



This Week in New York

Covering New York State and City Government

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May 11, 2018 Edition



In the News – New York State



Acting Attorney General Barbara Underwood

Solicitor General Barbara Underwood was sworn in this week as acting New York State Attorney General, the first woman to serve as the State's chief legal officer.

Acting Attorney General Underwood will run the daily operations of the Attorney General's office following the resignation of Eric T. Schneiderman. As solicitor general, Ms. Underwood was designated as the next-in-line successor to run the office in Mr. Schneiderman's absence.

"I am honored to serve the people of New York as acting Attorney General," she said. "The work of his office is critically important. Our office has never been stronger, and this extraordinarily talented, dedicated, and tireless team of public servants will ensure that our work continues without interruption."



Acting Attorney General Underwood is sworn in this week.

Acting Attorney General Underwood was appointed New York Solicitor General in January 2007. Prior to her appointment, she served as Counsel and as Chief Assistant to the United States Attorney for the Eastern District of New York. From 1998 to 2001 she was the Acting Solicitor General and Principal Deputy Solicitor General of the United States. Also, she has held executive positions in the Queens and Brooklyn District Attorneys' Offices, and served as a trial attorney in the Manhattan District Attorney's Office.

Acting Attorney General Underwood has argued 20 cases in the United States Supreme Court, as well as many cases in the state and federal courts of appeals. She has served as Chair of the Executive Committee and Chair of the Council on Criminal Justice of the New York City Bar Association. She was Professor of Law at Yale Law School, Visiting Professor at New York University School of Law, and Adjunct Professor at Brooklyn Law School. She was a law clerk to Chief Judge David L. Bazelon of the U.S. Court of Appeals for the D.C. Circuit and to Justice Thurgood Marshall of the U.S. Supreme Court.

A graduate of Harvard University (Radcliffe College), the Acting Attorney General earned a J.D. from Georgetown University Law Center, where she graduated first in her class.



Assembly Speaker Carl Heastie Announces Plans for Attorney General Interview Process

Interviews To Begin Tuesday, May 15th

Assembly Speaker Carl Heastie announced the New York State Legislature is accepting applications for consideration to fill the vacancy in the Office of the Attorney General of the State of New York. A public interview process will take place next week.

In response to the resignation of the Attorney General Eric T. Schneiderman, the Legislature will begin the process of interviewing candidates to serve for the remainder of the term. It will establish a committee of legislators to review applicants' resumes and conduct the public interviews. Speaker Heastie has named Assemblymembers Joseph Lentol (Codes Chair), Jeffrey Dinowitz (Judiciary Chair), Crystal Peoples-Stokes (Governmental Operations Chair), and Matthew Titone (Consumer Protection Chair).

According to the Speaker, the interviews will be held by a bi-partisan, bi-cameral committee. The majority and minority conferences of both houses have been invited to participate. The Senate Majority, the Speaker noted, has declined to participate but members are welcome to reconsider joining the public interview process.

Candidates have been asked to submit a resume and cover letter to Kathleen O'Keefe, Legislative Counsel to the Speaker, by 5:00 p.m. Friday, May 11, 2018. No applications submitted after the deadline will be accepted.

Interviews will be held in Albany on Tuesday, May 15th and, if necessary, Wednesday, May 16th. Time and location will be announced later.

All applicants must satisfy the minimum requirements set forth in Article V § 1 of the New York State Constitution which include being a United States citizen, a resident of New York State for the last five years, and, at a minimum, 30 years of age. In addition, all applicants must demonstrate relevant experience and expertise in government and legal matters that are under the jurisdiction of the New York State Department of Law, according to the Speaker.

Governor Cuomo: \$125 Billion Infrastructure Investment Over the Next 5 Years

Governor Andrew Cuomo this week proposed an additional \$125 billion investment in infrastructure over the next five years. The proposal, which did not contain project specifics, is said to build upon Governor's \$100 billion infrastructure initiative. It will include state and federal funding and leverage additional private sector capital.

"From building bridges to revitalizing our subway and rail systems, we have invested more in our infrastructure than any other administration, and now we must take the next step forward with an additional \$125 billion commitment," Governor Cuomo said. "These efforts will improve travel and transportation, strengthen regional economies and increase our state's competitiveness, and make New York stronger and more resilient for future generations."

The program, according to the Governor, will "rebuild and reimagine" the state's infrastructure, with investments in roads and bridges, mass transit and the modernization of the MTA, affordable housing and homelessness, state colleges and universities, clean water infrastructure, health care infrastructure, State Parks and other projects that support the future of communities across New York.

The Governor's current \$100 billion infrastructure plan supports the creation of approximately 450,000 jobs and includes:

- MTA Capital Plan
- Roads and Bridges
- Reimagining John F. Kennedy Airport
- New LaGuardia Airport
- Housing Plan Capital
- Upstate Revitalization Initiative
- MTA Bridges and Tunnels Plan
- Hospital Capital
- Governor Mario M. Cuomo Bridge
- LIRR Reconstruction Plan
- Clean Water Infrastructure
- Penn-Farley
- Downtown Revitalization
- Javits Center Expansion
- Broadband
- Parks Capital Program
- Staten Island Seawall
- Willets Point Station Complex
- Life Sciences Capital Investment

In the News – New York City



Mayor de Blasio Signs Legislation Strengthening Protections Against Sexual Harassment

Mayor Bill de Blasio this week signed 11 bills to combat workplace sexual harassment. These bills mandate anti-sexual harassment trainings in the public and private sectors; make information about sexual harassment available so more New Yorkers know their rights; require sexual harassment data reporting from city agencies; and expand sexual harassment protections under the New York City Human Rights Law.



"As revelations from the #MeToo and Time's Up movements continue to unfold, including the recent troubling events here in New York, it's important victims of sexual harassment know they will always be heard," Council Speaker Corey Johnson said. "All New Yorkers are entitled to a safe, respectful workplace, and the 'Stop Sexual Harassment in NYC Act' sends a strong message to public and private employers that there is no place for sexual harassment in our city. It is our responsibility as legislators to take action and protect all of our constituents by ensuring they feel safe no matter where they are – at work, on the train or in the

company of people they trust. I thank my colleagues, especially the Council's Committee on Women Chair Helen Rosenthal, for their activism and I thank the Mayor for his support. I am immensely proud New York City is leading the charge to end sexual harassment."

Bills Signed by the Mayor

Introduction 612-A, sponsored by Speaker Corey Johnson, requires all city agencies and the offices of the Mayor, borough presidents, Comptroller, and Public Advocate to conduct annual anti-sexual harassment trainings for all employees.

Introduction 613-A, sponsored by Council Member Adrienne Adams, requires all city agencies and the offices of the Mayor, borough presidents, Comptroller, and Public Advocate to assess workplace risk factors associated with sexual harassment as identified by the United States Equal Employment Opportunity Commission Select Task Force on the Study of Harassment in the Workplace.

Introduction 614-A, sponsored by Council Member Alicka Ampry-Samuel, requires the New York City Commission on Human Rights to clearly post resources about sexual harassment on its website, including an explanation that sexual harassment is a form of unlawful discrimination under local law.

Introduction 630-A, sponsored by Council Member Robert Cornegy, requires all employers in the city to display an anti-sexual harassment rights and responsibility poster designed by the Commission on Human Rights.

Introduction 632-A, sponsored by Council Member Laurie Cumbo, requires employers with 15 or more employees to conduct annual anti-sexual harassment training for all employees.

Introduction 653-A, sponsored by Council Member Mark Levine, requires all city agencies, as well as the offices of the Mayor, Borough Presidents, Comptroller and Public Advocate, to annually report on incidents of workplace sexual harassment to the Department of Citywide Administrative Services.

Introduction 657-A, sponsored by Council Member Keith Powers, amends the New York City Human Rights Law to apply provisions related to gender-based discrimination to all employers, regardless of the number of employees.

Introduction 660-A, sponsored by Council Member Carlina Rivera would amend the policy statement of the New York City Human Rights Law to include sexual harassment as a form of discrimination that the New York City Commission on Human Rights shall have the power to eliminate and prevent.

Introduction 663-A, sponsored by Council Member Helen Rosenthal, amends the New York City Human Rights Law to increase the statute of limitations for filing harassment claims based on unwelcome conduct that intimidates, interferes with, oppresses, threatens, humiliates or degrades a person based on such person's gender from one year to three years from the time that the alleged harassment occurred.

Introduction 664-A, sponsored by Council Member Helen Rosenthal, requires all city agencies, as well as the offices of the Mayor, borough presidents, Comptroller and the Public Advocate, to conduct climate surveys to assess the general awareness and knowledge of the city's equal employment opportunity policy, including but not limited to sexual harassment policies and prevention at city agencies.

Introduction 693, sponsored by Council Member James Van Bramer, requires that contractors and subcontractors that apply for city contracts include their employment practices, policies and procedures as they relate to preventing and addressing sexual harassment in the employment report required of proposed contractors and subcontractors.

Briefs

Moratorium on Licensed Home Care Services Agency Applications

As part of the New York State Fiscal Year 2018-2019 budget, a new law was enacted which places a two-year moratorium on the processing and approval of applications seeking the licensure of Licensed Home Care Services Agencies (LHCSAs). This moratorium became effective on April 1, 2018 and will continue until March 31, 2020.

The law, however, does provide for some limited exceptions for the processing and approval of certain LHCSA applications during the moratorium period:

- An application seeking licensure of a LHCSA that is submitted with an application for an Assisted Living Program (ALP) authorized pursuant to section 461-a of the Social Services Law.
- An application seeking approval to transfer/change ownership for an existing LHCSA that has been licensed and operating for a minimum of five years for the purposes of consolidating the licenses of two or more LHCSAs.
- An application seeking licensure of a LHCSA where the applicant demonstrates, to the satisfaction of the Commissioner of Health, that it would be appropriate on the grounds that the application addresses a serious concern such as a lack of access to home care services in a geographic area or lack of appropriate care, language and cultural competence or special needs services.

To comply with the statute, the Department of Health will not accept a LHCSA application unless it meets one of the statutory exceptions.

New York Honors 51 Police Officers Who Made the Ultimate Sacrifice In Service to Their Communities

Annual Police Officers' Memorial Remembrance Ceremony Recognizes Fallen Officers

New York honored 51 police officers who made the ultimate sacrifice in service to communities across New York. The officers from nine local and state law enforcement agencies were recognized this week at the annual Police Officers' Memorial Remembrance Ceremony.

The names of the 48 men and three women—the most added in a single year since 2002—join others chiseled into the polished black granite memorial at the Empire State Plaza in Albany. The memorial includes 1,504 names of officers from 145 police agencies across the state and six federal agencies.

This year's additions include 9 officers who died in the line of duty, 24 officers who died as a result of illnesses or injuries sustained at the World Trade Center; and 29 "historical deaths," officers who died in service to their communities in prior years, but the agencies for which they worked had not previously submitted applications for their inclusion.

The event is coordinated annually by the state Division of Criminal Justice Services.

Statewide Enforcement Campaign to Stop Underage Drinking

A crackdown on underage drinking coordinated by the State Liquor Authority (SLA), the Department of Motor Vehicles (DMV) and local law enforcement agencies targeted 756 establishments, 200 of which made illegal sales. In addition, this April, DMV investigators arrested 48 people under the age of 21 attempting to use false identification to purchase alcohol

The SLA conducted 56 underage details in 45 counties, with investigators sending underage decoys into 756 establishments holding liquor licenses, including bars, restaurants, liquor stores and grocery stores, looking for retailers who sell alcohol to minors. During the investigations, SLA investigators entered the licensed premises separately from the undercover minor to observe and verify when illegal transactions occurred. The decoys were able to purchase alcohol at 200 businesses listed [here](#). The 556 businesses that refused to sell to underage decoys are listed [here](#).

As part of DMV's Operation Prevent Initiative, investigators arrested 48 people for possessing false identification and seized 47 fake identifications during the month of April.

Operation Prevent is an ongoing enforcement campaign which targets not only bars and drinking establishments, but concerts, events and other underage hot spots. As the summer concert season gets underway, DMV investigators will ramp up enforcement at these events.

NYC Designated as an Official Coast Guard City

Mayor de Blasio welcomed the Commandant of the United States Coast Guard, Admiral Paul Zukunft, to City Hall for a ceremony recognizing New York City as the nation's largest official Coast Guard City.

Established by Congress in 1998, a Coast Guard City is an honorary designation recognizing special efforts to celebrate the service and sacrifice of Coast Guard men and women. This designation recognizes New York City's longstanding efforts to embrace Coast Guard men, women, and families stationed at Fort Wadsworth, Staten Island during their tour of duty in New York City.

Coming Up

New York State

The Legislature is in session Monday, May 14th - Wednesday, May 16th

Wednesday May 16th

Lawsuit Lending

Senate Standing Committee on Consumer Protection, Legislative Office Building, Van Buren Hearing Room A, Albany, 12:00 p.m.

Thursday May 17th

Opioid Overdose Reversal Drugs: Assessing and Improving Access to and Availability of Drugs to Prevent Opioid Overdose Deaths

Joint Assembly Standing Committee on Alcoholism and Drug Abuse, Committee on Health, and Committee on Insurance, Assembly Hearing Room, 250 Broadway, Room 1923, New York, 11:00 a.m.

New York City

Monday May 14th

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

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

Committee on Justice System, Council Chambers – City Hall, 1 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.

Tuesday May 15th

Subcommittee on Zoning and Franchises, Committee Room, 16th Floor – 250 Broadway, 9:30 a.m.

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

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

Committee on Juvenile Justice, Council Chambers – City Hall, 1 p.m.
Executive Budget Hearings

Subcommittee on Planning, Dispositions and Concessions, Committee Room, 14th Floor – 250 Broadway, 2 p.m.

Committee on Fire and Emergency Management, Council Chambers – City Hall, 3 p.m.
Executive Budget Hearings

Wednesday May 16th

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

Committee on Public Housing, 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 Transportation, Council Chambers – City Hall, 2 p.m.

Thursday May 17th

Committee on Land Use, Committee Room, 16th Floor – 250 Broadway, 11 a.m.

Committee on Finance, Council Chambers – City Hall, 11 a.m.
Executive Budget Hearings

Committee on Sanitation and Solid Waste Management, Council Chambers – City Hall, 11 a.m.
Executive Budget Hearings

Committee on Governmental Operations, Council Chambers – City Hall, 1 p.m.
Executive Budget Hearings

Friday May 18th

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

Committee on Mental Health, Disabilities, and Addiction, Council Chambers – City Hall, 10 a.m.
Executive Budget Hearings

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

Committee on Cultural Affairs, Libraries and International Intergroup Relations, Council Chambers – City Hall, 12 p.m.

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