initial discovery within 20 calendar days of the defendant being arraigned;
2. If a defendant is not in custody, initial discovery must be provided within 35 calendar days of arraignment;
If the charge is either (a) a traffic infraction under the NYS Vehicle and Traffic Law brought by simplified information, or (b) a city, village, town, or county defined petty offense that does not carry a statutorily authorized sentence of imprisonment, discovery must be performed as soon as practicable, but not later than fifteen days before the trial.

The amendment also adds body camera evidence to the voluminous discovery time limitations which stays discovery for up to an additional 30 days. Defendants may still file a motion for disclosure of such items and information under Criminal Procedure Law § 245.20(1) at an earlier date, however. Additionally, the amendment puts in place additional protections against disclosure of witness and victim information, including 911 caller information. Specifically, prosecutors may withhold such information without having to obtain a court order. However, defendants may move the court for disclosure. Please note that local infractions which are defined as misdemeanors and violations of the State’s Uniform Fire Prevention and Building Code are still going to be subject to the 35 calendar day automatic initial discovery requirement.

**Discovery Reform Implementation Aid** – The State Budget includes $40 million (which will be transferred from the Office of the Manhattan District Attorney) to support local services and expenses related to discovery reform implementation, including but not limited to, digital evidence transmission technology, administrative support, computers, hardware and operating software, data connectivity, development of training materials, staff training, overtime costs, litigation readiness, and pretrial services. Eligible entities include, but are not limited to counties, cities with populations less than one million, and law enforcement and prosecutorial entities within towns and villages.

**Bail Reform** – The State Budget restores to the courts some of the discretion that was lost as part of last year’s bail reform measures. Specifically, the number of qualifying criminal offenses has been expanded that will grant judges the authority to consider setting a monetary bail amount when analyzing a defendant’s likelihood of returning to court for future court appearances. The Budget also expands the types of non-monetary conditions a court can impose on a defendant during the pendency of their case. In addition, the Budget amends the time-frame in which a defendant must appear in court for their arraignment. The return date on the appearance ticket in most instances will still be within twenty days. However, in the event a local criminal court will not be in session within twenty days, the language allows for the return date to be set for the next scheduled session of the appropriate criminal court if that date is scheduled to occur more than twenty days from the date of the issuance of the appearance ticket.

**Expansion of Prevailing Wage** – Effective January 1, 2022, the State Budget imposes prevailing wage requirements on certain construction projects performed under private contract that receive public funds. Specifically, "covered projects" are defined as construction work done under contract which is “paid for in whole or in part out of public funds” where the amount of all such public funds, when aggregated, is at least 30% of the total construction project costs and where such project costs are over $5,000,000. "Paid for in whole or in part out of public funds" is defined as:

1. The payment of money by a public entity, or a third party acting on behalf of and for the benefit of a public entity, directly to or on behalf of the contractor, subcontractor, developer or owner that is not subject to repayment; or
2. The savings achieved from fees, rents, interest rates, or other loan costs, or insurance costs that are lower than market rate costs; savings from reduced taxes as a result of tax credits, tax abatements, tax exemptions or tax increment financing; savings from payments in lieu of taxes; and any other savings from reduced, waived, or forgiven costs that would have otherwise been at a higher or market rate but for the involvement of the public entity; or
3. Money loaned by the public entity that is to be repaid on a contingent basis; or
4. Credits that are applied by the public entity against repayment of obligations to the public entity.
Certain types of projects, including those related to affordable housing, historic preservation and renewable energy, would be exempt. The language would also allow the Department of Labor to issue stop-work orders when it finds cause to believe that there are violations of the prevailing wage law requirements. Finally, the language also creates a Public Subsidy Board consisting of 13 members appointed by the Governor representing the State Legislature, State agencies, the construction industry, and statewide labor associations. The Subsidy Board will be empowered to examine and make recommendations regarding (a) the minimum threshold percentage of public funds; (b) the minimum dollar threshold of projects; (c) construction work excluded as a covered project; (d) the definition of construction; or (e) particular instances of benefits, monies or credits as to whether or not they should constitute public funds. The Board may also issue binding determinations to any public entity, or any private or not-for-profit owner or developer on any matter related to an existing or potential covered project. Such determinations must be based on documents and/or testimony and will be subject to review via Article 78 of the NYS Civil Practice Law and Rules.

Sales Tax Intercept for Distressed Hospitals and Nursing Homes – The State Budget includes language that will require the intercept of $200 million in sales tax revenue from New York City and $50 million in sales tax from all other counties (based upon each county’s percentage share of total net sales tax collections outside New York City) to help fund distressed hospitals and nursing homes. The $50 million intercept for 2020 will take place on January 15, 2021, and then $12.5 million will be withheld each quarter thereafter until March 31, 2022. At this time, it is unclear to what extent this will impact county sales tax sharing agreements.

E-Scooters and E-Bicycles – The State Budget legalizes the operation of e-bikes and e-scooters for individuals 16 years of age and older. These devices would only be permitted on roads with speed limits of 30 mph or less and bike lanes. E-bikes would be limited to a maximum speed of 20 mph and e-scooters would be limited to 15 mph. Cities, villages and towns would have the ability to further regulate the time, place and manner of the operation of e-bikes and e-scooters, including but not limited to maximum speed, the use of protective headgear and the wearing of reflective clothing. However, in the counties of Nassau and Suffolk, cities, villages and towns would have to receive their respective county’s approval (via local law) for such further regulation. This would also apply to villages and towns (but not cities) in Westchester County. It should be noted that every city, village and town, regardless of the county in which they are located, would have unilateral authority to prohibit the use of these devices in specified areas or entirely, without the approval of another governing body. It should also be noted that the language gives municipalities the flexibility to allow for the operation and parking of e-bikes and/or e-scooters on sidewalks.

Renewable Energy Projects Siting – The State Budget establishes a new Office of Renewable Energy Siting to review siting applications for those renewable energy facilities whose capacities exceed 25 megawatts, and those between 20-25 megawatts who opt into the new process. Much like in the proposed Executive Budget, the procedures adopted by the State Legislature will “fast track” the siting process and will shift the burden to municipalities to prove that the siting application is inconsistent with local laws and regulations. However, unlike the proposed version, the enacted language predicates approval of an application upon proof that the applicant consulted with the host municipality prior to making the application. Additionally, the language requires host community benefit agreements, establishes a local agency account or intervenor fund that municipalities may use to determine whether a proposed facility complies with local laws and regulations, and requires adjudicatory hearings if a municipality or public comment raises a substantive or significant issue, as will be defined by the regulations implementing the law. Notably, the proposed provisions that would have altered the valuation methodology for property taxation and limited the ability of local governments to negotiate PILOTs have been removed.
While the legislation provides for more local government engagement in the process than initially proposed, it will still replace the Siting Board and the Article 10 siting review process for renewable energy facilities exceeding 25 megawatts in capacity and will deem a renewable energy project granted if not acted on within one year of a completed application. Additionally, the statute permits the Office of Renewable Energy Siting to disregard local laws and regulations when approving siting applications if such local laws diminish the environmental benefits of the proposed facility, based on the carbon reduction targets articulated in the Climate Leadership and Community Protection Act. Lastly, the legislation authorizes the New York State Energy Research and Development Authority (NYSERDA) to establish a program that encourages and incentives the development of clean energy resources.

**Downtown Revitalization Initiative** – The State Budget includes funding for a fifth Downtown Revitalization competition where 10 communities will each receive $10 million.

**Regional Economic Development Councils (REDC)** – The State Budget continues the regional economic development approach and provide $220 million to support a tenth round of the REDC awards. This will include core funding of $150 million and $70 million in tax credits. This will be combined with a wide range of existing agency programs to provide a total of $750 million for this purpose.

**Environmental Protection Fund (EPF)** – The EPF continues to be funded at $300 million, including $39 million for solid waste programs, $89 million for parks and recreation, $153 million for open space programs and $19 million for climate change.

**Mother Nature Bond Act** – The State Budget includes language that establishes a $3 billion Mother Nature Bond Act, which would require approval via a statewide referendum in November 2020. The $3 billion in bond proceeds would be used to preserve and restore the State’s natural resources and reduce the impact of climate change by funding projects to restore natural habitats, protect open spaces, reduce flood risks, and improve water quality. The Department of Environmental Conservation would be responsible for administering the funds and municipalities would have the ability to apply for and receive monies to perform acts necessary to carry out a project or obligation related to the Mother Nature Act. The $3 billion includes $700 million for project design and engineering, $200 million for water infrastructure improvement projects, and $100 million for municipal storm water grants. Due to COVID-19, the Director of the Budget has exercised his authority to postpone the Bond Act referendum for one year.

**Ban on Styrofoam** – Effective January 1, 2022, the State Budget imposes a ban on the sale, use, and distribution of food service containers and loose fill packaging that contain expanded polystyrene foam, commonly referred to as Styrofoam packaging and packing peanuts. This ban will supersede and preempt all local laws and regulations relating to the sale and distribution of such products. Counties, however, are authorized to exceed the thresholds by local law when the county files a written declaration of intent to administer and enforce such a local law with the Department of Environmental Conservation.

**Non-MTA Transit Systems Aid** – The State Budget provides $236 million for operating support for upstate transit systems and $405.2 million in operating support for downstate transit systems. The Budget also includes $20 million (the first installment of a five-year $100 million commitment) for non-MTA transit systems to fund the transition to electric buses.
**Airport Funding** – The State Budget includes $100 million to fund the second round of the Upstate Airport Economic Development and Revitalization initiative. These resources will support enhancements to safety and economic development, improve airport operations and create a better passenger experience.

**Reimagining the Erie Canal** – Building on the findings of the Reimagine the Canal Task Force, the New York Power Authority, which now oversees the Canal Corporation as a subsidiary, will invest $300 million over the next five years to integrate the Empire State Trail and Erie Canal through a new program intended to stimulate tourism and economic development, address environmental challenges, and improve the quality of life in communities along the Canal. The first phase of funding will have two parts: a $100 million economic development fund to invest in communities along the Canal and a separate $65 million investment in solutions that will help prevent ice jams and related flooding in the Schenectady area. The remaining $135 million will subsequently be allocated to research recommendations by the Task Force, as well as to initiatives related to flood mitigation, invasive species prevention and ecosystem restoration.

**Manual Election Recounts** – The State Budget amends the Election Law requiring county boards of elections to conduct manual recounts of ballots from any general, special or primary election, including village elections, in the following circumstances: (1) where the margin of victory is 20 votes or less; (2) where the margin of victory is 0.5 percent or less; or (3) in a contest where one million or more ballots are cast and the margin of victory is less than 5,000 votes. The result of the manual recount will supersede the returns filed by the election inspectors where the canvass was initially conducted.

**Leave Time for Voting** – Effective April 3, 2020, the State Budget reduces the paid time off to vote at an election from 3 hours to 2 hours. If an employee has 4 consecutive hours either between the opening of the polls and the beginning of their working shift, or between the end of their working shift and the closing of the polls, they shall be deemed to have sufficient time outside of working hours to vote. If an employee has less than 4 consecutive hours, they may take off so much working time as necessary to vote, but not more than 2 hours of which shall be paid. Lastly, employees would be required to provide notice at least 2 days, but not more than 10 days, prior to an election day of their intention to take time off.

**Denial of STAR Credits for Delinquent Property Taxpayers** – The State Budget provides that no basic STAR credit or basic STAR exemption would be granted to property owners with delinquent property taxes for a period exceeding one year. This essentially would enable the State to assist with the enforcement of local past-due property taxes, but would also impose reporting requirements on all local tax districts.
Budgetary Flexibility for Local Governments - A.10492 (Thiele) /S.8417 (Krueger) – Extends the rollover period, from 5 to 7 years, for bond anticipation notes issued between 2015 through 2021, authorizes local governments and school districts to temporarily transfer money from capital reserve funds to pay for operating costs associated with COVID-19, and extend the repayment time frame of inter-fund loan advances made for COVID-19 expenses from the end of the current year to the end of the subsequent year in which the loan takes place. The State Comptroller’s Office has issued guidance on the new law. (Chapter 157, effective August 24, 2020)

IDA Loan Authorization - A.10294-A (Stirpe) /S.8181-A (May) – Authorizes Industrial Development Agencies (IDAs) to administer a COVID-19 state of emergency loan program to provide capital funding for small businesses and not-for-profits of up to $25,000. IDAs will also be permitted to provide grants for the acquisition of personal protective equipment to prevent the spread of COVID-19. IDAs that participate will be required to submit a report on the activities of the program to the Governor and the State Legislature. This law will expire on December 31, 2021. (Chapter 109, effective June 17, 2020)

Extension of Property Tax Exemption Deadlines - A.10241-A (Hyndman) /S.8122-B (Comrie) – Extends, at local option, the application and renewal deadline to file for real property tax exemption or abatement programs until July 15, 2020, due to the COVID-19 state of emergency. (Chapter 92, effective June 8, 2020)

Extension of Grant Deadline for Library Construction - A.10465 (Ryan) /S.8410 (Mayer) – Provides public libraries that received library construction grant aid during the 2017-18, 2018-19 and 2019-20 fiscal years, but were unable to complete the project due to COVID-19, an additional 12 months from the statutory project end date to complete their projects. (Chapter 120, effective June 17, 2020)

Modification of the Residential-Commercial Urban Exemption Program - A.8091-A (Magnarelli) /S.5254-B (Breslin) – NYCOM Supports
Would amend the § 485-a property tax exemption for mixed-use development to ensure the program is serving the purpose for which it was intended which is to provide a property tax incentive for the rehabilitation of underutilized buildings. Specifically the amendments would impose minimum square footage requirements for commercial and residential use, would disallow the exemption for land that was vacant prior to construction, and would require an annual certification to the assessor that such property is eligible for the exemption.

Property Tax Deferment and Installment Payments - A.10252-A (Stern) /S.8138-B (Martinez) – No Objection
Would permit municipalities, while the COVID-19 state of emergency is in effect, to defer property tax payments for a period not to exceed 120 days past the original tax payment due date or to permit as many installment payments as necessary, to be determined by the local legislative body, for a period not to exceed 120 days past the original tax payment due date.
Real Property Tax Exemption Task Force - A.3330-A (Abinanti) / S.3679-A (Harckman) – NYCOM Supports

Would establish a seven-member Real Property Tax Exemption Task Force to examine the real property tax exemption laws and recommend changes to such laws. The Task Force members will represent the Department of Taxation and Finance, the Office of the State Comptroller, the office of the Attorney General, and the majority and minority of both the Senate and the Assembly. The report shall be issued to the State Legislature within one year of the establishment of the Task Force.
Government Operations and Community Development
Staff Contacts: Wade Beltramo and Rebecca Ruscito

ENACTED

Extension of Building Permits and Planning and Zoning Approvals - A.10409-A (McDonald) /S.8236-A (Gaughran) – Introduced at NYCOM’s request, this law authorizes local governments, during the COVID-19 state of emergency, to issue a single resolution extending the expiration date for all active building permits, as well as planning and zoning approvals, for a period of up to 120 days beyond the expiration date stated in the permit or approval.
(Chapter 111, effective June 17, 2020)

Operational Plan for Public Health Emergencies - A.10832 (Abbate) /S.8617-B (Gounardes) – Mandates public employers to develop a plan for operations in the event of a declared public health emergency involving a communicable disease. The Governor, in his approval message (No. 7 of 2020), addressed one of NYCOM’s primary objections to the bill pertaining to giving local governments only 30 days to develop such plans. He announced that an agreement was made with the State Legislature to make certain technical changes to the bill, including extending the date by which the operations plans are required to be completed to April 1, 2021.

Pursuant to the new law, required plan elements include, but are not limited to:

- A list and description of positions considered essential;
- Protocols for non-essential employees to follow to work remotely;
- A description of how staggered work shifts would be implemented;
- The process for procurement and distribution of personal protective equipment (PPE) for employees;
- The process outlining what to do when an employee is exposed to the communicable disease;
- The policy on leave in the event employees require testing, treatment, quarantine, etc.;
- Protocols to document specific hours and work locations including off-site visits for essential employees and contractors;
- Protocols on emergency housing for essential employees impacted by the disease subject of the public health emergency; and
- Any other requirement determined by the New York State Department of Health, such as testing and contact tracing.

Plans must be presented by the employer to union representatives for their review and recommendations within 150 days from the law’s September 7, 2020, effective date. Additionally, the Department of Labor will create an online portal for public employees to report violations of health and safety rules for communicable diseases, including COVID-19.
(Chapter 168, effective September 7, 2020)

Emergency Rent Relief Act of 2020 - A.10522 (Cymbrowitz) /S.8419 (Kavanagh) – Enacts the "Emergency Rent Relief Act of 2020" to establish an interim residential rent relief program for low-income tenants. The program will provide rental assistance in the form of a voucher to eligible households who were rent burdened prior to the COVID-19 pandemic or are paying more than 30% of their income toward rent and are now experiencing an even greater rent burden due to a loss of income. The Act will expire on July 31, 2021.
(Chapter 125, effective June 17, 2020)
Tenant Safe Harbor Act - A.10290-B (Dinowitz) / S.8192-B (Hoylman) – Prohibits the eviction of residential tenants who have suffered financial hardship during the COVID-19 pandemic (i.e., until restrictions on businesses, public accommodations and essential gatherings are no longer in effect). Specifically, this legislation (1) prohibits courts from issuing a warrant of eviction or judgment of possession against a residential tenant or other lawful occupant that suffered financial hardship during the COVID-19 covered period for the nonpayment of rent that accrues or becomes due during the COVID-19 covered period, (2) allows tenants to raise financial hardship as an affirmative defense and provides factors a court may examine in determining hardship, and (3) allows courts to award a judgment for the rent due and owing to a landlord in a summary proceeding under Article 7 of the Real Property Actions and Proceedings Law.
(Chapter 127, effective June 30, 2020)

Remote Hearings on Felony Complaints - A.10493 (Lentol) / S.8414 (Bailey) – For the duration of the COVID-19 state of emergency, this authorizes parties or witnesses at hearings on felony complaints pursuant to Criminal Procedure Law Article 180 to appear at such hearing via an audio-visual system if the court finds that, due to the person's circumstances and such disaster emergency, a personal appearance by the party or witness will be an unreasonable hardship. This law provides for audio-visual appearances at preliminary hearings as well.
(Chapter 123, effective July 17, 2020)

Electronic Absentee Ballot Authorization - A.10516-D (Simotas) / S.8130-D (Myrie) – Authorizes the submission of electronic applications for absentee ballots to county boards of elections. The applications will be submitted through an electronic transmittal system or web portal established by the State Board of Elections or the local county boards of elections. Absentee ballots will be counted by the county boards of election, provided that the ballot was postmarked not later than the day of the election. Since the provisions of this bill will expire on December 31, 2020, electronic absentee ballot applications will be authorized for both the primary and general election days. This bill does not specifically authorize villages to accept absentee ballot applications electronically in villages that conduct their elections pursuant to Article 15 of the Election Law.
(Chapter 91, effective June 30, 2020)

Extension of Child Victims Act - A.9036 (Rosenthal) / S.7082 (Hoylman) – Extends, by one year, the period of time to file civil claims under the Child Victims Act.
(Chapter 130, effective August 3, 2020)

AWAITING DELIVERY TO THE GOVERNOR

Rollback of the DMV’s License and Registration Suspension Program - A.7463-B (Hunter) / S.5348-B (Kennedy) – NYCOM Opposes
Would end the practice of suspending a driver’s license for failing to pay a fine or fee or for failing to appear in court on a Vehicle and Traffic Law (VTL) violation. Specifically, this legislation would substantially limit the types of VTL infractions for which failing to appear or failing to pay a fine would be grounds for suspending a driver’s license or vehicle registration. Repealing the State’s suspension program will eliminate the only practical and cost-effective method to enforce low-fine traffic and parking violations, which will likely result in a significant increase in the number of scofflaws and an exponential increase in court backlogs and unresolved cases.
Restriction of Retainage on Construction Projects - **A.9117** (Cusick) /**S.7664** (Breslin) – **NYCOM Opposes**

Would restrict the ability of local governments and State agencies to hold a small portion of payment for an existing construction project by requiring full payment when a portion of the building can be occupied or otherwise available for its intended use. Retaining part of the contract payment is an effective means to ensuring that public works contracts are completed as required by and in accordance with the terms of the contract.

Fire and Emergency Evacuation Violations - **A.3343** (Zebrowski) /**S.1714** (Brooks) – **NYCOM Supports**

Would amend Executive Law § 382 to provide that a civil penalty can be imposed on building owners who knowingly violate the Uniform Fire Prevention and Building Code or any lawful order obtained thereunder for impeding a person's egress from the building during a fire or other emergency evacuation.

Contact Information for Zombie Properties - **A.6976** (Wallace) /**S.4190** (Kennedy) – **NYCOM Supports**

Would require that a mortgage servicer's name and telephone number be listed for any mortgage foreclosure of a one- to four-family residential property in a Notice of Pendency (Lis Pendens), the Order of Reference, and the Judgement of Sale. With this information listed, municipal officials will have a more efficient way to contact the loan servicer to ensure that maintenance obligations are enforced.
Employee Relations and Public Safety

Staff Contact: John Mancini

Repeal of Civil Rights Law § 50-a - A.10611 (O'Donnell) /S.8496 (Bailey) – Repeals Civil Rights Law § 50-a, which had made all personnel records used to evaluate the performance toward continued employment or promotion of police officers, firefighters, paramedics, correction officers or peace officers confidential and not subject to inspection or review without the individual's express written consent or a court order. This legislation also amends the New York State Freedom of Information Law, subjecting any record created in furtherance of a law enforcement disciplinary proceeding to disclosure under FOIL. The new FOIL provisions require specific sensitive personal information, including medical history, to be redacted from such records prior to being disclosed. (NOTE: NYCOM members can go here to view our webinar on the impacts of this repeal.) (Chapter 96, effective June 13, 2020)

The Eric Garner Anti-Chokehold Act - A.6144-B (Mosley) /S.6670-B (Benjamin) – Creates the crime of aggravated strangulation (making it a Class C felony) and establishes criminal penalties for a police officer or peace officer who uses a chokehold that causes serious physical injury or death. (Chapter 94, effective June 12, 2020)

Falsely Summoning a Police Officer - A.1531-B (Richardson) /S.8492 (Parker) – Establishes civil penalties for summoning a police officer or peace officer when there is no reason to believe a crime or offense, or imminent threat to person or property, is occurring involving a member of a protected class. (Chapter 93, effective June 13, 2020)

Law Enforcement Misconduct Investigative Office - A.10002-B (Taylor) /S.3595-C (Parker) – Establishes the Law Enforcement Misconduct Investigative Office within the Department of Law (i.e., Attorney General's Office) which will be tasked with receiving and investigating complaints from any source concerning allegations of corruption, fraud, use of excessive force, criminal activity, conflicts of interest, or abuse in municipal police and other law enforcement agencies. (Chapter 104, effective April 1, 2021)

Office of Special Investigation - A.1601-C (Perry) /S.2574-C (Bailey) – Establishes an Office of Special Investigation within the Office of Attorney General which will have investigative authority and criminal jurisdiction for any incident involving the death of a person caused by an act or omission by a police officer or a peace officer employed as a correction officer or contracted by an education, public health, social service, parks or housing agency. Where an investigation concludes that the death or matters relating to the death or investigation of the death involved criminal conduct, the Office will be empowered to prosecute any such alleged offenses. (Chapter 95, effective April 1, 2021)

Police Weapon Discharge Reporting - A.10608 (Perry) /S.2575-B (Bailey) – Requires a police officer or peace officer (whether on or off duty) who discharges his or her weapon under circumstances where a person could be struck by a bullet to verbally report the incident within six hours, and file a written report within forty-eight hours. (Chapter 101, effective September 13, 2020)
Recording Law Enforcement Activity - **A.1360-A** (Perry) / **S.3253-A** (Parker) – Provides that a person not under arrest or in the custody of a law enforcement official has the right to record police activity and to maintain custody and control of that recording and of any property or instruments used by that person to record such activities. A person in custody or under arrest does not, by that status alone, forfeit such right to record.  
*(Chapter 110, effective July 13, 2020)*

Medical Response for Arrestees - **A.8226-B** (Fernandez) / **S.6601-B** (Bailey) – Affirms an individual’s right to medical and mental health attention while under arrest or otherwise in custody of a police officer or peace officer. Failure to provide reasonable and good faith medical assistance could result in a cause of action against the officer, representative, and/or entity.  
*(Chapter 103, effective June 15, 2020)*

Body Cameras for State Police - **A.8674-A** (Walker) / **S.8493** (Parker) – Requires that all state police officers wear body cameras while on patrol and prescribes mandated situations when the camera will have to be turned on and recording.  
*(Chapter 105, effective April 1, 2021)*

Police Statistics and Transparency (STAT) Act - **A.10609** (Lentol) / **S.1830-C** (Hoylman) – Requires courts to compile and publish data concerning arrests and court proceedings involving low-level offenses such as violations and traffic offenses. Such report will include aggregate and anonymized demographic information such as race, ethnicity and sex. This bill requires police departments to submit annual reports on arrest-related deaths to the Department of Criminal Justice Services, as well as the Governor and the State Legislature.  
*(Chapter 102, effective December 12, 2020)*

Benefits for Employees Subject to COVID-19 Quarantine - **A.10153** (Nolan) / **S.8091** (Ramos) – No Position
Provides sick leave and paid family leave benefits to certain employees subject to a mandatory or precautionary order of quarantine issued by a governmental entity due to COVID-19.  
*(Chapter 25, effective March 18, 2020)*

COVID-19 Presumption Death Benefit - **A.10528** (Abbate) / **S.8427** (Gounardes) – Creates a public employee presumption for COVID-19-related deaths between March 1, 2020 through December 31, 2020. In order to qualify for the accidental death retirement benefit, a health professional must certify that COVID-19 was the cause of or contributing factor to death. In the event a public employee dies from COVID-19, it will be presumed they did so in the line of duty and the deceased public employee’s beneficiaries would qualify for the accidental death benefit.  
*(Chapter 89, effective March 1, 2020)*

LOSAP Credits in a State of Emergency - **A.10438-A** (Thiele) / **S.8251-B** (Kaminsky) – As a result of the COVID-19 pandemic, some volunteer fire and ambulance departments are experiencing a decrease in emergency calls and participating in fewer training events. In addition, to protect volunteers with compromised health conditions, some have been prohibited from participating in their normal volunteer service activities. In order to address the decline in opportunities for volunteer firefighter and ambulance workers to earn their LOSAP points, this statutory amendment gives municipal governing boards the authority to authorize up to five additional LOSAP points per month during the COVID-19 state of emergency.  
*(Chapter 113, effective June 17, 2020)*
Reducing PFAS chemicals in Firefighting Activities - A.8979 (Steck) /S.7167 (Hoylman) – Reflects an agreed-upon chapter amendment to Chapter 702 of the Laws of 2019 to allow fire departments to continue to use foams containing PFAS in limited circumstances until effective alternatives become available.  
(Chapter 88, effective April 29, 2020)

Fair Pay for Equal Work - A.8971 (Rosenthal) /S.6942 (Montgomery) – This is a chapter amendment to Chapter 741 of the Law of 2019 relating to equal pay provisions for protected classes of employees. Specifically, the Civil Service Law is amended to require that all positions having the “same title” must be “allocated at the same salary grade.” The original bill included language requiring equal pay for a “substantially similar title” which has been removed pursuant to the chapter amendment.  
(Chapter 46, effective April 17, 2020)

Paper Pay Stub Opt Out - A.4867-A (Rozic) /S.2328-A (Kavanagh) – Provides employees who have paychecks directly deposited into their bank accounts to opt out of receiving paper pay stubs and receive electronic versions instead.  
(Chapter 225, effective April 5, 2021)

AWAITING DELIVERY TO THE GOVERNOR

Volunteer Firefighter Recruitment and Retention Task Force - A.9779-A (Thiele) /S.7589-B (Gaughran) – NYCOM Supports  
In response to the difficulty volunteer departments are experiencing to recruit and retain members, this bill would establish a State task force to examine and make recommendations on how government can assist and help strengthen the volunteer fire service.

Written Notice Requirement for Layoffs - A.10674-A (Otis) /S.8748 (Mayer) – NYCOM Supports  
Would require an employer to notify the chief elected official of the affected local government when a mass layoff is going to occur, including those local governments that provide emergency services to the site of employment subject to the mass layoff.
**Telecommunications, Environment and Energy**  
*Staff Contact: Rebecca Ruscito*

**ENACTED**

**Moratorium on Termination of Utility Services - A.10521 (Mosley) / S.8113-A (Parker)** – Prohibits a municipality or utility corporation from terminating or disconnecting services to any residential customer for the nonpayment of an overdue charge for the duration of the COVID-19 state of emergency. This moratorium will remain in effect for 180 days from the expiration of the COVID-19 state of emergency for those residential customers that have experienced a change in financial circumstances. In these instances, the municipality or utility corporation will have to offer such residential customers the right to enter into, or restructure, a deferred payment agreement without the requirement of a down payment, late fees or penalties.  
*(Chapter 108, effective June 17, 2020)*

**Online Posting of Water Supply Statements - A.3040-A (Vanel) / S.8723 (Sanders)** – Requires water works corporations with 1,000 or more service connections -- including municipalities that supply water to their residents -- to post their water supply statements online. If a municipality is served by a water works corporation, the water supply statement must be posted on the municipal website as well.  
*(Chapter 57, effective January 20, 2021)*

**AWAITING DELIVERY TO THE GOVERNOR**

**Public Service Commission Review of Broadband and Fiber Optic Services - A.6679-C (Ryan) / S.8805 (Metzger)** – **NYCOM Supports**  
Would require the Public Service Commission to assess the availability, affordability, and reliability of high-speed internet and broadband services in New York State; determine the practical, regulatory, and statutory barriers to the provision of such services; and coordinate with internet service providers to prioritize access to broadband and fiber optic connectivity in communities that have experienced negative economic and social impacts due to the absence, insufficiency, or inadequacy of high-speed internet access.