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| **COVID-19 Presumption Death Benefit** - [A.10528](https://nylegis.law/bill/A.10528) (Abbate) / [S.8427](https://nylegis.law/bill/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)*  

| **Electronic Absentee Ballot Authorization** - [A.10516-D](https://nylegis.law/bill/A.10516-D) (Simotas) / [S.8130-D](https://nylegis.law/bill/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 Property Tax Exemption Deadlines** - [A.10241-A](https://nylegis.law/bill/A.10241-A) (Hyndman) / [S.8122-B](https://nylegis.law/bill/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)*  

| **Falsely Summoning a Police Officer** - [A.1531-B](https://nylegis.law/bill/A.1531-B) (Richardson) / [S.8492](https://nylegis.law/bill/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)*  

| **The Eric Garner Anti-Choke Hold Act** - [A.6144-B](https://nylegis.law/bill/A.6144-B) (Mosley) / [S.6670-B](https://nylegis.law/bill/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)* |
Establish an 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)*

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)*

Repeal of Mask Prohibition - [A.10446-A](Quart) /[S.8415](Bailey) – Repeals an archaic prohibition on wearing a mask in public. *(Chapter 98, effective June 13, 2020)*

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)*

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)*

Require 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)*
Establish the 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)

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 will prescribe mandated situations when the camera will have to be turned on and recording. (Chapter 105, effective April 1, 2021)

Moratorium on Termination of Utility Services - A.10521 (Mosley) /S.8113-A (Parker) – Prohibits a utility corporation or municipality 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 utility corporation or municipality 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)

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)

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)

Extension of Building Permits and Planning and Zoning Approvals - A.10409-A (McDonald) /S.8236-Á (Gaughran) – 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)

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 volunteers 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)

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)

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 bill will provide for audio-visual appearances at preliminary hearings as well. (Chapter 123, effective July 17, 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)

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)

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. (Chapter 157, effective August 24, 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)

**PASSED BOTH HOUSES AWAITING DELIVERY TO THE GOVERNOR**

**Property Tax Deferment and Installment Payments** - A.10252-A (Stern) /S.8138-B (Martinez) – 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.

**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.

**Volunteer Firefighter Recruitment and Retention** - 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.
Fire and Emergency Evacuation Violations - A.3343 (Zebrowski) / S.1714 (Brooks) – NYCOM Supports – Would amend Executive Law § 382 adding a new subdivision 4 which would 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.

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.

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.

OTHER BILLS OF INTEREST

Ban on Racial and Ethnic Profiling - A.4615-A (Bichotte) / S.1137-A (Benjamin) – Would enact a statewide ban on racial and ethnic profiling by police and law enforcement agencies and would allow any victim of racial or ethnic profiling, or the Attorney General, to bring an action in court for damages, or for injunctive relief, to stop the agency's improper actions.
STATUS: Senate: Finance Assembly: Passed

Ban on Racial and Ethnic Profiling - S.8495 (Benjamin) – Would prohibit law enforcement agencies and law enforcement officers from engaging in racial or ethnic profiling, require every law enforcement agency to promulgate and adopt an anti-racial profiling policy as well as procedures for reviewing complaints of racial or ethnic profiling, and authorizes the Attorney General to bring an action on behalf of the people against a law enforcement agency that has engaged in racial or ethnic profiling.
STATUS: Senate: Passed

Temporary Retirement Incentive - A.10595 (Abinanti) / S.8599 (Martinez) – Would establish a local-option temporary retirement incentive program to assist in streamlining the workforce while also achieving cost savings. This bill would apply to, among others, members of the New York State and Local Employees Retirement System and the New York City Employees Retirement System. The members of the Police and Fire Retirement Systems are not included. The two incentives contained in this bill include an additional service credit option under Part A that would provide one month for each year of service up to a total of 3 years additional service credit; and a 55/25 retirement option under Part B. Participating employers would not be required to eliminate positions vacated under Part A provided they can demonstrate, over a two-year period, savings of at least one-half of the base salary of those employees who receive the incentive. It should be noted that there is a virtually identical one-house bill that is in the Rules Committee in the Senate (S.8586 - Harckham).
STATUS: Senate: Rules Assembly: Government Employees