



# This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

March 15, 2019 Edition



## In the News – State



2020  
BUDGET

### “Written in Fantasy Land”

-Chief of Staff Melissa DeRosa

The Senate and Assembly passed their respective one-house budgets this week, spending “billions more” than the Executive Budget and evoking the fiscal conservative ire of the Cuomo Administration.

The Assembly came in with a \$175.6 billion spending plan, \$711 million higher than the Executive Budget. This proposal would increase funding for health care, housing, education, higher education, local governments, and transportation. It is fueled by a new pied-à-terre tax, which authorizes New York City to establish a progressive property surcharge (ranging from 0.3 percent to four percent) on secondary homes that are valued at over \$5 million and a progressive transfer tax on the conveyance of properties over \$5 million (ranging from a 0.3 percent tax on transfers of \$5 million to a 1.5 percent tax on transfers over \$1 billion). [Assembly One-House Budget Narrative](#)

The Senate plan spends “nearly \$3.5 billion” more than the Executive, according to the state Division of Budget, and, like the Assembly, increases funding in most areas. The Senate also supports the pied-à-terre tax and put forth a proposal to expand the State’s foray into sports betting including the use of mobile apps. The Senate supports holding the 2% tax cap on property tax permanently (which the Assembly omitted). [Senate One-House Budget Resolution](#)

As anticipated, the increased spending (foretold by leaders’ inability to come to a consensus on available revenues) has the Cuomo administration on red alert, with Chief of Staff Melissa DeRosa creating the characterization that the legislative budget stories were “written in fantasy land.”

Budget Director Robert Mujica continued the analogy on Thursday, slamming the increased spending of the Senate.

“The Senate one house budget is wholly incredible,” Budget Director Mujica said. “The Senate’s plan would increase spending by nearly \$3.5 billion, compared to the Executive Budget while identifying no material spending cuts or new revenues. At least the Assembly plan, while raising spending, proposes new taxes to partially pay for the additions (which are not acceptable to us and is still billions out of balance) . . . It is like the \$3 billion New York was supposedly giving to Amazon. It never existed. There is no funding for Nassau’s tax assessment, there is no \$3.5 billion of extra spending as the Senate promises its supporters. The continued creation of these false political expectations makes the reality of an on-time, responsible government budget virtually impossible.”

Riffing off the week's rhetoric, Senate Democrat spokesman Michael Murphy tweeted in response, "Sounds like this statement was written in fantasyland."

Meanwhile, the rank and file legislators are doing their best to keep the budget rhetoric heated in the public sessions as well.

During the Senate debate on the budget resolution, Rochester Senator Joseph Robach emphasized that spending must be allocated for programming across the state, not concentrated in one geographic area. He detailed a long list of Western New York community initiatives that would no longer receive funding under the proposed Senate plan.

Meanwhile, Brooklyn Senator Roxanne Persaud, speaking at the initial Human Services budget conference committee, asserted that past social service budgets treated New York City like a "step child." Assemblymember Yuh-Line Niou added that in prior years, the "social services budget looked like a member item list of a specific senator."

The State's fiscal year closes in 16 days and the legislative leaders are faced with the challenge of making fantasy reality. In addition, they must overcome Senate Democratic Derangement Syndrome (SDDS), which Senate Majority Leader Andrea Stewart Cousins "diagnosed" as the reason for the Governor Cuomo's recent criticism.

The Legislature returns on Monday, for a three-day session week, and then closes out with month with a full week of session.



## **Bills Passed by Both Houses**



**A3974 (Sponsored by M of A Aubry / Senator Persaud)** -- Relates to sentencing and resentencing in domestic violence cases.

**A5979A (Sponsored by M of A Jones / Senator Breslin)** -- Relates to signatures for designating petitions for political subdivisions outside the city of New York and the counties of Erie and Nassau.

**S1264 (Sponsored by Senator Gianaris / M of A Dinowitz)** -- Relates to the admissibility of images, maps, locations, distances, calculations or other information for a web mapping service.

**S1276 (Sponsored by Senator Funke/ M of A Cusick)** -- Relates to permitting certain physicians to practice medicine in New York state if they are licensed to practice in another state or territory.

**S2300A (Sponsored by Senator Kavanagh / M of A Lavine)** -- Enacts the voter friendly ballot act.

*S2714 (Sponsored by Senator Savino / M of A Jaffee)* -- Relates to services for relative and non-relative kinship caregivers.

*S4023 (Sponsored by Senator Serrano / M of A Glick)* -- Extends health care professionals' authorizations to practice in this state at an event sanctioned by New York Road Runners.

## *In the News – City*



### **NYC Resiliency Plan**

Mayor de Blasio this week released the NYC Resiliency Plan for Lower Manhattan which includes developing a plan to extend the Manhattan shoreline into the East River to protect the Seaport and Financial District area. In addition, the city will advance \$500 million for four capital projects to reinforce Lower

Manhattan's coastal areas and provide interim flood protections for the Seaport, parts of the Financial District and Two Bridges neighborhoods, to begin construction between 2019 and 2021.

According to the Mayor, since Hurricane Sandy, the City has worked to assess the impacts and risks of climate change and analyze coastal protection options along the 3.3 miles of shoreline comprising Lower Manhattan. The Resilience Study projects that by the 2050s, 37 percent of properties in Lower Manhattan will be at risk from storm surge. By 2100, with over 6 feet of projected sea level rise, almost 50 percent of properties will be at risk from surge, and 20 percent of Lower Manhattan streets will be exposed to daily tidal inundation. Groundwater table rise is projected to put 7 percent of buildings at risk of destabilization and expose 39 percent of streets with underground utilities to corrosion and water infiltration.

#### **Seaport & Financial District – Extending the shoreline into the East River**

The shoreline may be extended by a maximum of 500 feet, or two full city blocks. This will create a new piece of land with high points at or above 20 feet from current sea-level. The new shoreline will act as a flood barrier during storms and protect the neighborhoods against projected sea-level rise. The exact extent of the new shoreline, along with the design and construction of this innovative flood protection system, will be determined through an extensive public engagement process.

To begin this process, the City will immediately procure a team of engineers and designers through a Request for Qualification RFQ later this month. The Master Planning Process will be complete in 2021 and will identify a first phase project.

### **Protecting Against Future Risks**

The City is advancing approximately \$500 million worth of investments in climate resilience as part of an overall strategy that includes both capital projects and additional planning for increasing the resilience of Lower Manhattan including the South Street Seaport area, parts of the Financial District and Two Bridges neighborhoods, Battery Park City, and The Battery.

### **Updated Climate Resiliency Design Guidelines**

As part of ongoing citywide efforts to increase the resiliency of City buildings and infrastructure to the impacts of climate change, the City also released the third version of its Climate Resiliency Design Guidelines.



## **Bills Approved by the Council**

**Introduction 464**, sponsored by Council Member Daniel Dromm, would require the Department of Health and Mental Hygiene (DOHMH) to investigate potential sources of elevated blood lead levels in children, including the inspection of any dwelling where a child with an elevated blood lead level spends 10 or more hours per week.

**Introduction 709**, sponsored by Council Member Jimmy Van Bramer, would require the Department of Environmental Protection (DEP) to provide, on the city's website, an interactive map with information regarding the known lead water service lines and to make best efforts to identify all lead water service lines, including privately owned service lines.

**Introduction 865**, sponsored by Council Speaker Corey Johnson would reduce the city's blood lead reference level; the city's lead paint definition; and lead dust definition.

**Introduction 871**, sponsored by Council Member Joseph Borelli, would require that any testing of water from a fixture or other source for lead that is required by law includes a first-draw sample from such source.

**Introduction 881**, sponsored by Council Member Daniel Dromm, would require the Department of Health and Mental Hygiene (DOHMH) to establish and implement an education and outreach program to increase awareness of childhood lead poisoning prevention.

**Introduction 918**, sponsored by Council Member Ritchie Torres, would expand reporting requirements under the city's existing lead laws for the Department of Health and Mental Hygiene (DOHMH) and the Department of Housing Preservation and Development (HPD). The legislation would also strengthen the city's auditing of landlords to ensure their compliance with the requirements under the city's lead laws.

**Introduction 920**, sponsored by Council Member Mark Treyger, would extend current requirements for day care facilities operating in structures erected before January 1, 1978, to other facilities serving children under 6, including preschools, nursery schools, and, where applicable, elementary schools.

**Introduction 1063**, sponsored by Council Member Robert Holden, would require notice to the community board and to the Council Member within five business days of discovering or becoming aware of a hazardous level of lead in soil as a result of an environmental subsurface investigation in any city development project.

**Introduction 1117**, sponsored by Council Member Laurie Cumbo, would require certain city agencies to provide materials describing building owners' responsibilities under the city's lead laws, including their duty to remediate all lead-based paint hazards upon turnover of any dwelling unit, to parents or guardians of a child under 7 years of age, when such parents or guardians seek services from such agencies.



## **NYC Schools Underreporting Bullying**

An audit released this week by New York State Comptroller Thomas DiNapoli found the NYC Department of Education (DoE) was not doing enough to report incidents of bullying, harassment, and discrimination as required by the state's Dignity for All Students Act (DASA).

According to the Comptroller, complaints of student-to-student bullying, discrimination and harassment in NYC schools are supposed to be entered into the DoE's online database within 24 hours. Any incidents that DoE determines are material DASA-related incidents of bullying, discrimination, or harassment based on differences of gender, race, ethnicity, sexual orientation, gender identity or other qualities, are to be reported annually to the State Department of Education (SED).

While officials at the schools visited by Comptroller DiNapoli's auditors said the reporting system itself can be challenging, the audit found many errors in identifying incidents and evidence of significant underreporting that could be corrected through better training.

Comptroller DiNapoli's auditors found during visits to 25 schools that incidents were not always recorded in DoE's database because staff differed on when something had to be reported. In addition, the audit found DoE maintains conflicting guidelines on what constitutes bullying. The agency's Discipline Code says bullying is "a pattern of behavior," while the Commissioner's regulations state bullying may be "a single verified incident or a series of related verified incidents." This has resulted in an inconsistent understanding among staff, which influenced incident reporting.

For school year 2015-2016, DoE did not report any material incidents to SED for 670 of 1,600 schools and in 2016-2017, it did not report any material incidents for 570 schools. Moreover, in both years, DoE did not report any material incidents at 387 of those schools. Among the schools with no reported incidents for three years running are some of DoE's largest.

The audit notes that the high number of schools reporting no material incidents, particularly middle schools (20 percent) and high schools (17 percent), is indicative of a risk of significant underreporting.

DoE's annual survey of parents, teachers and students in grades 6 through 12 seems to contradict the absence of incidents. At some schools with no reported incidents, a significant number of students responded to the survey that harassment, bullying and intimidation occurred "Most of the time" or "Some of the time."

In its response, the DoE disagreed there were conflicting definitions of bullying or that the large number of incidents reported as "Other" reflected a problem. It stated that it is fully in compliance with DASA requirements. It did, however note that it has taken steps to increase awareness and means of reporting, including creating a parent portal for complaints and a web-based training module. It has also changed its review process to include all incidents for possible reporting to the state, not just those listed under one of the 18 codes it considers DASA-related.

## ***Briefs***

### **Governor Cuomo Launches "No Tax Cap - No Deal!" Campaign to Make Property Tax Cap Permanent**

Governor Andrew Cuomo this week launched the "No Tax Cap - No Deal!" campaign to make the property tax cap permanent. Earlier this week, the Governor vowed that he will not sign a budget without the permanent property tax included. The State Senate included the provision in its one house budget, but the Assembly did not.

"The highest tax in the state is the property tax and it is a killer," Governor Cuomo said. "We want to reduce economic pressure on families by making sure government is not aggravating the problem with increased expenses. We're going to cut your state income tax and we're going to cap your property taxes so you know it's not going higher than 2 percent. And I will tell you this as sure as I am before you today: if we do not have the permanent property tax cap in that state budget, this hand will never sign that state budget until it's in there."

### **Senate & Assembly Agree to Janus-Inspired Budget Protections**

The Senate and Assembly one-house budget proposals agree with Governor Andrew Cuomo on a proposal "deeming the disclosure [by state entities] of personal information of public employees as improper practice, unless it relates to union enrollment or compelled by court order or subpoena." The proposed language would codify an Executive Order put forth last year following the Supreme Court's Janus decision. It is intended to prevent anti-union interests from easily reaching public sector union members to encourage them to leave their unions.

## **NYS Taskforce on Maternal Mortality Releases Recommendations**

The New York State Taskforce on Maternal Mortality and Disparate Racial Outcomes this week released its recommendations following a six-month review. Although New York State has reduced maternal mortality rates over the past eight years, black women in New York are still two to three times more likely to die in childbirth than white women. The Taskforce developed the following 10 recommendations:

1. Establish a Statewide Maternal Mortality Review Board in Statute
2. Design and Implement a Comprehensive Training and Education Program for Hospitals on Implicit Racial Bias
3. Establish a Comprehensive Data Warehouse on Perinatal Outcomes to Improve Quality
4. Provide Equitable Reimbursement to Midwives
5. Expand and Enhance Community Health Worker Services in New York State
6. Create a State University of New York (SUNY) Scholarship Program for Midwives to Address Needed Diversity
7. Create Competency-Based Curricula for Providers as well as Medical and Nursing Schools
8. Establish an Educational Loan Forgiveness Program for Providers who are Underrepresented in Medicine and who Intend to Practice Women's Health Care Services
9. Convene Statewide Expert Work Group to Optimize Postpartum Care in NYS
10. Promote Universal Birth Preparedness and Postpartum Continuity of Care

## **New Measures to Assist Immigrants and Protect Them from ICE**

The Cuomo administration this week announced two new measures to assist and protect immigrants targeted by ICE and the federal government's anti-immigrant policies in their communities. The Liberty Defense Project has selected regional providers and attorneys for a Rapid Response Program to better respond to unanticipated ICE enforcement actions, targeted raids and sweeps statewide. Also, the Office for New Americans has selected 21 new Opportunity Centers across the state to deliver services, education, and guidance to immigrants in their own neighborhoods.

"While the federal government continues to threaten our immigrant communities, New York will not stop fighting to protect the rights of new Americans," Governor Andrew Cuomo said. "With this new program and expanded opportunity centers, we are ensuring vulnerable immigrants who are unfairly targeted by ICE have the legal assistance and services they need to achieve their full potential in New York."

## **\$1.7 Million ThriveNYC Geriatric Mental Health Expansion**

NYC this week announced a \$1.7 million expansion of mental health services through the ThriveNYC DFTA Geriatric Mental Health Initiative. The funding will expand the program up to 25 additional senior centers, allowing DFTA to place more licensed clinicians in centers across the City and help ensure seniors have access to mental health services to help them battle issues ranging from depression and anxiety to highly disruptive behaviors.

DFTA is currently conducting an assessment to determine where the new Geriatric Mental Health sites will be placed. Factors being considered include the need for services and available space, as well as ensuring geographic, socioeconomic, and language needs of communities are met.

## **City Parks Department Proposes Ban on Feeding Animals in Parks**

The New York City Parks Department is reviewing a new rule which would make feeding any animals in the City's parks illegal. It is currently illegal to feed any animals except for squirrels and some birds, including pigeons. The new rule would include those animals as well, and denote feeding an "abuse of park animals."

According to published reports, a Parks department spokesperson indicated that the rule will enhance the cleanliness of the parks and reduce the attraction of rodents. The Department will review comments on the rule and make a decision in the summer.

## **NYC Provides Help for Small Businesses**

The City has successfully implemented *Small Business First*, a set of interagency policy and procedural changes that are expected to save businesses \$50 million annually. Since the launch of this initiative in 2016, the time to complete common business transactions, such as obtaining permits and licenses, has been reduced by 30 percent. The initiative:

- Launched the NYC Business Portal, an online platform that allows business owners to track licenses, permits, and violations in one place. The portal boasts nearly 3 million visits and nearly 14,000 business accounts since June 2016.
- Established a Small Business Support Center in Jamaica, Queens that offers business owners in-person support from multiple City agencies
- Revised the Rules of the City of New York to simplify regulations. This includes 80 rule modifications that positively impact businesses.
- Streamlined filing and review processes for regulations by eliminating areas of overlap between agencies. This is expected to save businesses a total of about \$10.5 million in fees and 1.5 months in total processing time.
- Reduced the amount in fines collected by the City by over 30 percent and reduced the number of violations issued to businesses and commercial properties by nearly 10 percent.

## ***Coming Up***

### ***New York State***

***The Legislature is in session Monday March 18<sup>th</sup> through  
Wednesday March 20<sup>th</sup>***

## ***New York City***

### ***Monday March 18<sup>th</sup>***

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

***Committee on Small Business***, Committee Room – City Hall, 10 a.m.

***Subcommittee on Planning, Dispositions and Concessions***, Committee Room – 250 Broadway, 16<sup>th</sup> Floor, 1 p.m.

***Committee on Oversight and Investigations***, Committee Room – City Hall, 1 p.m.

***Charter Revision Commission 2019***, Council Chambers – City Hall, 6 p.m.

### ***Tuesday March 19<sup>th</sup>***

***Subcommittee on Zoning and Franchises***, Committee Room – City Hall, 9:30 a.m.

***Committee on Public Safety***, Council Chambers – City Hall, 10 a.m.  
Preliminary Budget Hearing

***Subcommittee on Landmarks, Public Siting and Maritime Uses***, Committee Room – 250 Broadway, 16<sup>th</sup> Floor, 12 p.m.

***Committee on Justice System***, Council Chamber – City Hall, 2:30 p.m.  
Preliminary Budget Hearing

### ***Wednesday March 20<sup>th</sup>***

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

***Committee on Immigration***, Committee Room – City Hall, 2 p.m.  
Preliminary Budget Hearing

### ***Thursday March 21<sup>st</sup>***

***Charter Revision Commission 2019***, Council Chambers – City Hall, 6 p.m.

### ***Friday March 22<sup>nd</sup>***

***Committee on Housing and Buildings***, Council Chambers – City Hall, 10 a.m.  
Preliminary Budget Hearing

***Subcommittee on Capital Budget***, Council Chambers – City Hall, 11 a.m.  
Preliminary Budget Hearing

*Committee on Public Housing*, Council Chambers – City Hall, 2 p.m.  
Preliminary Budget Hearing

*Subcommittee on Capital Budget*, Council Chambers – City Hall, 2 p.m.  
Preliminary Budget Hearing

# Happy St. Patrick's Day

From Pitta Bishop & Del Giorno LLC



---

**Disclaimer:** The materials in this *This Week in New York* report are provided for informational purposes only and are not intended to be a comprehensive review of legislative or governmental or political developments, to create a client-consultant/lobbyist relationship, or to provide consulting, lobbying or political advice. Readers are cautioned not to attempt to solve specific problems on the basis of information contained in this *This Week in New York*. If consulting, lobbying or government relations advice is required, please consult a professional expert in such matters. The information contained herein, does not necessarily reflect the opinions of Pitta Bishop & Del Giorno LLC, or any of its members or employees or its clients. Neither Pitta Bishop & Del Giorno LLC, nor its members or employees make any warranty, expressed or implied, and assume no legal liability with respect to the information in this report, and do not guarantee that the information is accurate, complete, useful or current. Accordingly, Pitta Bishop & Del Giorno LLC is not responsible for any claimed damages resulting from any alleged error, inaccuracy, or omission. This communication may be considered an advertisement or solicitation.

---

To request that copies of this publication be sent to a new address or fax number, to unsubscribe, or to comment on its contents, please contact Theresa Cosgrove at [tcosgrove@pittabishop.com](mailto:tcosgrove@pittabishop.com) or at (518) 449-3320.

**To Our Clients:** If you have any questions regarding any of the matters addressed in this newsletter, or regarding any legislative, government relations or political or consulting or related issues in general, please contact the Pitta Bishop & Del Giorno LLC professional with whom you usually work.

***This Week in New York*** is a publication of Pitta Bishop & Del Giorno LLC.

120 Broadway, 28th Floor  
New York, New York 10271  
Telephone (212) 652-3890  
Facsimile (212) 652-3891

111 Washington Avenue, St. 401  
Albany, New York 12210  
Telephone (518) 449-3320  
Facsimile (518) 449-5812

25 Hyatt Street, St. 202  
Staten Island, New York 10301  
Telephone (718) 943-1050  
Facsimile (718) 943-1051