



Assemblyman Steve Otis



Legislative Update

Fall 2022

Dear Friends,

I am writing to report the legislative, budget and policy highlights of the year and my work to win results for the Sound Shore, Westchester County and our state. Over the summer we concluded the regular session of the State Legislature.

My work continues to focus on topics of concern and breaking new ground on issues affecting the communities I represent and on state-wide matters where I have provided leadership, such as education funding, clean water, digital inclusion programs and other issues of importance to Westchester.

This year has been marked by a state budget responsive to the needs of families, schools and businesses as we all seek to move past the challenges of the pandemic. For the second year in a row, the budget included funding to support my initiative for digital inclusion grants for programs serving those without digital literacy because of race, age or economic ability.

In 2021, Westchester was impacted by a new round of storm and flooding events. I continue to be focused on storm response and resilience as an important part of my work.

As Chair of the Assembly Committee on Science and Technology, I have been able to work on a number of technology, climate change, digital equity and cyber-security issues we face at a time when changes in technology are rapidly occurring.

I work closely with local governments, school districts, advocacy groups, businesses and residents in my work every day. Please feel free to contact me if I can be of assistance, if you would like me to attend a meeting of your organization, or if you have ideas for issues or legislation that I should address. My District Office number is 914-939-7028.

Warm regards,

Steven Otis
State Assemblyman

Clean Water Initiatives Continue to Yield Results

I continue to serve as a leading advocate in the legislature for clean water programs. Since I helped establish the Water Infrastructure Improvement Act (WIIA) in 2015, the program has provided \$1.8 billion in grants to local governments for over 800 projects, including over \$55 million to Westchester municipalities.

The adopted state budget included \$500 million in new funding for New York's clean water programs. Each year the largest share of the allotment goes to the WIIA program. For the 2021 round, NYS supplemented the state share with additional dollars.

I work closely with local officials to monitor the work of the grant program and with the NYS Environmental Facilities Corporation, which administers the grants.

In July I hosted my annual clean water grant workshop in Westchester with EFC to give local officials the opportunity to learn about the current grant round and ask questions of agency staff.

The 2022 round will provide at least \$225 million in grants to support local clean water projects and reduce the cost of these projects to local property taxpayers. Every community on the Sound Shore has been awarded funding from the WIIA program.

I attended meaningful Juneteenth ceremonies throughout the Sound Shore. The day is now a federal holiday to commemorate the end of slavery almost two years after the Emancipation Proclamation. The New Rochelle community held five days of events including an event at the Thomas Paine Memorial where I joined officials, volunteers and residents to mark the occasion. I do not think any community matched the number and variety of events New Rochelle hosted this year.



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Flooding Challenges Remain a Major Issue for Westchester

We did not need last September's Hurricane Ida to remind us that flood risk and flood damage remain an ongoing challenge across the county. It is certainly true for the Sound Shore communities in Westchester.

Senator Shelley Mayer and I have been working very closely with federal, state, county and local officials on a variety of flood mitigation and planning efforts in the communities we share.

These efforts include:

- Working with local governments, DEC is now reviewing existing studies within watersheds to rationalize and prioritize projects to assist municipalities in selecting mitigation improvements.
- Bringing a federal buyout program, previously active in upstate New York, to work with local governments to determine whether buyout plans combined with flood mitigation can apply in Sound Shore communities. We are hopeful some communities will qualify. We were also able to have a new state buyout program included in the Environmental Bond Act proposal on the ballot in November.
- Working to successfully restart the US Army Corp of Engineers Village of Mamaroneck flood project with the strong support of Senator Schumer, Senator Gillibrand, Congressman Bowman and Governor Hochul.
- Working with SUNY officials in Albany and President Dr. Milly Peña of Purchase College on an important flood mitigation project on their campus to benefit Rye Brook, Rye and Harrison.
- Senator Mayer and I passed legislation to require flood mitigation considerations be reviewed in the state building code. The NYS Building Code Council would examine how to better incorporate these issues to comply with existing state standards. Our bill seeks recommendations and modifications to the building code to increase resiliency against sea level rise, flooding, and other hazards of coastal and flood plain environments.
- Bringing increased focus on the need to fund stormwater infrastructure projects

Last year we worked closely with every community on flood damage response. Recovery is essential, but actual flood mitigation is a necessity. I have worked on flood issues for many years and consider the implementation of actual flood projects a vital priority.



Senator Shelley Mayer and I are working on improving the laws and resources controlling EMS service in NYS. The issue is complicated because the way EMS is structured and funded varies greatly from community to community. We attended a press conference on the issue in Rye Brook with local and county officials. Rye Brook Village Administrator Chris Bradbury and Westchester Department of Emergency Services Commissioner Richard Wishnie have played leading roles in organizing the effort.

EV Charging Infrastructure Expansion Needed

If you follow reports from automobile manufacturers, you know of their plans to quickly expand the availability and affordability of electric vehicles. In February, I co-chaired an Assembly hearing on electric vehicle charging infrastructure in anticipation of the expected growth of EV availability and have been an advocate for the increased funding we included in the state budget. The transition to electric vehicles is essential to meeting New York's climate change goals.

New York Responds to Supreme Court Decision on Roe v. Wade

In overturning Roe v. Wade, the Supreme Court has taken away the fundamental right of a woman to make her own reproductive medical decisions, including the right to choose to have an abortion. More broadly the case signals that the Supreme Court will be looking to take away the constitutional right to privacy in future decisions. Contraception, marriage equality, LGBTQ+ and other individual freedoms embedded in the well-established right to privacy are at risk.

New York had legalized abortion by statute three years before Roe was decided, and we passed the NYS Reproductive Health Act in 2019 to fortify our state laws. In anticipation of the Supreme Court's decision in June, we passed a series of new measures to provide legal protections to health care providers to protect against interference from other states. In July, we also passed the Equality Amendment to our state constitution, which more broadly expands rights of equal protection and is described in more detail in this newsletter.

Since the recent Supreme Court decision, legislators in other states around the country have been proposing state legislation to take away the

individual rights listed above. The fundamental idea that our nation is a land of tolerance that values the right to privacy, individual freedom and personal autonomy is being tested again. Privacy rights previously sourced in our federal constitution protecting the use of contraceptives, inter-racial marriage, marriage equality and the rights of women to make their own health care decisions, including the right to have an abortion, are being threatened by Americans who believe they should decide these private matters for others. I believe most Americans side with individual freedom.



I joined Assembly colleagues and Governor Kathy Hochul at the bill signing ceremony to fortify New York's laws protecting health care providers after the overturning of Roe v. Wade by the Supreme Court.

Gun Safety Measures Signed into Law

Governor Hochul has signed a package of bills to address gaps in the law relating to gun safety that were raised following by mass shootings in Buffalo and around the country. These changes build upon New York's passage of the SAFE Act in 2013 and other modifications since 2019.

We also passed legislation in response to the Supreme Court decision invalidating parts of New York State's concealed carry pistol permit law. To comply with the decision, New York will adjust the permit process to include additional criteria based on an applicant's background and history and increase the training requirement instead of the applicant having to show need for having a permit.

An applicant may have a history that disqualifies permit approval but the presumption, based on the Supreme Court decision, is that a permit will be granted. The state statute we passed also includes an expanded list of sensitive areas where guns will be prohibited.

There is no doubt that more guns in circulation will heighten our risk. New York and other state legislatures will respond as best they can. The framework established by the Supreme Court is flawed. States which previously required a showing of need to have a handgun permit must move to a disqualification model and a sensitive area framework to protect public safety. The harsh reality is that more handguns are going to be in circulation and that will create an increased societal risk.

We need to take a fresh look at the place firearms hold in our society. In every home where a firearm resides, there needs to be a discussion about safety, access and risk. When considering domestic violence, impulsive behavior, risks to children and access to those considering suicide, it is clear that the number of firearms in general circulation poses increased and alarming risks to the public.

Given the challenges of the Supreme Court decision, I am pleased we are responding to protect public safety in New York. We will continue to evaluate our existing laws and the new measures we passed this year.

Proof of Work Cryptocurrency Mining and Energy Use

One of the environmental issues I have been working on over the past year is legislation I co-sponsored to put a pause on expansion of "proof of work" cryptocurrency authentication, sometimes called mining (A.7389-A). The legislation only applies to the "proof of work" method, not other forms of cryptocurrency verification. "Proof of work" has been the subject of criticism in Europe, Asia and within the United States because of the massive use of energy required to authenticate "proof of work" transactions.

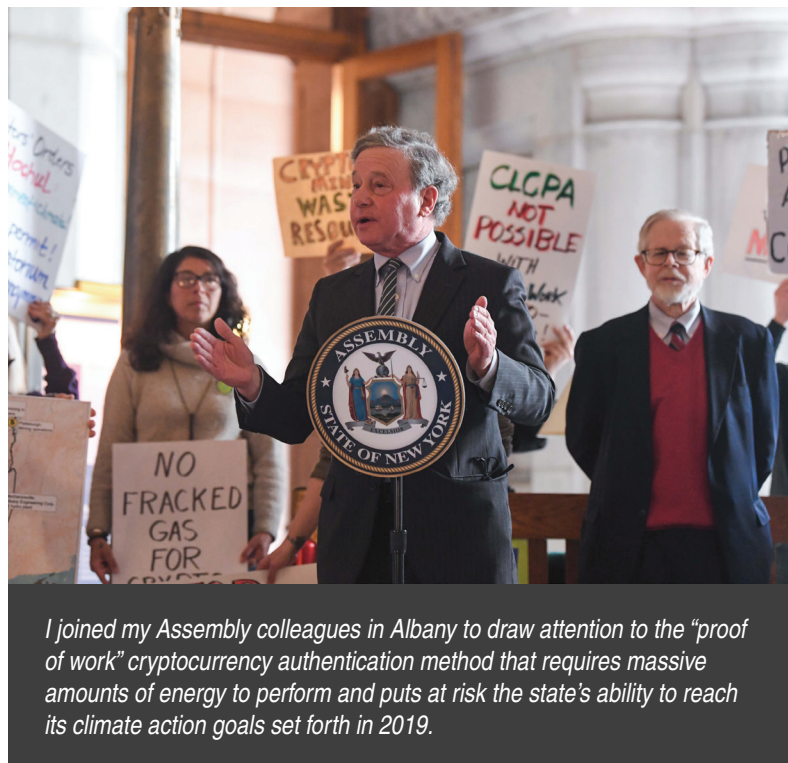
I have been working with a coalition of statewide environmental groups and Assembly colleague Anna Kelles from the Finger Lakes, on this issue. Last fall I co-chaired an Assembly hearing on the issue with the Science and Technology Committee. Our legislation has passed both houses and awaits review by the governor.

There are over 15 different methodologies for authenticating cryptocurrency transactions. "Proof of work" uses 99% more energy than the second most common method called "proof of stake".

The massive energy use and corresponding increased greenhouse gas emissions from these new cryptocurrency mining operations performing these transaction authentications threaten our ability to reduce emissions and meet our climate change targets in compliance with the Climate Leadership and Community Protection Act of 2019.

The moratorium on new facilities gives time for New York State to assess the impact and also encourage the cryptocurrency industry to use existing, less energy intensive forms of authentication or innovate and develop new verification methods that do not increase emissions. I am hopeful that alternative methods will be adopted.

On a separate track, the NYS Department of Environmental Conservation rejected the air permit renewal for the controversial cryptocurrency "proof of work" mining facility in upstate New York based on lack of compliance with the climate change goals established in 2019.



I joined my Assembly colleagues in Albany to draw attention to the "proof of work" cryptocurrency authentication method that requires massive amounts of energy to perform and puts at risk the state's ability to reach its climate action goals set forth in 2019.

Adopted State Budget Focuses on Relief for Families, Increased Education Aid and Support for Small Business

This year's state budget prioritized measures to address affordability for families and businesses. For families and individuals the budget:

- Accelerated the phase-in of the middle-class tax cut from 2025 to 2023, that will save New York families \$162 million in this fiscal year and \$615 million next fiscal year.
- A one-year property tax rebate credit for households that are eligible for STAR and Enhanced STAR and have incomes below \$250,000 and supplemental earned income tax credit (EITC) to taxpayers equal to 25 percent of their 2021 EITC benefit.
- Enhancements to the Supplemental Empire State Child Credit for families with children over the age of four. Other child care subsidies were increased by record amounts to address affordability barriers for parents re-entering the workforce. I have been an advocate for child care funding for many years and am very pleased we have provided record support this year.
- The state budget included \$1.1 billion in funding for the emergency rental assistance for tenants and landlords and \$250 million to assist with utility bill arrears to help with housing affordability.

State Aid to Public Schools will include a record \$2.1 billion increase, including the second year of the three-year phase-in of full foundation aid funding, an issue I have played a leading role in for many years. Sound Shore school districts will benefit. Historically underfunded districts have realized an increase even greater than last year's previous record increase. We also included \$1.1 billion for Universal Pre-kindergarten for which I have advocated for fuller programming outside of New York City. I also worked to support funding for Special Act Schools statewide such as New York School for the Deaf, which is based in Westchester.

For small business, the budget included up to \$250 million in relief for capital costs to accommodate social distancing, HVAC equipment and to facilitate contactless sales. There are additional business tax modifications that will assist an estimated 195,000 small businesses.

Environmental Bond Act Includes Key Funding for Climate, Storm Resilience and Water Projects - On the Ballot November 8

This session we placed before the voters the Clean Water, Clean Air and Green Jobs Environmental Bond Act of 2022. The \$4.2 billion proposal includes funding to assist local governments and school districts in financing needed projects and advances our state's efforts for climate mitigation and environmental enhancements needed to meet our climate change targets enacted in 2019.

Included in the bond act is my proposal for a new stormwater grant proposal designated for at least \$250 million. Hurricane Ida highlighted the weakness of our municipal stormwater systems across the state. If passed, these grants would reduce the cost of these projects currently borne by municipalities and local taxpayers.

The goal of the bond act is to preserve, enhance, and restore New York's natural resources and reduce the impact of climate change by funding at least the following amounts in these categories:

- Restoration and flood risk reduction - \$1.1 billion (including coastal rehabilitation, shoreline restoration and inland flooding projects)
- Open space, land conservation and recreation - \$650 million
- Climate change mitigation - \$1.5 billion (including green building, climate adaptation & mitigation, addressing air and water pollution in disadvantaged communities and electric school bus funding)
- Water quality improvement and resilient infrastructure - \$650 million (including at least \$250 million for a new stormwater grant program and \$200 million for the existing clean water programs)

The bond act includes language to direct at least 35-40% of all funding to support projects in disadvantaged communities.

The statewide referendum for the bond act will be on the general election ballot on November 8th.

The Equality Amendment

In our special session before the July 4th weekend, both houses of the legislature passed the Equality Amendment, also known as the Equal Rights Amendment, to our state constitution. I have been a leading co-sponsor of the state equal rights amendment for many years.

Passage now was prompted by the recent Supreme Court decision overturning Roe v. Wade and the indication that many other federal constitutionally protected rights will be overturned in the future.

For many years New York's constitution has included the right to equal protection and prohibited discrimination against race, color, creed and religion. The latest proposal adds categories already covered in state statutes but not in our state constitution. The full list will read: race, color, ethnicity, national origin, age, disability, creed, religion, or sex, including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive health care and autonomy.

The amendment must be passed again by a separately elected legislature, which can happen in 2023 or 2024, before it is placed on the ballot as a statewide referendum when the voters of New York will have the final decision.

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**Steve
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In June I attended the Annual Meeting of the Westchester County Historical Society to help celebrate Dave Thomas, Founder and President of the Town of Rye Friends of the African American Cemetery, upon his being presented the society's 2022 Sy Schulman History Award. Dave has not only led the effort to restore the cemetery and gravestones but also has brought to light the histories of the individuals in the cemetery for the benefit of the entire community. I am pictured here with Joan Grangenio Thomas; Suzanne Clary, President of the Jay Heritage Center who presented the award on behalf of the WCHS; honoree Dave Thomas; Kiah Thomas and Kyle Thomas.