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As NYS Legislature Reconvenes, Legal Aid Urges Passage Of Key Bills Before The End Of Session To Protect New Yorkers Disproportionately Affected By COVID-19

Legislative Priorities Include “Good Cause” Eviction, Marijuana Legalization (MRTA), Miranda Rights For Juveniles, And Other Critical Bills

(NEW YORK, NY) – As the New York State Legislature [reconvenes](#), The Legal Aid Society called on lawmakers to pass a myriad of key legislative measures before the end of session to serve New Yorkers - the overwhelming majority from communities of color - who have been disproportionately affected by COVID-19. Many items on the legislative agenda, which were in desperate need of reform before the pandemic, now stand at the forefront of this crisis. COVID-19 has caused a public health and economic crisis that has grossly exacerbated underlying injustices for New Yorkers in housing, consumer protections, privacy, immigration, and juvenile and criminal justice.

“With the Legislature back in session, there is now no excuse for lawmakers to delay the passage of key measures New Yorkers need immediately including legislation to strengthen protections for tenants, extend unemployment insurance, eradicate drivers of mass incarceration, and protect our young clients’ constitutional rights,” said **Janet Sabel, Attorney-in-Chief and CEO of The Legal**

Aid Society. “The passage of this legislation was critical before the pandemic and is now even more urgent. The Legal Aid Society calls on Senate Majority Leader Andrea Stewart-Cousins and Speaker Carl Heastie to respond to the pressing needs of our clients, all of whom are constituents, to see these measures passed by each chamber and enacted into law.”

HOUSING

COVID19 Rental Assistance Bill - A.10248/S. 8140A (Cymbrowitz/Kavanagh)

This bill would provide an emergency rental assistance grant to those affected by COVID19. Eligibility is substantial loss of income and rental obligation of more than 30% of adjusted income. The grant would pay the difference between 30% of a household's income and the rental obligation to 250% of FMR for household size. The program is three months long with the possibility of being extended. Eligibility is not tied to immigration status.

Extend the Eviction Moratorium - A.10290/S. 8192 (Dinowitz/Hoylman)

This bill would ensure that during the state of emergency and through six months after the state of emergency is lifted, no tenant can receive a judgment of possession for a case brought by his or her landlord for nonpayment of rent. If a tenant owes rent from March 7, 2020 through six months after the state of emergency is lifted, a case may be brought but if the tenant is found to owe rent, a money judgment can be entered against the tenant.

This bill would allow the tenant to remain in their home but allow the landlord to pursue a money judgment against the tenant. This would encourage landlords to work with their tenants to come to an equitable agreement to address the money owed and give the tenant the opportunity to return to economic stability.

“Good Cause” Eviction - A. 5050/S. 2892 (Hunter/Salazar)

Rent stabilization only applies to buildings with 6 or more units. But more and more, large corporate landlords are buying up smaller buildings, and tenants who live in them face escalating rents and displacement. In gentrifying parts of New York City, like East New York and Bushwick, the housing stock is overwhelmingly smaller buildings. As the housing affordability crisis seeps out of New York City and into the suburbs, it is imperative that we bring rent relief to smaller buildings as these residents increasingly come under threat of displacement. Good cause eviction would bring the right to a renewal lease at limited rent increases set by a local price index to all tenants. This is especially needed when courts reopen.

EMPLOYMENT

Excluded Worker Fund - A.10414/S.8277 (De la Rosa/Ramos)

This bill establishes a billionaire mark to market tax taxing residents with \$1 billion dollars or more in net assets and directs revenue from such tax into a worker bailout fund; establishes a worker

bailout program providing workers traditionally excluded from wage protection programs access to unemployment benefits.

Protect Workers Who Leave Unsafe Work Environments - (Hoylman/Ramos)

This bill would protect unemployment benefits for workers who are forced to leave unsafe work environments. As employers begin attempting to reopen, many are forcing workers to show up to work environments that lack the necessary safety precautions to prevent the spread of COVID-19. This legislation would ensure that if a New Yorker is fired for not showing up to work, or quits out of fear for his or her health, that worker would continue to be eligible for unemployment insurance benefits.

CRIMINAL AND JUVENILE JUSTICE

Police Accountability

The Police Statistics & Transparency (STAT) Act

[A. 05472/S. 1830](#) (Lentol/Hoylman)

Repeal 50-a Act

[A. 2513/S. 3695](#) (O'Donnell/Bailey)

Reduce unnecessary arrests for non-criminal offenses Act

[A. 4053/S. 2571](#) (Aubry/Bailey)

The pandemic saw New York repeat an unfortunate pattern of over relying on policing as a response to social problems, contrary to the advice of public health experts, exacerbating the effects of over-policing in communities of color and diverting resources away from public health and social welfare in favor of less effective, often counterproductive law enforcement responses. More than ever, New Yorkers need greater transparency and accountability for police departments. The Police Statistics & Transparency (STAT) Act, the Repeal 50-a Act, and the Reduce unnecessary arrests for non-criminal offenses Act, represent significant steps forward and will allow for better-informed decisions about allocating resources among public health, social welfare and law enforcement goals.

DNA Indexes

Legislators must enact reforms ensuring that necessary oversight of law enforcement activities and surveillance are maintained as new restrictions on public activity are developed in the name of public safety. This essential balance between law enforcement and civil rights and privacy rights is one of the foundations of our democracy and must be maintained even in difficult times. Specifically, the Legislature should enact [S. 6009/A. 7818](#) clarifying that localities in NYS are prohibited from maintaining their own DNA index. State DNA law allows DNA indexing only of adults who have

been convicted of crimes. In enacting this law (Executive Law 995), the Legislature considered and rejected authorizing the DNA indexing from people, including youths, who have *not* been convicted of crimes. Nonetheless, claiming that the law is not sufficiently clear, New York City's Department of Health created its own, municipal DNA index. This index, unlike the State index, contains more than 32,000 DNA profiles of people who have not been convicted of – or sometimes even charged with-- crimes; including children as young as 12. This local index operates with no regulation whatsoever and has resulted in serious errors – including one recent wrongful arrest. The law must be clarified consistently with its actual intent to prohibit this practice.

Juvenile Rights

The Legislature should also enact [S. 8163](#) and its soon-to-be-introduced Assembly counterpart, raising the lower age of juvenile delinquency jurisdiction from 7 to 12 and prohibiting courts from remanding youth under 13 to secure detention. The treatment of youth under 12 who engage in problematic behavior does not require a juvenile justice response. Should supportive services for the child and family be required, these services can be best secured through existing social services programs. During this time of crisis, it has become apparent that community safety can be maintained with a smaller number of persons confined and prosecuted through the juvenile and criminal justice system. This overdue legislation would establish reasonable parameters for the juvenile justice system without sacrificing community safety.

The Legislature should additionally enact [S. 4980-A/A. 6982-A](#) to protect children's constitutional right against self-incrimination by mandating that children (under 18) consult with legal counsel before waiving any Miranda rights and prior to any questioning by law enforcement. This bill would ensure the protection of an essential constitutional right, the importance of which children in custody simply are not developmentally capable of protecting without the assistance of counsel. In so doing, this bill would also protect the integrity of law enforcement investigations essential to public trust during this difficult time.

Parole Reform

Less is More: Community Supervision Revocation Reform Act [A.5493B/S. 1343C](#)

The need for decarceration was thrown into stark relief by the transformation of jails and prisons into epicenters of the COVID-19 pandemic. A major driver of mass incarceration is the parole system. New York reincarcerates more people on parole for technical violations than any state in the country except Illinois. The racial disparity is stark: Black people are incarcerated in New York City jails for technical parole violations at more than 12 times the rate of whites. The **Less is More: Community Supervision Revocation Reform Act** would fix this problem.

Protecting Privacy

Prohibit the use of biometric surveillance technology by law enforcement

A. 9767/S. 7572 (Glick/Hoylman)

Reverse Location Search Prohibition Act

A. 10246

The pandemic has seen disturbing calls for relying on privacy-invasive solutions to this public health crisis. The Legislature should enact [S. 7572/A. 9767](#), placing a moratorium on the use of facial recognition and other biometric surveillance technology by law enforcement until appropriate protections have been developed. Similarly, the legislature should enact [A. 10246](#) to ban the use of “reverse location search warrants,” sometimes referred to as “geofence search warrants,” to prohibit the use of contact tracing as a method to collect or use location information. In the COVID era more than ever, the potential for abuse of this technology is apparent.

Marijuana Legalization

The Marijuana Regulation and Taxation Act (MRTA)

A. 1617C/S. 1527C

As the state reaches for new sources of revenue to help rebuild, it must also acknowledge how the pandemic has compounded the long-standing disparate effects of economic deprivation on communities of color, and how that deprivation has been exacerbated by marijuana prohibition. We urgently need marijuana legalization rooted in racial and economic justice. The Marijuana Regulation and Taxation Act (MRTA) legalizes marijuana under a framework that addresses the disparate burdens placed on people of color in the decades of racist enforcement of marijuana prohibition by reinvesting revenue generated from legal marijuana in their communities. MRTA would sustain community investment grants, prioritize people who have been impacted by the war on marijuana for licensing and start-up capital, and specifically allocate a percentage of marijuana revenue to sustain these programs, allowing the state to raise revenue and address injustice at the same time. The Governor’s proposed Cannabis Regulation and Taxation Act (CRTA) fails to center impacted communities in the distribution of licenses and it also fails to allocate a percentage of the revenue generated by marijuana taxation back into impacted communities. Legalizing marijuana under the MRTA is a historic opportunity to transform the conversation around the collateral consequences of criminalization and build economic power across impacted communities.

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. www.legalaidnyc.org