



This Week in New York

Covering New York State and City Government

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March 16, 2018 Edition



In the News – New York State

U.S. Congresswoman Louise Slaughter, 88

Louise McIntosh Slaughter, a progressive voice in the U.S. House of Representatives from Rochester, passed away today in Washington D.C. following a fall.



The daughter of a blacksmith in a Kentucky coal mine, Congresswoman Slaughter dedicated her life to building a “more perfect union” where everyone has a chance to live the American dream, according to her biography.

Congresswoman Slaughter was first elected in 1987 and rose to become the first female chair of the House Committee on Rules in 2007. She helped shepherd a number of initiatives including the Affordable Care Act (ACA), the Lily Ledbetter Fair Pay Act of 2009, and the Student Aid and Fiscal Responsibility Act. She continued to serve on this committee as the highest ranking Democrat.

Early in her congressional career, she successfully fought for the passage of legislation that guarantees women and minorities are included in all federal health trials, established the Office of Research on Women's Health (ORWH) at the National Institutes of Health (NIH), and allocated the first \$500 million in federal funding for breast cancer research at the NIH. She co-authored the Violence Against Women Act.

Before serving in Congress, Congresswoman Slaughter served in the New York State Assembly from 1982 to 1986 and the Monroe County Legislature between 1976 and 1979. While holding elected office, she was regional coordinator to Mario Cuomo from 1976 to 1978 while he served as Secretary of State and from 1979 to 1982 while he served as Lieutenant Governor.

Congresswoman Slaughter was born in Harlan County, Kentucky and graduated from the University of Kentucky with a Bachelor of Science degree in Microbiology and a Master of Science degree in Public Health. After graduate school, she and her husband, Bob Slaughter, moved to the village of Fairport. She and Bob were married for 57 years. Together the couple had three daughters and seven grandchildren.



15 Days & Counting: Legislature Begins Negotiations on FY 2019 Spending Plan



Senate & Assembly Agree that a Budget Should be in Place by April 1st

The Senate and the Assembly focused this week in Albany on crafting and passing the respective one-house budget bills and starting the public and private budget negotiations. All eyes are squarely on the April 1st deadline, with assertions that the legislative package will be delivered to the Governor on time.

The Assembly proposed a Robin Hoodesque package that built upon Governor Andrew Cuomo's \$168 billion budget and added taxes on high incomes and real estate transfers. The Republicans towed the Conservative line and rejected the Governor's \$1 billion in taxes and fees. Each house included their wish list of initiatives: one-house proposals which get no traction on the other side (single payer health insurance, Dream Act) and items that have previously suffered vetoes by Governor Cuomo (gravity knives, disability pensions).

The Legislative budget conference committees began meeting on Thursday, marking the start of the public negotiation process. Each house laid out their respective priorities, with an occasional legislator using the forum to stir the press pot. Legislative staff members will now work to find common ground on the rank and file issues, with the larger initiatives (criminal justice reform, congestion pricing, safety in schools) at table headed by Governor Cuomo, Assembly Speaker Carl Heastie, and Senate Majority Leader John Flanagan. According to published reports, the three leaders also met on Thursday at the Governor's mansion.

Eight session days remain before the April 1st deadline. A tight schedule, but one that has been met before.

Bills Passed Both Houses of the Legislature

A9873 – Sponsored by M of A Cusick / Senator Lanza -- Extends, until December 31, 2019, the authorization of residential property owners in high risk brush fire areas on Staten Island to cut and remove reeds.

S700B – Sponsored by Senator Carlucci / M of A Zebrowski -- Assists those school districts in transitioning to full day kindergarten by expanding the current incentive aid program to be spread out over five years.

S7431 – Sponsored by Senator Murphy / M of A Peoples-Stokes -- Provides that each state agency that maintains a website shall ensure its website provides for online submission of requests for records subject to FOIL.



Governor Directs State Health Department to Investigate Public Health and Safety Hazards at NYCHA Properties

Governor Andrew Cuomo this week directed the New York State Department of Health to investigate the conditions at the New York City Housing Authority (NYCHA) properties.

Prior to the announcement, the Governor toured the Jackson Houses, a NYCHA building in the Bronx, with Borough President Ruben Diaz, City Councilmember Ritchie Torres, Assemblyman Michael Blake, New York State's Health Commissioner Dr. Howard Zucker, and Jim Walden, an attorney for NYCHA tenants.

According to the Governor, they saw evidence of mold, vermin, and "decades-old, potentially hazardous paint peeling from the walls." The conditions present a clear threat to public health and serve as a reflection of conditions across NYCHA housing, which demand immediate action from the state, the Governor asserted.

"The situation we've seen is as upsetting and as disturbing as anything I've seen anywhere and I've been through the worst housing complexes all across this country," Governor Cuomo said. "It is just shocking that in New York State we would have people who are subjected to these conditions, and on behalf of the people of the state, I apologize to the NYCHA residents because they deserve better and they'll get better."

At the Governor's direction, Commissioner of Health, Dr. Zucker, will be conducting a formal investigation into NYCHA properties after a state inspection indicated clear health and safety hazards. The public health hazards to be addressed by the investigation include mold and potential lead paint, two issues that have been neglected by city officials.

The Governor also proposed a plan to create a tenant-led oversight council to oversee how funding is spent and how repairs are being conducted at NYCHA. The council would include NYCHA's tenant board members and members of the Citywide Council of Presidents, but would serve as an independent oversight body. The tenant-led oversight council would be made up of resident leaders, who would work with advocacy organizations, elected officials, and faith and union leaders. The creation of the tenant-led oversight council would be negotiated in the FY 2018-19 State Budget.

In addition to hazardous health conditions, many NYCHA tenants have been without heat or hot water throughout the winter months. City officials previously determined that it will take up to four years to replace the failing boilers. The state is currently reviewing options, including an emergency declaration, to expedite immediate, competent repairs for tenants. NYCHA is currently home to more than 400,000 residents in roughly 180,000 apartments across the city.

In the News – New York City



Vision Zero: Mayor de Blasio Pushes for Tougher State Laws to Keep Dangerous Drivers Off the Streets

Changes would extend and expand speed enforcement cameras, escalate fines and revoke vehicle registrations for worst offenders, and require DMV notification of medical incidents that cause a driver to lose vehicle control

Mayor Bill de Blasio this week announced a new package of State legislation aimed at keeping “dangerous drivers from getting behind the wheel.” Following last week’s crash that claimed the lives of two children in Park Slope, the City is seeking to extend and expand its speed enforcement camera program, escalate fines and suspend the vehicle registrations of repeat offenders, and require physicians to notify the DMV following medical events that could cause a driver to lose control of their vehicle.

“After last week’s tragedy in Park Slope, we must act to prevent future tragedies—whether via legislation, street redesign or enforcement,” said DOT Commissioner Polly Trottenberg. “... Despite complaints about speeding along 9th Street in Park Slope, current law does not allow us to put a speed camera there. With more enforcement tools at our disposal, the Administration’s Vision Zero agencies can continue doing more important work—like the Dusk and Darkness campaign that just ended – that are helping reduce fatalities.”

The proposed initiatives include:

Extend & Expand School Zone Speed Camera Program: The Mayor will push for the State Legislature to pass S6046/A7798 to expand the City’s speed camera program. According to the Mayor, speed cameras have been proven to reduce speeding in school zones by 63%. This bill would authorize the City to install speed cameras at an additional 150 school zones and would also revise the definition of a school zone to allow DOT to address speeding on streets that are near a school, as opposed to only the street or streets on which a school is located.

Under current law, 75 percent of children who are killed or severely injured in a traffic crash are struck at times or places at which a speed camera cannot be activated, according to the Mayor.

Fee Escalation and Registration Suspension for Photo Violations: The Mayor will ask the Legislature to introduce legislation escalating the fees on red light and speed camera violations. Currently, there is a flat \$50 fine for any photo violation, and fines do not increase with recurring violations. Insurers are prohibited from using camera violation data when setting rates. This proposal would escalate fines for multiple violations within a 2-year period as follows:

Number of Red Light and Speed Camera Violations	Fines	Approximate Vehicles in This Class (FY 2016-2017)
1st	\$50	949,272
2nd	\$50	298,952
3rd	\$150	121,393
4th	\$250	55,469
5th	\$300 + insurance informed	27,838
6th or more	\$350 + registration suspended	34,134

Require Physicians to Notify the DMV Following Specific Medical Events: The Mayor also proposes requiring physicians to report certain medical conditions or incidents that may cause a driver to suddenly lose consciousness. This law would be narrowly tailored to those drivers at highest risk of losing consciousness or vehicle control, and will be modeled on a longstanding law in place in New Jersey and other states.



2017 LIRR: Worst One-Time Performance In Almost Two Decades

In 2017 the Long Island Rail Road (LIRR) had its worst on-time performance in 18 years, with an estimated 9.2 million riders inconvenienced by delays and cancellations, according to a report issued this week by State Comptroller Thomas DiNapoli. These delays and cancellations had an estimated cost of nearly \$75 million in lost productivity.

According to the Comptroller, a commuter train is considered late by the LIRR only if it arrives at its final destination six minutes or more after its scheduled arrival time. Comptroller DiNapoli's report showed on-time performance fell to 91.4 percent in 2017, below the target rate set by the LIRR (94 percent). On-time performance has fallen in four of the past five years, according to data reported by the LIRR.

Almost 21,400 trains were late, canceled or terminated in 2017, nearly one-fifth more than in 2016, according to Comptroller DiNapoli's report. The report noted that performance was affected by an increase in Amtrak-related incidents (Amtrak owns and operates Pennsylvania Station and the tunnels under the East River used by the LIRR) as well as an increase in incidents attributed to the LIRR.

Amtrak was responsible for more than 3,000 late, canceled and terminated trains, an increase of 150 percent since 2016. The LIRR was responsible for over 6,500 late, canceled and terminated trains, more than twice as many as Amtrak and 20 percent more than in 2016. More than two-thirds of these delays were caused by equipment problems.

The LIRR attributes one-quarter of all late, canceled and terminated trains to its customers. Most of these delays (82 percent) occurred when demand exceeded the level of service provided by the LIRR (e.g., special events, such as concerts). Other factors include short platforms, which require passengers to walk through the train to board or exit. The report said the LIRR, not the customer, bears responsibility for these conditions.

Most LIRR commuters (87 percent) travel to or from Penn Station in Manhattan's central business district. Peak trains using Penn Station were 71 percent more likely to be late, canceled or terminated than trains using Atlantic Avenue, according to the Comptroller.

The on-time performance of trains using Penn Station during peak periods improved to 90.2 percent during the last four months of 2017 after the completion of emergency repairs by Amtrak during the summer months, the report found. This performance was the same as one year earlier during the same period, and lower than the LIRR's system-wide target (94 percent).

LIRR officials have said that operations are constrained by the limited platform space at Penn Station and by the East River tunnels that connect Manhattan to Long Island, which were damaged by Superstorm Sandy.



Comptroller Stringer Audit: Massive DOE Breakdowns Endanger Homeless Students

City Comptroller Scott Stringer this week called out the City's Department of Education (DOE) for "systemic failures" that threaten the safety and welfare of thousands of vulnerable homeless students.

Over 33,000 New York City children reside in City shelters and are enrolled in its public schools. An audit by Comptroller Stringer found that 58% of those students are chronically absent and that the DOE Department of Education fundamentally violates its own rules requiring outreach and follow-up efforts when homeless students are absent from school without advance notice.

Comptroller Stringer's audit included an in-depth review of DOE's records regarding 73 students that DOE identified as residing in homeless shelters and chronically absent during the 2015-2016 School Year. The audit found the 73 students were absent a total of 3,037 days, an average of 41.6 days per student, during the 178-day school year.

The NYCDOE's Chancellor's Regulation A-210 mandates that schools maintain a system for recognizing patterns of student absences and that they implement specific strategies for intervention to reduce the number of students who are chronically absent. Chancellor's Regulations also require schools to follow up and intervene for unexcused lateness or early departures. Further, DOE specifies that "every effort must be made to telephone parents on the first day of a student's absence."

The audit found that while DOE has established multiple protocols related to student absences that central staff and individual school employees are required to follow, it does not have adequate oversight mechanisms to ensure that they are actually followed. Comptroller Stringer's audit found where evidence of outreach efforts exists, DOE does not require that the outreach efforts involve actual interaction with parents. Specifically, the audit shows, the DOE considers automated calling systems ("robo-calls") — as well as mailed "promotion-in-doubt" letters that do not consistently mention attendance issues, as "outreach efforts" for students with excessive unexcused absences, in lieu of actual contact with a child's parent or guardian.

In addition, DOE employs Family Assistants who are assigned to one or more shelters to work with homeless families and monitor the school attendance of their children. However, the audit showed that DOE has not demonstrated that its Family Assistants are making contact with the families whose children are chronically absent and late. Comptroller Stringer noted that Family Assistant outreach failures are likely due, in large part, to insufficient staffing. For example, during 2015-2016, DOE employed 110 Family Assistants to oversee 32,243 school-aged children residing in shelters—an average of 293 children per Family Assistant.

Briefs

Donna Frescatore to Take Over as State Medicaid Director

Donna Frescatore, Executive Director of NY State of Health (New York's Health Insurance Exchange) will become the next State Medicaid Director effective April 9th. Ms. Frescatore replaces Jason Helgerson.

"I'm pleased to announce that Donna Frescatore has agreed to return to the position of Medicaid Director, a role she served in 2010 (under then-Governor David Paterson)," state Health Commissioner Howard Zucker said in a prepared statement. "Donna will continue to serve as Executive Director of the New York State of Health. In light of these other responsibilities I expect that she and I will lead a search for a new Medicaid Director in 2019. I thank Jason Helgerson for his commitment and wish him the best of luck in his future endeavors. Thank you to Donna for her dedication during this transition."

Ms. Frescatore first joined the Department of Health in 1998, after service with the State Department of Civil Service. She also served as Cuomo's Deputy Director of Health Care Redesign.

New York's Medicaid program has a \$70 billion budget and is undergoing a \$8 billion delivery system reform incentive payment program in conjunction with the federal government.

World Trade Center Workers and Responders Urged to Register Their Service and Preserve Rights to Future Workers' Compensation Benefits

Governor Andrew Cuomo this week urged all workers and responders who participated in the rescue, recovery, or clean-up of the World Trade Center following the 9/11 attacks to register their service with the New York State Workers' Compensation Board by September 11, 2018, to preserve their rights to future benefits. This will allow workers and volunteers to file a claim for medical care and lost wages in the event that they become ill from a qualifying medical condition as a result of their World Trade Center duties.

In 2016 Governor Cuomo signed legislation that extends workers' compensation eligibility and benefits for World Trade Center workers and responders. The legislation reopened the World Trade Center Registry, extending the deadline period for registering their service to September 11, 2018.

Workers and responders, including volunteers, must have participated in rescue, recovery, and clean-up operations between September 11, 2011 and September 11, 2002, at any of the following locations: Ground Zero; Fresh Kills Landfill; on the barges; the piers; or at the morgues. Those who are part of the New York State workers' compensation system are eligible and should promptly register their service with the NYS Workers' Compensation Board, if they have not done so already.

For workers and volunteers who have not yet registered, by September 11, 2018, you must:

- Complete the [Registration of Participation in World Trade Center Rescue, Recovery and/or Clean-up Operations \(Form WTC-12\)](#), which is also available in multiple languages on the New York State Workers' Compensation Board's [website](#);
- Sign the completed WTC-12 and have it notarized; and
- Submit the original notarized registration form to the Workers' Compensation Board at P.O. Box 5205, Binghamton, N.Y. 13902.

For more information and assistance, please call 877-632-4993. Governor Cuomo also urges workers and responders to use the World Trade Center Health Programs for ongoing monitoring and care. For more information, visit www.cdc.gov/wtc.

Cesar Perales to Chair City's Charter Revision Commission

Mayor Bill de Blasio appointed Cesar Perales as Chair of the City's newly formed Charter Revision Commission. The Commission is charged with proposing a plan to revamp New York City's campaign finance system, to increase voter participation, and improve the electoral process. As required by law, the Commission will also examine the entire Charter to identify additional areas for potential revision.

Mr. Perales most recently served as New York State's Secretary of State and was the co-founder of the Puerto Rican Legal Defense Fund (PRLDEF). He also has expansive experience in the health and human services field, working as senior vice-president for community health at New York-Presbyterian Hospital, the Deputy Mayor for Health and Human Services under Mayor Dinkins and Assistant Secretary for the United States Department of Health and Human Services.

In addition, Mayor de Blasio announced that Matt Gewolb will be the Commission's Executive Director and counsel. At present, Mr. Gewolb is the Assistant Dean and General Counsel of New York Law School. He was previously the director of legislation for the New York City Council. He is the former Director of Government Programs at Columbia Law School and teaches State and Local Government and Law of the City of New York at Fordham Law School.

Coming Up

New York State

The Legislature is in session Monday March 19th through Thursday March 22nd

New York City

Monday March 19th

Committee on Governmental Operations, Committee Room – City Hall, 10 a.m.
Preliminary Budget Hearing

Committee on Finance, Council Chambers – City Hall, 10 a.m.

Committee on Housing and Buildings, Council Chambers – City Hall, 1 p.m.

Tuesday March 20th

Committee on Health, Committee Room – City Hall, 10 a.m.
Preliminary Budget Hearing

Committee on Finance, Council Chambers – City Hall, 10 a.m.
Preliminary Budget Hearing

Subcommittee on Capital Budget, Council Chambers – City Hall, 10 a.m.
Preliminary Budget Hearing

Committee on Education, Committee Room, 14th Floor – 250 Broadway, 1 p.m.

Committee on Mental Health, Disabilities and Addiction, Committee Room – City Hall, 2 p.m.
Preliminary Budget Hearing

Committee on Justice System, Committee Room, 14th Floor – 250 Broadway, 2 p.m.
Preliminary Budget Hearing

Wednesday March 21th

Subcommittee on Landmarks, Public Siting and Maritime Uses, Council Chambers, 9:45 a.m.

Committee on Land Use, Council Chambers – City Hall, 10 a.m.

Committee on Finance, Committee Room – City Hall, 10 a.m.

City Council Stated Meeting, Council Chambers – City Hall, 1:30 p.m.

Thursday March 22nd

Committee on Education, Council Chambers – City Hall, 10 a.m.
Preliminary Budget Hearing

Committee on Oversight and Investigations, Committee Room – City Hall, 10 a.m.
Preliminary Budget Hearing

Friday March 23rd

Committee on Aging, Council Chambers – City Hall, 10 a.m.
Preliminary Budget Hearing

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