



# Assemblyman Steve Otis



**Legislative Update**

Summer 2020

Dear Friends,

The COVID-19 crisis affected the work of every business, not-for-profit, school district, and local government. It has also become the primary focus of state government and the legislature this year.

Since March, our legislative work of the year has been condensed with select days focused on adoption of the state budget, COVID-19, improving the process for voting, and legislation to provide greater transparency and accountability to the criminal justice system as part of a needed national call to action to address racial bias and unfair treatment in our country.

This newsletter will highlight my work in these areas and other issues facing Westchester. The issues and problems you bring to my attention guide my work.

Please feel free to contact my office at (914) 939-7028 or [OtisS@nyassembly.gov](mailto:OtisS@nyassembly.gov), if I can be of any assistance.

Warm regards,

Steven Otis  
State Assemblyman

## Criminal Justice and Accountability Reforms to Combat Racial Bias

In August of 1963, in front of the Lincoln Memorial, John Lewis spoke these words, “To those who have said, ‘Be patient and wait,’ we have long said that we cannot be patient. We do not want our freedom gradually, but we want to be free now!”

And yet we find ourselves 57 years later with renewed understanding of racial inequities in our country that remain unaddressed, highlighted by the death of George Floyd. Immediately following Mr. Floyd’s killing, the Assembly began meetings virtually to prepare a package of bills aimed at bringing greater transparency and accountability to the criminal justice system and creating new protections to reduce racial bias and unfair treatment. In June, we convened and passed a package of bills which I co-sponsored and have since been signed into law by Governor Cuomo.

In addition, the Governor issued an executive order tasking all municipalities and police departments in the state to take a fresh look at how they operate and “develop a plan that reinvents and modernizes police strategies and programs.” This planning process is to be open and involve the public in each community including churches, advocacy groups, and police organizations. These plans are due by April 1, 2021.

A community conversation about criminal justice system procedures and racial equity beyond law enforcement is long overdue. In recent weeks, I have had the honor of participating in racial justice vigils, meetings, and marches in every community I serve. The same impatience John Lewis voiced in 1963 is felt here in Westchester today. In every community I hear a unity of purpose, a coming together to make sure that we do not allow this opportunity to pass without needed change.

In June, we passed the following measures to add increased transparency to the criminal justice system:

- Prohibit the use of chokeholds by law enforcement.
- Repeal sections of state law that kept law enforcement misconduct and discipline records secret.
- Establish a required body camera program for the state police.
- Create a law enforcement and court data collection program to promote transparency and help researchers and the public evaluate the effectiveness of criminal justice policies.



- Require law enforcement officers that discharge their weapon in circumstances where a person could be struck by a bullet to promptly report the incident.
- Create a civil penalty for the biased misuse of emergency services, such as 911, when there is no reason to believe a crime or offense, or imminent threat to person or property is occurring.
- Confirm the right to record law enforcement activity occurring in public.
- Create the Office of Special Investigation in the State Attorney General’s office to investigate and, when warranted, prosecute when a person dies after an encounter with, or in custody of, law enforcement.
- Affirm that police and correctional agencies must provide attention to the medical and mental health needs of individuals in their custody.
- Create a law enforcement misconduct investigative office to study, report, and make recommendations on practices and effectiveness of law enforcement procedures.

## Utility Storm Response Unacceptable

Tropical storm Isaias caused widespread outages in Westchester County that for many people lasted several days. Once again, we found ourselves with Con Ed responding with slow restoration times and not enough manpower to address the severity of the storm damage.

I have been a longtime critic of manpower issues at Con Ed in relation to storm preparedness and response. The NYS PSC report issued in response to the 2018 Winter and Spring storms can be found on my Assembly website. The PSC also amended state regulations for utilities in response to those storms based upon comments from customers, local officials, and many of us in the State Legislature.

It was the responsibility of each electric utility to implement the recommendations and findings of the PSC report. Seventy-four of the 94 recommendations applied to Con Ed. After Superstorm Sandy, the Long Island Power Authority had its operating authority removed by the state because of repeated incidents of poor performance. The PSC has opened an investigation of the August 2020 storm.

Given Con Ed's response to our recent storm, the new PSC investigation should include a review of Con Ed's license and authority to operate the system in Westchester. I was one of the first elected officials to ask for this review. Without aggressive requirements and penalties, utility preparedness and response will continue to fall short. The economic costs to New York families and businesses far exceeds the cost of proper staffing, planning, and response for storm events.

We need to hold utilities accountable for failure to comply with existing standards and further increase requirements beyond upgrades added after 2018. This will be accomplished through the PSC investigation and our own legislative review of these events. I sit on the Assembly Committee on Corporations, Authorities and Commissions that has jurisdiction over the laws controlling the Public Service Commission. We held a joint hearing with the Senate on August 20th to question the electric utilities. The standard I advocated for after the 2018 storm, and continue to press for today, is to require that utilities plan for storm response with staffing, equipment, and ability to perform towards the following standard:

- the goal of full restoration of service to all customers within forty-eight hours
- the requirement of restoration to eighty percent of customers having lost power within forty-eight hours
- utility company best efforts to restore remaining customers as quickly as possible in a timely and safe manner

To have the reinforcements arrive in Westchester days after the storm event leaves residents and businesses without power for days. This is unacceptable and violates the policies the PSC established after the 2018 storms.

In addition to accountability for electric utilities, the telecommunications companies, Verizon and Altice, need to implement storm response, repair, communication, and customer service programs. In addition to troubleshooting on behalf of customers on electric power issues, I have been advocating for Verizon and Altice customers through this storm recovery. Look to Con Ed, Verizon, and Altice websites for customer service and outage information. We have asked all companies to upgrade their communication with customers, local government, and each other during storm recovery events.



*Assemblyman Otis at the Westchester Assembly delegation's local hearing on the state budget. Each year, Steve has helped organize the hearing for the delegation, a key forum to learn from organizations, concerned residents and advocacy groups on their priorities and most pressing issues in the state budget.*

## Voting Reform Passed

As we face the COVID-19 pandemic, new challenges to the election process demand action before the November general election. We have to do all we can to make the important act of voting safe and easy. The number of votes expected to be cast in November will be overwhelming.

In our July session, I co-sponsored a series of bills, which we passed in both houses, to make voting easier.

New legislation will allow the use of absentee ballot voting as of right in November because of the COVID-19 crisis. This legislation was needed because a permanent change in law allowing mail-in voting as of right will require voter approval of a constitutional amendment in 2021.

We passed legislation to institute a comprehensive automatic voter registration system when any eligible voter interacts with a state agency. We also enacted legislation allowing voters who made a technical mistake on their absentee ballot filing the opportunity to correct that mistake.

In describing these three reforms, the New York Times stated on July 21, "These voting bills are the kind of unglamorous reforms that could transform the state into a model of good government. Given the assault on voting rights elsewhere, this is a refreshing thing to behold."

We passed legislation to allow absentee ballots to be mailed out earlier, which is important given the demand for safe voting options. We also need to encourage use of the early voting option as an alternative to Election Day and mail-in voting. I am supporting efforts to expand access to early voting.

## Providing Notice to Local Governments and School Districts When Local Businesses are Considering Major Layoffs

I often report that ideas for legislation originate from events and experiences that might not have an obvious legislative link. This was the case in late December when the Doral Arrowwood in Rye Brook announced their closing, giving only 20 days notice to employees and the community. Notice was provided to Arrowwood's approximately 275 employees on Christmas Eve that the hotel complex would close January 12, 2020.

In this case the short notice had major implications for local taxpayers in the Village of Rye Brook, the Town of Rye, and the Blind Brook School District. Not only is Arrowwood a major taxpayer, the circumstances of the closure raised issues of public safety regarding securing the property that may have been dropped in the lap of the village.

As a result, Senator Shelley Mayer and I introduced and passed legislation to require that employers provide written notice to localities and school districts where they remit taxes when a mass layoff is contemplated. Our new legislation amends the NYS WARN Act (Worker Adjustment and Retraining Notification) to require notification to these local entities.

Requiring notice in state law is important because local governments may have to address health and safety dangers with respect to a large abandoned property and the potential loss of revenue may require significant and immediate budgetary changes by municipalities and school districts. In addition, early notice may provide the opportunity for local governments to work with a business considering a move to find better solutions.

In addition to property tax revenues, the Village of Rye Brook receives hotel occupancy tax fees from Arrowwood, which have been an important part of their capital budget since 2011.

Our legislation passed the Assembly and Senate in July and is awaiting consideration by the Governor.

## Protecting Commercial Tenants

Small independent businesses have added pressures during the current COVID-19 crisis. In July, the Assembly passed a bill I sponsored to require commercial landlords to make a good faith effort to rent properties in cases where the previous business tenant left before their lease term ended. Simply known as “the duty to minimize damages,” an established principle of law, which was removed as an obligation for leases in a 1995 court decision. It was restored for residential properties through legislation last year.

My bill is especially timely now considering many businesses are downsizing to survive. A tenant who vacates early would only be relieved of their obligation if the space were rented to a new tenant at a market rate. A commercial landlord would not be obligated to rent to an inappropriate business or at an unacceptable rent, but under current law there is no incentive to rent at all. Vacant properties are not good for other neighboring businesses or business districts.

This proposal follows landmark legislation for commercial tenants I sponsored last year that was signed into law by the Governor. The 2019 bill reinstated what had been the law of New York since the famous 1968 NYS Court of Appeals “Yellowstone” decision which provided commercial tenants the right to go to court to challenge the unjust termination of their lease by their landlord.

In 2019, the NYS Court of Appeals overturned that right but acknowledged the Legislature’s ability to restore this principle by passing a new statute. Unilateral evictions of commercial tenants without providing the tenant a day in court are bad policy and bad for the stability of commerce. The new law makes sure a court accurately determines the respective rights and duties of tenants and landlords before an eviction takes place.

More broadly, small businesses faced major obstacles even before the economic impact of the pandemic. Through the COVID-19 crisis, I have worked with a number of small businesses by helping them navigate the challenges of this unusual time.

With these two pieces of legislation, statutory changes are a way to help. I am hopeful the 2020 legislation on minimizing damages will pass the Senate later this year.



Key officials at a socially distanced press conference to support federal funding for mass transit organized by US Senator Kirsten Gillibrand. Pictured here are (L-R) Senator Gillibrand, Metro-North President Cathy Rinaldi, MTA Chairman Pat Foye, NYS Senate Majority Leader Andrea Stewart Cousins, and Assemblyman Otis. With COVID-19 dramatically reducing mass transit ridership around the country, federal aid is needed to keep these systems operational and solvent until ridership returns.



Assemblyman Otis speaking at Segunda Iglesia Pentecostal Juan 3:16 Church in downtown Port Chester which hosted free COVID-19 testing in June thanks to Governor Cuomo, Northwell Health, Senators Stewart-Cousins, and Mayer. Temporary testing facilities in downtown locations like Port Chester and New Rochelle have been made possible by the state and are an important part of making testing available.

## COVID-19 Legislation A Major Focus

A major focus of the legislative session was appropriately concentrated on changes in law to respond to the COVID-19 pandemic. Legislation passed and signed into law included over 30 measures to protect individuals during the pandemic. The need for legislation often came from the work each Assembly and Senate office undertook on behalf of families and institutions impacted by COVID-19.

Specific measures include rules against price gouging, extending protections for tenants and holders of mortgages, extending the use of telehealth, providing death benefits for survivors of government workers who died from COVID-19 illness due to workplace exposure, and also protections for school districts, local governments, and public libraries.

We also took steps to learn from this crisis and improve health services to minority communities, such as including the Office of Addiction Services in future disaster planning and requiring annual pandemic emergency plans from residential health care facilities.

We recently passed additional legislation, still to be reviewed by the Governor, to strengthen the contact tracing system and to require that employers notify employees if they have come into contact with another employee diagnosed with COVID-19.

## COVID-19 Issues Remain – We are Here to Help

Since March, I have provided regular COVID-19 updates with the latest developments and changing information regarding services and the disease.

One constant is that the health community continues to learn more about the disease every week and that we all need to continue to exercise caution. We all share the responsibility to protect those with whom we come in contact with and we all share the experience of supporting friends or family stricken by this dangerous disease.

Throughout the crisis my staff and I have been working on the daily COVID-19 issues that arise for individuals, school districts, local governments, businesses, and not-for-profits. The most significant share of this work has been to help many individuals successfully get through the unemployment insurance process so that they can receive the benefits they are due.

COVID-19 updates are available on my Assembly website. You can also obtain a resource guide I have put together by calling my Port Chester office at 914-939-7028.

# Census 2020 Update: Get Counted!

Since the official kick-off of the 2020 Census on April 1, many households have successfully responded to the Census questionnaire but more responses are needed. Our response rates have been good so far, but we still have a ways to go to match our 2010 Census response rates and hopefully exceed them.

Municipality	2020 Response Rate to Date	Final 2010 Response Rate
Larchmont	67.8%	76.2%
Mamaroneck	67.0%	70.4%
New Rochelle	60.6%	68.6%
Port Chester	50.8%	62.6%
Rye Brook	76.0%	76.0%
Rye	70.6%	74.3%

Currently, Census takers are calling households that have not responded to the census yet. Additionally, from July 1 to September 3, Census takers are working with large facilities such as colleges and senior centers to make sure everyone is counted.



The census information collected determines New York State's representation in Congress, legislative redistricting, and the allocation of federal funding. New York State receives \$53 billion each year from the federal government to fund hospitals, public schools, emergency services transportation, and infrastructure projects. Each person NOT counted costs the state over \$2,600 in federal aid each year.

Please do your part and complete the 2020 Census. The questionnaire has only nine questions and is available in a dozen languages. All information is confidential and can not be shared with other government agencies.

For more information, visit [www.2020Census.gov](http://www.2020Census.gov) or call toll free at 1-800-330-2020 to speak to a Census Bureau representative who can help you complete the form.

You can also contact the Westchester County Complete Count Committee at [www.westchestergov.com/census2020](http://www.westchestergov.com/census2020) or your local municipality to find information about your local Complete Count Committee.

This is our chance to shape a brighter future. New York wins when everyone gets counted.

New York State Assembly, Albany, New York 12248



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## The School Reopening Question – A Challenge Without Easy Solutions

One of the most significant challenges we face during the COVID-19 health crisis is how to safely reopen schools in the fall. As a member of the Assembly Education Committee, I have been following the issue closely.

The Governor provided guidance that would allow schools to re-open when the infection and hospitalization rates were sufficiently low, but left it to school districts, the NYS Board of Regents and the State Department of Education to develop the specific plans that would address the needs and resources within their district.

As of this writing, school districts are drafting plans based upon their enrollment, space limitations, and the needs of their community. There is no doubt that every district will incur increased costs to operate safely regardless of the plan they develop locally.

This underscores the importance of additional federal aid to school districts to help fill COVID-19 related funding shortfalls and provide needed resources to operate safely.

School Boards continue to share information about their planning and specific reopening plans through their Board of Education meetings and community outreach. I will continue to follow the issue closely in consultation with local school officials, teachers, parents and education officials in state government.