



This Week in New York

Covering New York State and City Government

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In the News – New York State



The Clock is Ticking for Charter/Spectrum Communications

Response to Public Service Commission Orders Due May 9th

The legal battle between Charter/Spectrum Communications and New York State's regulators continues to heat up, as Governor Andrew Cuomo pledged this week that "...we will not tolerate abusive corporate practices or a failure to deliver service to the people."

"The New York State Public Service Commission (PSC) has commenced legal action against Spectrum Media Company for potential violations of its franchise agreement," a spokesperson for the Governor said. "The State approved Spectrum's acquisition and its ability to operate in New York based on the fulfillment of certain obligations, including providing broadband access to underserved parts of the State and preserving a qualified workforce... The Spectrum franchise is not a matter of right, but is a license with legal obligations and if those are not fulfilled, that license should be revoked."

Last month, the PSC issued two orders against Charter/Spectrum: 1) seeking \$1 million for failing to meet the terms of an agreement to expand its broadband network; and 2) investigating Charter's franchise agreement with New York City in relation to underpayments and failure to meet network deployment obligations. The company has until May 9th to respond to the Commissions orders.

The company is also under fire for a year-long labor dispute with its employees represented by IBEW Local 3. The union workers voted to strike in March of 2017 due to Charter's refusal to negotiate a labor contract and demands for a reduction in employee benefits. State and local elected officials--including Governor Cuomo, New York City Mayor Bill de Blasio, New York City Public Advocate Leticia James, New York City Comptroller Scott Stringer, and members of the New York City Council and New York State Legislature--have come out in support of the Local 3 and its workers.

In PSC Chairman John Rhodes' first order, Charter is directed to respond to Commission staff's findings that the company should pay \$1 million to the State Treasury for missing a December deadline to expand its network to 36,771 additional homes and businesses that did not have high speed broadband as of the date of Charter's acquisition of Time Warner cable.

Under the Commission's 2016 order approving Charter's acquisition of Time Warner Cable, Charter is required to extend its network to pass an additional 145,000 houses or businesses within four years, and meet incremental milestones. Charter must pay up to \$1 million for each failure to meet a milestone. A detailed audit by Commission staff found more than 14,000 passings claimed by Charter for its December milestone were ineligible, causing Charter to fall short of the milestone by more than 8,000 passings.

In the Chair's second order, the Commission opened a proceeding to investigate Charter's compliance with its New York City franchise agreements. If the company materially breaches its franchise agreements, the Commission can terminate the agreements. The order notes that Charter's recently filed report claimed to have passed 42,889 residential and/or business units, of which 12,467 were located in New York City. Based on this representation, Commission staff has concerns as to whether Charter complied with the network deployment section of the New York City franchises, which would have required many of these addresses to have already been passed.

The order also demands that Charter explain why its franchise fees paid to New York City have allegedly declined following the company's acquisition of Time Warner. Charter is directed to provide records regarding franchise payments made to New York City in the time since the Commission approved the acquisition of Time Warner Cable, as well as payments made by Time Warner Cable prior to the acquisition, including the formula and supporting information used to calculate such payments.

In addition to these actions, on December 8, 2017, the Commission began a management and operations audit of Charter Communications' telephone service quality, which was triggered by several service interruptions. An independent third-party auditor will soon be added to the Commission staff's audit team in the next phase of this ongoing review.



Raise the Age Implementation Task Force

Governor Andrew Cuomo this week announced the members of New York State's Raise the Age Implementation Task Force. The Task Force, comprised of social service and law enforcement representatives from both public and non-profit sectors, is charged with reviewing and evaluating the implementation of the Raise the Age Law at both the state and local levels.

New York State will raise the age of criminal responsibility in the state from 16 to 18 over the next two years. Specifically, the law will take effect for individuals who are 16 years old on October 1, 2018, and on October 1, 2019 for 17-year-olds. The Task Force will be responsible for monitoring the overall effectiveness of the law and evaluating the effectiveness of the local adoption and compliance to the law.

The Task Force will provide an initial report of their findings by August 1, 2019 regarding the first phase of implementation and an additional report one year later with respect to the second phase of implementation.

The Members of the Raise the Age Task Force are:

Anthony Annucci, Acting Commissioner of the Department of Corrections and Community Supervision

Hon. Michael Cocco, Deputy Chief Administrative Judge for Courts Outside New York

David Condliffe, Executive Director, Center for Community Alternatives

RoAnn Destito, Commissioner of the Office of General Services

Nancy Ginsburg, Esq., Director of Adolescent Intervention and Diversion Team of the Legal Aid Society

Eric Gonzalez, District Attorney, Kings County District Attorney's Office

Mike Green, Executive Deputy Commissioner of the Division of Criminal Justice Services

Peter Kehoe, Executive Director, NYS Sheriffs' Association

William Leahy, Director, NYS Office of Indigent Legal Services

Robert MacCarone, Deputy Commissioner and Director of the Office of Probation and Correctional Alternatives at the Division of Criminal Justice Services

Hon. Edwina G. Mendelson, Deputy Chief Administrative Judge for Justice Initiatives

Sheila Poole, Acting Commissioner of the New York State Office of Children and Family Services

Naomi Post, Executive Director, Children's Defense Fund-NY

Allen Riley, Commissioner of the State Commission of Correction

Todd Scheuermann, Unit Chief, of the New York State Division of Budget

Also, the Task Force will review the implementation and effectiveness of the law's record sealing provision by analyzing the number of individuals who have applied and been granted sealing, as well as the overall effectiveness of the law's sealing requirements.

This provision allows eligible individuals to petition the court to seal up to two misdemeanor convictions; one misdemeanor and one felony conviction; or one felony conviction. To be eligible, an individual must have no convictions on their record for at least 10 years and have no charges pending. Individuals who were incarcerated may not apply until a decade following their release date. Excluded from sealing are convictions for sex crimes or any offense requiring registration as a sex offender; child pornography; murder, manslaughter and other homicide charges; certain conspiracy charges; and any crime defined by law as a Class A or violent felony.

The seal applies to all public court records and those maintained by the state Division of Criminal Justice Services. The repository for New York's criminal history records; law enforcement records are excluded. Once sealed, convictions can only be provided under certain circumstances, including to state or federal law enforcement acting within the scope of their duties including for hiring purposes; and pistol permit licensing officials. Individuals and their attorneys also will have access to the information.



Bills Passed Both Houses of the Legislature



A62A – Sponsored by M of A Paulin / Senator Lanza -- Relates to the proper venue for an impounding organization to file a petition for a security.

A6175A – Sponsored by M of A Schimminger / Senator Boyle -- Authorizes the empire state development corporation to develop a public awareness campaign promoting businesses located in New York state.

A7178 – Sponsored by M of A Englebright (MS) / Senator Murphy -- Changes references in law from "hearing impaired" to "deaf or hard of hearing."

A7906 – Sponsored by M of A Schimminger / Senator Murphy -- Makes permanent certain provisions of the alcoholic beverage control law authorizing the sale of gift bags and wrapping, and manufacturers to transport alcoholic beverages to their retail establishments.

A8003 – Sponsored by M of A Braunstein / Senator Bonacic -- Relates to the procedure for exercising the right of election by a surviving spouse.

A8177 – Sponsored by M of A Skartados / Senator Bonacic -- Relates to justices presiding in an off-hours arraignment part.

A8288B – Sponsored by M of A Paulin / Senator Griffo -- Requires combination gas and electric corporations, the New York Power Authority, and the Long Island Power Authority to provide an annual transparency statement to customers.

A8781 – Sponsored by M of A Rosenthal L / Senator Hannon -- Prohibits pharmacy benefit managers from restricting access to certain drug information and collecting certain payments.

A8919 – Sponsored by M of A Thiele / Senator Croci -- Relates to amendments to the granting of certain service awards.

A8929 – Sponsored by M of A Rozic / Senator Kavanagh -- Relates to requiring the president of the civil service commission to prepare a triennial report relating to programs within state agencies that allow for alternative work schedules or flexible work hours.

A8938 – Sponsored by M of A Zebrowski / Senator Hamilton -- Relates to directing the department of financial services to study, evaluate and make recommendations concerning online lending institutions.

A8953 – Sponsored by M of A Richardson / Senator Krueger -- Relates to maternal depression treatment.

A8986 – Sponsored by M of A Glick / Senator Kavanagh -- Relates to the qualifications of members of the Battery Park city authority.

A9029 – Sponsored by M of A Dinowitz / Senator Bonacic -- Provides that the attorney - client privilege shall apply to communications between a lawyer referral service and a client.

A9034 – Sponsored by M of A Gottfried / -- Senator Alcantara -- Relates to reporting deaths and felony crimes in certain adult care facilities.

A9052 – Sponsored by M of A Schimminger / Senator Murphy -- Extends the effectiveness of provisions of law relating to temporary retail permits issued by the state liquor authority.

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.

A9918 – Sponsored by M of A Glick / Senator LaValle -- Extends provisions of law relating to certified school psychologists and special education services and programs for preschool children with handicapping conditions.

A10065 – Sponsored by M of A Glick / Senator Serrano -- Extends health care professionals' authorizations to practice in this state at an event sanctioned by New York Road Runners.

S565 – Sponsored by Senator Young / M of A Rosenthal L -- Relates to ultraviolet nail dryers.

S5118B – Sponsored by Senator Golden / M of A Abbate -- Relates to the appointment and promotion of supervisors of the emergency medical service.

S5517 – Sponsored by Senator Carlucci / M of A Dinowitz -- Requires publisher of magazine subscriptions to disclose on the billing statement or invoice a customer service telephone number.

S6542B – Sponsored by Senator Little / M of A Simon -- Relates to replacing all instances of the words or variations of the words fireman or policeman with the words firefighter or police officer or variation.

S7275 – Sponsored by Senator Helming / M of A Woerner -- Relates to a county's ability to purchase certain goods directly from New York state growers.

S7291 – Sponsored by Senator Ortt / M of A Gunther -- Relates to the services provided for the care demonstration program established by the office for people with developmental disabilities.

S7331 – Sponsored by Senator Golden / M of A DenDekker -- Relates to clean air taxicabs.

In the News – New York City



City Council Weighs in on Mayor's Budget

Acknowledging disappointment that Mayor Bill de Blasio did not include all of their budget priorities, the City Council pledged to continue to advocate toward its goal of strengthening social fairness and fiscal responsibility in New York City.

In a statement released by Councilmembers Justin Brannan, Steven Matteo, Joseph Borelli, Paul Vallone, Barry Grodenchik, and Mark Gjonaj, the Council lauded the Mayors' proposals to add \$125 million to Fair Student Funding and for supports for homeless students. In addition, the Councilmembers cited that the Mayor has begun to reform the capital budget and make the capital commitment plan more realistic.

The Councilmembers also pointed to the almost \$1 billion in additional revenue expected in FY 2018 and asserted that "this revenue has the potential to go a long way toward our goals of strengthening the social safety net, fighting for the middle class, and being responsible with taxpayer money."

They suggested the de Blasio Administration should use this additional revenue to institute Fair Fares, fund a \$400 property tax rebate for middle class homeowners, and put away \$500 million in reserves to strengthen the City's financial position.

Over the coming weeks, the Council will be holding hearings on the Mayor's budget and will continue to push for its social and economic proposals. In its first budget response under the leadership of Speaker Corey Johnson, the Council supports initiatives to:

➤ **Bolster the City's Reserves**

The City needs sufficient reserves in case of an economic downturn in order to avoid raising taxes or making service cuts. The Council wants to boost the reserves by \$500 million.

➤ **Institute Fair Fares**

The Administration should fund a program to provide half-fare MetroCards to individuals and families living below the poverty level so that approximately 800,000 low-income people could save up to \$700 per year.

- **Make Much Needed Capital Investments in NYCHA**

The Council calls on the Administration to provide \$2.45 billion in capital funds to NYCHA to address ongoing critical needs and invest in housing development on NYCHA land. This investment will include \$950 million for boiler repairs and heating equipment technology, \$500 million towards the development of senior housing at NYCHA, and \$1 billion annually to address ongoing capital needs.
- **Property Tax Relief and a Road to Reform**

The Council is calling for a \$400 property tax rebate to all homeowners for their primary residences if they make below \$150,000. In addition, the Council is calling on the Administration to form a property tax reform commission to examine and propose long-term solutions to the system's inequities. That commission will be held jointly with the Council.
- **Direct Education Dollars to Schools**

All public schools should be brought to 100 percent of their Fair Student Funding level.
- **Prioritize Permanent Housing**

In light of the high spending on homelessness, the Council is calling for a reassessment of homeless shelter spending and reallocation of funding to programs that support move outs from the shelter system, including the City Family Exit Plan Supplement, Living in Communities (LINC), and the construction of supportive housing.
- **Improve Accessibility and Security in Schools**

Increase the number of accessible schools, with an emphasis on those districts with a low portion of accessible schools, and install video surveillance security systems at all schools.
- **Present a Budget that Addresses Unfunded State Mandates**

In the State budget adopted on April 1, the State imposed several unfunded mandates and shortfalls on the City that are not reflected in the budget and which must be included to present an accurate picture of the City's financial plan:

 - **MTA Subway Action Plan** - \$254 million
 - **Raise the Age** - \$200 million
 - **Close to Home** - \$31 million
- **Increase Transparency and Accountability in the Budget Presentation to Comply with Charter Mandates**
 - Expense Budget
 - Stop the use of vague and overbroad units of appropriation
 - Provide additional information in the budget function analysis
 - Capital Budget
 - Increase the number of budget lines and make them more specific
 - Create a realistic capital commitment plan so that planned commitments are not front-loaded in the first year or two of the plan
 - Bring appropriations down to 15 percent over planned commitments
 - Encourage MWBE participation in the procurement process



Interrupting Violence At Home: **NYC Initiative to Reduce Domestic Violence**

The de Blasio Administration this week announced *Interrupting Violence At Home*, a citywide effort to address domestic violence through services, training, and intervention for abusive partners who are not involved in the criminal justice system.

Recognizing that the majority of domestic violence is not reported to law enforcement, the City's \$3.3 million investment leverages evidence-informed intervention models to address abusive behavior and reduce future abuse in intimate partner violence relationships. This initiative, the first of its kind in the country, will have the capacity to reach 1,600 individuals across all five boroughs.

"Any kind of violence is unacceptable. But as we keep survivors and families safe, we must also do everything we can to intervene directly with their abusive partners," said First Lady Chirlane McCray, co-chair of the Domestic Violence Task Force and the Commission on Gender Equity. One of the tragic truths underlying domestic violence is that many offenders have themselves been victims of violence and abuse. Hurt people hurt people. But with this program, we will employ new methods of intervening, long before a call to 911."

With these new programs, the City will:

- Create the first City-funded community-based program for abusive partners who are not involved in the criminal justice system.
- Create the first City-funded accountability program for teens who have demonstrated unhealthy relationships with intimate partners and/or family members. The program will create safe, age-appropriate environments that focus youth offending and adolescent development behaviors such as impulse control and emotion management.
- Incorporate Domestic Violence Coordinators at NYC Crisis Management System (CMS) sites to enhance the identification and response to domestic violence in communities served by CMS sites. The rate of domestic violence related calls to NYPD in the CMS precincts is 2.3 times higher than the rest of NYC.
- Work with an expert consultant to develop a blueprint for implementing restorative justice practices in community-based models to address domestic violence in NYC.
- Develop a specialized training curriculum to provide City agency staff working with offender populations with tools to understand offender risk factors, identify high levels of risk, and gain skills to engage with abusive partners.

In New York City, between 2010 and 2016, the NYPD had previous contact with the victim and the offender in only 39 percent of the intimate partner homicides.



Bills Signed by the Mayor

Introduction 241-B, sponsored by Public Advocate Letitia James, establishes a Charter Revision Commission.

Introduction 612-A, sponsored by Speaker Corey Johnson, requires annual anti-sexual harassment training at City agencies.

Introduction 613-A, sponsored by Council Member Adrienne Adams, requires assessing workplace risk factors associated with sexual harassment within City agencies.

Introduction 614-A, sponsored by Council Member Alicka Ampry-Samuel, mandates information about sexual harassment to be made available online for public access.

Introduction 630-A, sponsored by Council Member Robert Cornegy, creates an "Anti-Sexual Harassment Rights and Responsibilities" poster.

Introduction 632-A, sponsored by Council Member Laurie Cumbo, mandates anti-sexual harassment training for private employers.

Introduction 653-A, sponsored by Council Member Mark Levine, mandates annual reporting on workplace sexual harassment within City agencies.

Introduction 657-A, sponsored by Council Member Keith Powers, expands sexual harassment protections to all employees.

Introduction 660-A, sponsored by Council Member Carlina Rivera, makes improvements to clarify and strengthen the City's Human Rights Law.

Introduction 663-A, sponsored by Council Member Helen Rosenthal changes the City's Human Rights Law statute of limitations for sexual harassment to three years.

Introduction 664-A, sponsored by Council Member Helen Rosenthal, relates to climate surveys and action plans to combat sexual harassment.

Introduction 693, sponsored by Council Member James Van Bramer, relates to the Division of Labor Services employment reports. The Mayor will also hold a public hearing and sign.

Briefs

Bills Passed by City Council

Introduction 48-A, sponsored by Council Member Costa Constantinides, would require each long-term sustainability plan required by the charter to contain a wind resource assessment that would identify and map the areas of the city where wind resources are available for the utilization of a wind turbine.

Introduction 50-A, sponsored by Council Member Costa Constantinides, would authorize the installation of small wind turbines designed to generate electricity along with supporting structures.

Introduction 96-A, sponsored by Council Member Peter Koo, would allow residential cooperatives to file a single consolidated energy efficiency report where the cooperative covers multiple buildings on different tax block numbers.

Introduction 598-A, sponsored by Speaker Corey Johnson, would require that city-owned buildings be completely powered by green energy sources by 2050. This bill would also require the commissioner of Citywide Administrative Services to report concerning the implementation of this requirement every ten years.

Introduction 858, sponsored by Council Member Helen Rosenthal, would make amendments to two recently passed legislative bills, Int. 612-A for the year 2018 and Int. 664-A for the year 2018. The amendments clarify that “interactive training” on anti-sexual harassment shall be determined by the Department of Citywide Administrative Services. The amendments further clarify that climate surveys would be available to all agencies for dissemination to agency employees on or before September 30, 2018.



NYC Ferry Now Planning for 9 Million Annual Riders, Growing to Meet Demand

Mayor Bill de Blasio this week announced that NYC Ferry’s ridership could grow to as many as 9 million annual passengers by 2023, twice as many passengers as initially projected, and that the City will invest in a bigger ferry fleet to meet that demand. The Executive Budget includes \$300 million in new capital over the next several years for new 350-passenger capacity ferries, improvements to piers and docks, and a second homeport where ferries will be maintained and repaired. NYC Ferry launched on May 1, 2017.

Original projections predicted 4.6 million riders once all six routes are operational and fully rolled-out. However, NYC Ferry carried 3.7 million passengers in its first year, with only four routes operating—and only two of them running for the entire 12 months. Updated projections based on the first year of service now show that demand could reach as high as 9 million riders per year by 2023. The final two routes of the first phase of ferry service – Soundview and the Lower East Side – are expected to begin operating in late summer 2018. They join the four existing routes: East River, Rockaway, South Brooklyn and Astoria. The City’s Economic Development Corporation will study potential route expansions later this year.

De Blasio Administration Appointments

Mayor Bill de Blasio this week appointed Nisha Agarwal as a Senior Advisor to the Deputy Mayor for Strategic Policy Initiatives Phil Thompson, and Bitta Mostofi, currently Acting Commissioner of the Mayor’s Office of Immigrant Affairs, assumes the title of Commissioner.

Agarwal will take on the role of Senior Advisor to the Deputy Mayor to boost civic engagement among New Yorkers and build DemocracyNYC’s efforts on immigration, disability, and healthcare. Agarwal served as Commissioner of the Mayor’s Office of Immigrant Affairs since the beginning of the de Blasio Administration.

Mostofi will assume the role of Commissioner of the Mayor’s Office of Immigrant Affairs, where she has served since the start of the de Blasio Administration. In 2014, Mostofi was chosen as Campaign Director for IDNYC, was elevated to Assistant Commissioner for External Affairs in 2016, and has served as Acting Commissioner since August 2017 during Agarwal’s medical leave. Mostofi previously worked as an immigration attorney.

Coming Up

New York State

The Legislature is in session Monday May 7th through Wednesday May 9th

New York City

Monday, May 7th

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

Committee on Small Business, Council Chambers – City Hall, 12 p.m.
Executive Budget Hearings

Committee on Economic Development, Council Chambers – City Hall, 12:30 p.m.
Executive Budget Hearings

Committee on Hospitals, Council Chambers – City Hall, 2 p.m.
Executive Budget Hearings

Committee on Housing and Buildings, Committee Room – City Hall, 2 p.m.

Committee on Aging, Council Chambers – City Hall, 3 p.m.
Executive Budget Hearings

Tuesday, May 8th

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

Subcommittee on Capital Budget, Council Chambers – City Hall, 10 a.m.
Executive Budget Hearings

Committee on Fire and Emergency Management, Committee Room – City Hall, 11 a.m.

Committee on Civil Service and Labor, Committee Room – City Hall, 12 p.m.

Committee on Parks and Recreation, Council Chambers – City Hall, 1:30 p.m.
Executive Budget Hearings

Committee on Technology, Council Chambers – City Hall, 3 p.m.
Executive Budget Hearings

Committee on Youth Services, Council Chambers – City Hall, 4 p.m.
Executive Budget Hearings

Wednesday, May 9th

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

Committee on Rules, Privileges and Elections, Council Chambers – City Hall, 11 a.m.

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

Thursday, May 10th

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

Committee on For-Hire Vehicles, Council Chambers – City Hall, 10 a.m.
Executive Budget Hearings

Committee on Environmental Protection, Council Chambers – City Hall, 1 p.m.
Executive Budget Hearings

Friday, May 11th

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

Committee on Criminal Justice, Council Chambers – City Hall, 10 a.m.
Executive Budget Hearings

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