The final weeks of summer are upon us and the NYCOM staff is busy gearing up for the 2020 state budget season and legislative session. Meanwhile, many important bills that passed the Senate and Assembly during the 2019 legislative session have not yet been acted upon by the Governor, including the following:

**Authorization for Electric Bicycles and Scooters** – A. 7431-B (Rozic) / S. 5294-A (Ramos) – NYCOM Supports
Would authorize electric assist bicycles and electric scooters to operate in New York State, subject to local regulation.

**Arterial Maintenance Reimbursement Rate Increase** – A. 5990-A (Rozic) / S. 4048-A (Kennedy) – NYCOM Supports
Would increase the statutory reimbursement rate, from .85 to $1.87 per square yard, paid by the State to 38 cities that maintain State arterials passing through such cities. This legislation would also provide for the rate to be increased each year by the percentage change in the consumer price index for all urban consumers (CPI-U).

**Shortened Redemption Period for In Rem Tax Foreclosure on Abandoned Properties** – A. 4403 (McDonald) / S. 1864 (Gaughran) – NYCOM Supports
Would shorten the tax redemption period, from two years to one year, for properties that have been certified as vacant and abandoned by the local government.

**Increase Public Retiree Salary Cap to $35,000** – A. 2858-B (McDonald) / S. 1866-B (Breslin) – NYCOM Supports
Would increase, from $30,000 to $35,000, the amount of money a public retiree under 65 years of age can earn from a public employer without a reduction to their retirement benefits. This would allow local governments and other public sector employers to hire retirees without the added expense of paying for costly fringe benefits that are frequently associated with non-retiree employment positions.

**Police and Fire Mandatory Retirement Age** – A. 8003 (Abbate) / S. 6130-A (Kaminsky) – NYCOM Opposes
Would increase the mandatory retirement age, from 62 to 65 years old, for police officers and firefighters who are covered under section 384 of the Retirement and Social Security Law, resulting in an increased cost to taxpayers.
Civil Service Protections to Non-Competitive and Labor Class Positions – A. 7248 (Abbate) / S. 5291 (Gounardes) – NYCOM Opposes

Would extend Civil Service Law protections to municipal employees in labor class and non-competitive titles, granting them the same reduction-in-force and recall provisions currently afforded only to those in the competitive class. NYCOM believes that the proper forum for addressing reduction-in-force and recall provisions for municipal employees in labor class and non-competitive titles is in local negotiations between a municipal public employer and those unionized employees concerned about this particular matter.

Volunteer Firefighter Proof of Eligibility for Cancer Benefit – A. 5957-A (Gunther) / S. 4173-A (Gaughran) – No Objection

Would allow a municipal fire department to submit alternate documentation as proof that a volunteer firefighter meets the eligibility standard for the enhanced cancer disability benefit. This legislation would assist municipalities who no longer have the records necessary to be able to verify that a firefighter applying for the benefit has met the minimum standards to qualify for the benefit.

Other bills of interest that passed both houses and have been signed into law by the Governor in recent weeks include:

New Sexual Harassment Protections – A. 8421 (Simotas) / S. 6577 (Biaggi) – No Objection

Amendments to the sexual harassment prevention law enacted last year will make it easier for victims of workplace harassment to file claims. Specifically, the law now eliminates the requirement that the harassing conduct be “severe or pervasive” in order to be an actionable claim. As a result, it is expected that there will be an increase in the number of sexual harassment claims filed as well as an increase in the potential liability for employers, thus increasing their exposure to litigation. The new law also extends the statute of limitations from one year to three years for the time allowed in which a victim can file a claim with the Division of Human Rights. Municipal employers are also now required to provide annual notice to employees about the municipality’s sexual harassment prevention policy in English as well as in the employee’s primary language. The law also requires that specific language be included in all non-disclosure agreements informing employees of their legal right to file a complaint of harassment or discrimination with a state or local agency and participate in a governmental investigation.

(Chapter 160, effective date for most provisions is October 11, 2019)

Stop Arm Camera Authorization – A. 4950-B (Magnarelli) / S. 4524-B (Kennedy) – No Objection

Authorizes counties, cities, towns and villages to adopt a local law providing for the installation and operation of a stop arm camera program for school buses. Such local laws may also impose fines between $200 and $300 on the owner of any vehicle that fails to abide by the stop arm. The system cannot be installed until the school district
and the county, city, village and/or town enter into an agreement. In addition, the cost of such program is the responsibility of the municipality. The new law also requires annual reporting by the participating municipality about certain aspects of the program and its results. Due to the overlapping nature of school district boundaries, where a district enters into an agreement with a county, cities (except those with a school district that is wholly contained within the city), villages and towns are precluded from doing so but are still responsible for adjudicating offenses that occur within their jurisdiction. Under these circumstances, those cities, villages and towns would receive 10% of the fine imposed by the local law adopted by the county. The law shall expire on December 1, 2024.
(Chapter 145, effective September 5, 2019)

Liability for Failing to Enforce Domestic Violence Orders of Protection – A. 5614 (Weinstein) / S. 1868 (Bailey) – NYCOM Opposed
Removes the limited liability protections of Article 16 of the Civil Practice Law and Rules (CPLR) for parties that fail to enforce orders of protection. Stated differently, if police departments fail to enforce orders of protection, the local government may now be liable to individuals who are injured by attackers who were subject to the order of protection.
(Chapter 180, effective October 20, 2019)

Election Reforms
During the 2019 legislative session there were also a number of changes made to the Election Law that relate to campaign finance, running for office, voter registration and access to the polls. This new NYCOM Policy Brief will help you understand these changes and their impacts on municipal elections and candidates for local office.

Once all of the bills that passed both houses of the State Legislature are signed or vetoed, NYCOM will issue its annual Summary of Legislation. In addition, many of these bills and their impacts will be discussed at NYCOM’s upcoming Fall Training School, September 16-20 in Saratoga Springs.