



NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

Dear Governor Hochul:

We, the undersigned, are writing to express our serious concern with A.6770/S.74-A, which would amend the estates, powers, and trusts law in relation to payment and distribution of damages in wrongful death actions.

This legislation would dramatically increase costs for municipalities of all sizes across New York by radically expanding the damages recoverable in wrongful death actions to include pain and suffering. Such non-pecuniary damages are notoriously difficult to determine objectively and are prone to manipulation by plaintiffs' attorneys who seek to emotionally sway judges and juries.

Municipalities are among the top targets for lawsuits in New York State. Because many tortfeasors lack the funds to make the injured party whole, local governments are often targeted despite only being marginally involved with the incident in question. The costs imposed by settlements, judgments, and defense fees inhibit municipalities' ability to provide crucial services to residents.

In addition, the increase in damages recoverable in wrongful death suits would dramatically increase liability insurance premiums. This would impact not only municipalities, which must purchase insurance to protect taxpayers from tort costs, but the many businesses that form the lifeblood of our communities and provide critically important jobs to residents.

Lastly, this legislation contributes to the perception that cities, towns, and villages are deep-pocketed and ripe for lawsuits of all kinds, despite the reality that the costs of claims against local governments are paid by taxpayers. If signed into law, this legislation will force municipalities to raise taxes and cut services, damaging local economies and eroding trust in government.

Last year, you cited the strain of litigation on state and local governments in your veto of A.2199¹. We encourage you to consider this impact, as well as the reasons listed above, and reject this bill.

Sincerely,

Association of Towns, New York

New York Conference of Mayors

New York State Association of Counties

