



NEW YORKER'S FAMILY RESEARCH FOUNDATION

New York
Families

The 2021 Legislative Session In Review

The New York State Legislature's 2021 regular session came to a close on June 11. Christian New Yorkers have cause for both relief and deep concern in regard to the actions taken by the Legislature this year. Thankfully, the damage done by the Legislature during the 2021 session was much less significant than the damage done in 2019, when the Legislature passed a series of morally objectionable and ill-advised measures like the abortion-expanding Reproductive Health Act, the Bathroom Law, and the Counselor Coercion Law.

Three major issues dominated the political landscape in Albany during the 2021 legislative session. The first was the COVID-19 pandemic. In an effort to slow the spread of the virus, then-Gov. Andrew Cuomo took drastic steps like imposing mask and social distancing mandates, placing strict limits on group activities and gatherings, ordering employers to temporarily shut down workplaces, and directing churches to stop meeting in person. Normal life ground to a halt for many New Yorkers. As New York City became an epicenter for the spread of the virus, health care facilities and first responders there were placed under great stress. As the spread of the virus decreased, disputes arose about the need for ongoing government restrictions. Churches, in particular, found the Governor's COVID-19 directives unacceptable, and multiple lawsuits were filed to chal-



lenge them. Some succeeded. As COVID-19 vaccines became available in 2021, government restrictions were gradually relaxed; however, the spread of the Delta variant of the coronavirus led to new government mandates in the late summer and fall.

As of September 22, 2021, 56,434 New Yorkers have lost their lives to COVID-19. Many who survived bouts with the coronavirus experience ongoing health challenges. New Yorkers have experienced grief, pain, loss, anxiety, depression, health problems, and financial stress due to the pandemic.

The COVID-19 pandemic has affected New York government in many ways, including the following:

1. Expanded gubernatorial authority. On March 3, 2020, Gov. Cuomo signed legislation (S.7919-Stewart-Cousins/A.9953-Ortiz) that expanded his emergency powers. On March 7, 2020, Gov. Cuomo declared a disaster emergency due to the spread of COVID-19. In essence, these two actions

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relegated the Legislature to spectator status in regard to the pandemic and allowed the Governor to assume near-total control of state government. Over the following 16 months, the Governor issued more than 100 executive orders relating to COVID-19, and the Legislature was largely content to allow him to act on his own. Gov. Cuomo issued Executive Order No. 210, which rescinded his March 2020 disaster declaration, on June 24, 2021.

2. Remote legislating. Because of public health concerns arising from the COVID-19 pandemic, the 2020 legislative session was cut short following the passage of the 2020-2021 budget. However, the Legislature developed new procedures to allow most members to deliberate and vote from behind their computer screens instead of actually coming to Albany.

3. Lack of public access to the Capitol. Beginning in March 2020, the New York State Capitol was closed to public access due to the COVID-19 pandemic. In 2021, as various sectors of society began to re-open, the Capitol remained closed to the public. On May 5, 2021, Jason J. McGuire—President of New Yorker’s Family Research Foundation—published an editorial in the Albany *Times Union* calling for the Capitol to be re-opened. McGuire argued that First Amendment-guaranteed right to freedom of assembly was being compromised because members of the public were deprived of access to elected officials. The closure of the Capitol made it difficult or impossible for voters to distribute literature, hold demonstrations, and speak to their legislators. In a cowardly move that likely had more to do with politics than with public health, Gov. Cuomo waited until June 18—a week after the legislative session ended—to re-open the Capitol.

The second major issue dominating Albany’s political landscape during the 2021 legislative session was the May 25, 2020 death of George Floyd, an unarmed African-American man, in Minneapolis, Minnesota. Floyd lost his life while in police custody after then-Minneapolis Police Officer Derek Chauvin pressed his knee into the back of Floyd’s neck for several minutes while Floyd was lying facedown and handcuffed on a street. After footage of Chauvin’s actions was released and became national news, a wave of protests—some peaceful and some violent—took place in New York and across the United States. Chauvin was convicted of manslaughter and unintentional murder on April 20, 2021; on June 25, 2021, he was sentenced to 22 and one-half years in prison. Floyd’s death, together with the ensuing protests, led New York policymakers in

2021 to continue to focus on measures that they believe would curb police abuse and promote fairness in the criminal justice system.

The third major issue dominating Albany’s political landscape in 2021 was the firestorm of controversy that surrounded Gov. Andrew Cuomo. In recent months, Gov. Cuomo was accused of (a) falsifying information about the COVID-19 death totals for nursing home residents; (b) covering up defects in the new Gov. Mario M. Cuomo Bridge; (c) creating an abusive, toxic work environment for his subordinates and others; and (d) workplace sexual misconduct. Gov. Cuomo’s political weakness during the 2021 session created a power vacuum in New York government and may have distracted him from pushing his own policy agenda. As a result, this year’s session could be described as unfocused and meandering.

On August 3, 2021, New York Attorney General Letitia James released a 165-page report on her office’s investigation into sexual harassment allegations against Gov. Andrew Cuomo. Attorney General James concluded that the allegations against Gov. Cuomo were well-founded. While Gov. Cuomo continued to deny wrongdoing, the release of the Attorney General’s report led President Joe Biden and many others to call for the Governor’s resignation. Gov. Cuomo resigned from office effective August 24, 2021, and Gov. Kathy Hochul was sworn in as New York’s 57th governor later that day. As of September 2021, the Assembly Judiciary Committee’s investigation into the allegations against Gov. Cuomo remains ongoing.

New Yorker’s Family Research Foundation (NYFRF) and its affiliate organization, New Yorkers for Constitutional Freedoms (NYCF), work in four areas of public policy: Protecting human life, promoting strong families, preserving religious liberty, and proclaiming justice and mercy. Below, NYFRF offers specific updates on each of these four policy areas.



Protecting Human Life



Genesis 2:7: “Then the Lord God formed a man from the dust of the ground and breathed into his nostrils the breath of life, and the man became a living being.”

The 2021 legislative session did not have a significant effect upon New York’s public policies in regard to the protection of human life. Several anti-life bills were considered, but none were passed.

NYCF’s March 2021 Digital Day of Action highlighted the dangers of Bill S.470-Hoylman/A.5499 Glick, the Pregnancy Center Report Bill. This bill would empower the state to harass pro-life pregnancy centers with intrusive information requests. The Pregnancy Center Report Bill did receive committee consideration in the Assembly; it was approved by the Assembly Committees on Health, Ways and Means, and Rules, respectively. The bill was placed on third reading, which meant that it could receive a vote from the full Assembly. That vote did not take place. The bill made no progress in the Senate. The non-passage of the Pregnancy Center Report Bill is a victory for life in 2021; however, pro-life New Yorkers should continue to speak out against this bill.

Another significant pro-life victory is the continued failure of physician-assisted suicide legislation (Bill S.6471-Savino/A.4321-Paulin) to gain traction in Albany. For the fifth consecutive year, physician-assisted suicide failed to be approved by a single legislative committee. Christian New Yorkers should give thanks and redouble our efforts to fight this destructive proposal.

Three anti-life bills of concern made progress in 2021, although none of them became law. The first is Bill S.568-Hoylman/A.1135-Paulin, which would allow the Department of Health to regulate the storage of frozen embryos. (The Department of Health is already regulating the storage of frozen embryos, but has no authority to do so. This bill would give the Department the authority to do something that it is already doing.) Because embryos are nascent human beings, they should not be frozen, stored, or discarded. This bill reached third reading in the Assembly. The second is Bill S.4967-Rivera/A.2634-Rosenthal, which would allow health care agents to withhold food and water from patients in certain circumstances. This bill was approved by the Assembly Health Committee. The third is the Public University Emergency Contraception Education Act (Bill S.5633-Parker). This bill would require New York’s public colleges and universities to



display posters and disseminate “informational materials” promoting so-called “emergency contraception” measures that can cause early abortions. This legislation reached third reading in the Senate.

Several pro-life bills were introduced in 2021, but failed to advance. Those bills include the Born Alive Abortion Survivors’ Protection Act (Bill S.2569-Helming/A.4429-Manktelow), the Liv Act (Bill S.2129-Jordan/A.4843-DiPietro) (making it a Class D felony for a person who is aware of a woman’s pregnancy to intentionally injure her), the Parental Notification Act (Bill A.3780-DeStefano), and the Unborn Victims of Violence Act (Bill S.2669-Ritchie/A.5729-Cusick).

The 2019 passage of the abortion expansion law known as the Reproductive Health Act (RHA) was a major setback for the pro-life movement. The damage done by the RHA may not become apparent for some time. In the wake of the passage of the RHA, the Legislature did not place a great emphasis on anti-life measures in 2021.



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Promoting Strong Families



Matthew 19:4b-6: “Have ye not read, that he which made them at the beginning made them male and female, And said, For this cause shall a man leave father and mother, and shall cleave to his wife: and they twain shall be one flesh? Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder.”

Some progress was made in 2021 with regard to family policy in New York. NYFRF is pleased to note that Bill S.1409-Rivera, which would provide for the creation of four recovery centers offering specialized treatment to drug-addicted infants, passed the New York State Senate. It is hoped that this bill will make it across the finish line and become law in 2022. Furthermore, a pro-family bill allowing caregiving visitors to have access to

nursing home residents during public health emergencies (Bill S.614-B-May/A.1052-B-Bronson) was signed into law. Thankfully, Bill S.2584-A-Brouk/A.6616-Nolan—a comprehensive sex education bill that NYFRF opposed—failed to advance in 2021.

One family-related setback is Bill S.3086-Salazar/A.3891-Ramos, which would move the minimum marriage age from 17 to 18. This bill passed both houses and was signed into law. NYFRF opposes this bill because it raises the age of marriage without raising the age of consent to sexual intercourse (currently 17) to match it. Also, Bill S.996-Hoylman, which would bar judges in child custody cases from ordering parents not to undergo so-called “sex change” surgeries, passed the Senate.

Because the 2020 legislative session was cut short by the COVID-19 pandemic, NYFRF did not publish a report on the 2020 legislative session. It should be noted, however, that New York’s biggest legislative setback in 2020 was the legalization of paid surrogacy. For several years, Christians and others had advocated against allowing women’s wombs to be rented. Pregnancy should not be a contracted service, and babies are not consumer goods. May God have mercy on our state, which continues to ignore His design for marriage, family, and childbearing.

Preserving Religious Liberty



1 Peter 3:14-16: “But and if ye suffer for righteousness’ sake, happy are ye: and be not afraid of their terror, neither be troubled; But sanctify the Lord God in your hearts: and be ready always to give an answer to every man that asketh you a reason of the hope that is in you with meekness and fear: Having a good conscience; that, whereas they speak evil of you, as of evildoers, they may be ashamed that falsely accuse your good conversation in Christ.”

The 2021 session did not see a great deal of legislative activity regarding issues of religious liberty. Most of the challenges in this area came via a governor’s executive order.

On the legislative front, NYFRF is pleased to report that Bill S.722-Hoylman/A.7399-Jean-Pierre, which would apply controversial LGBT provisions of the Dignity for All Students Act to Christian schools, made no progress in 2021. Bill S.6423-Jackson/A.7055-Seawright,

which would allow greater state involvement in nonpublic schools under the guise of promoting “substantially equivalent” education, also made no progress. NYFRF is thankful that these two dangerous and objectionable bills did not receive serious consideration.

Also, Bill S.7072-A-Gaughran/A.7583-A-Galef, which would allow churches and other nonprofit organizations to apply for property tax exemption immediately upon the acquisition of real estate, was approved by the Real Property Taxation Committee. NYFRF applauds the forward movement on this legislation and encourages the Legislature to pass this bill in 2022.

Bill S.2567-Gallivan, which would streamline the government approvals process for certain sales of real estate by churches, did not advance. This bill has been proposed for many years, and NYFRF hopes that the Legislature will see its merit and pass it.

Proclaiming Justice and Mercy



James 1:27: “Religion that is pure and undefiled before God, the Father, is this: to visit orphans and widows in their affliction, and to keep oneself unstained from the world.”

Most legislative activity of interest to Christian New Yorkers in 2021 centered on the category of justice and mercy. Several damaging laws were passed by the Legislature on topics ranging from prostitution to gambling to marijuana to transgenderism.

NYFRF is saddened by the legalization of the commercial sale of recreational marijuana. Once the Marijuana Regulation and Taxation Act (MRTA) (Bill S.854-A Krueger/A.1248-A Peoples-Stokes) goes into effect, it will be legal to sell marijuana to New Yorkers aged 21 and older. It will also be possible for New Yorkers to obtain state licenses to grow marijuana and to sell marijuana. The license applications of persons who have been convicted of marijuana-related offenses, and of the relatives of persons who have been convicted of marijuana-related offenses, will be given “extra priority” under the MRTA. The MRTA also allows the State of New York to profit from the sale of recreational marijuana through various taxes, including a sales tax of 13%. The passage of the MRTA will not remedy any social injustices; rather, it will likely lead to increased marijuana addiction, marijuana-related health problems, more car accidents, and the continued existence of a market for illegal marijuana sales.

The State of New York also took a step in the direction of legalizing prostitution by passing Bill S.1351-Hoylman/A.3355-Paulin. This law repealed Penal Law § 247, which banned loitering in a public place for the purpose of (a) engaging in prostitution; (b) patronizing a person for prostitution; or (c) promoting prostitution. This law has made it more difficult to police areas where prostitution is common. Furthermore, allowing loitering for purposes of prostitution is detrimental to New York’s neighborhoods and, by extension, to New Yorkers and their families.



The State of New York continued its unhealthy relationship with the gambling industry by including mobile sports betting legislation within the 2021 state budget. The measure allows at least four operators to be licensed to conduct mobile sports betting. Applicants will pay a whopping \$25 million application fee. Thankfully, “sports betting through on-site kiosks at tracks, stadiums, arenas, and some OTB parlors was not included in the finalized budget deal.”

The passage of the Gender Recognition Act (Bill S.4402-B-Hoylman/A.5465-D-O’Donnell) is a step in the wrong direction with regard to issues of gender identity. This law allows individuals to petition state and county courts to “recognize their gender identity or to amend the sex designation on an identity document.” It also directs courts to grant such a petition if it is accompanied by an affidavit from the petitioner attesting to his or her “gender identity.” The legislation further provides that “no additional medical evidence shall be required” to grant such a petition. Significantly, the law allows parents to apply for a change of sex designation on behalf of their minor children. An identifying document such as a birth certificate or a driver license should state a person’s biological sex; it should not state subjective beliefs about a person’s gender identity when those beliefs are flatly contradicted by scientific proof.

Bill S.5325-Hoylman/A.6193-Gonzalez-Rojas would require various utilities to use “transgender” customers’ preferred names and pronouns upon request. This unnecessary and wrong-headed bill passed both houses, and has been signed into law.

NYFRF is thankful that the New York Health Act (Bill

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S.5474-Rivera/A.6058-Gottfried) did not pass either house of the Legislature. While the bill did advance to the Assembly Codes Committee, it did not receive a floor vote. This bill would create a government-controlled single-payer health insurance system in the State of New York, banning most forms of private insurance. It is no exaggeration to state that this bill, if passed, would sound a death knell for the Empire State. This bill is unnecessary, heavy-handed, and fiscally disastrous, and would likely lead to religious liberty infringements and the government rationing of medical care. Going forward, Christian New Yorkers should make it a top priority to work against this bill.

NYFRF is encouraged by some progress in the area of justice and mercy. Bill S.4892-A Hinchey/A.5781-A Cruz, which would make the Nourish New York program permanent, has passed both the Senate and the Assembly. The Nourish New York program has helped New

Yorkers experiencing food insecurity, given farmers an opportunity to sell excess food, allowed food pantries to restock their shelves, and decreased food waste. Other positive steps include the Donor Privacy Protection Act (Bill S.4817-A-Krueger/A.1141-A-Paulin) (passed both houses), a bill providing for essential support persons for the hospitalized disabled (Bill S.1035-A-Addabbo/A.4685-A-Pheffer Amato) (passed both houses), extension of the interagency task force on human trafficking (Bill S.6696-Persaud/A.7484-Gonzalez-Rojas) (signed by Gov. Cuomo), and a bill vacating convictions for offenses that resulted from being a victim of sex trafficking (Bill S.674-Ramos/A.459-Gottfried) (passed both houses).

It should be noted that five constitutional amendments—three of them related to elections and voting—were passed by the Legislature, but were later rejected by the voters.

Looking ahead to 2022, **there are several matters of special concern for** **Christians to work against in Albany.**

First, we must stand against Gov. Kathy Hochul's abortion extremism. At a September 13, 2021 rally in Manhattan's Central Park, Gov. Hochul laid out her agenda for advancing abortion access in the Empire State. That agenda includes a state-run campaign to promote abortion rights and abortion access, pushing for telehealth services to be used to facilitate pill abortions, and potentially allowing non-physicians to perform abortions. Furthermore, we must continue our efforts to block anti-life legislation like physician-assisted suicide, the Hochul-supported Abortion Access Fund Bill (Bill S.758-Biaggi/A.1926-Reyes), and the

Pregnancy Center Report Bill.

Second, we must continue to push back against intrusive and unnecessary government mandates in regard to COVID-19. As we do so, we should treat the coronavirus as the major health concern that it is, and we should make sure that our churches and schools are taking appropriate precautions. However, we must guard against executive power grabs, government intrusion into the operations of churches and Christian schools, and infringements upon freedom of conscience with regard to vaccination.

New Yorker's Family Research Foundation is thankful for the areas in which legislative progress was made in 2021. We encourage all Christian New Yorkers to become informed, active participants in the political process. While the State of New York in 2021 is a challenging environment for Christians, it is important that we continue to work together to thwart ungodly public policies.