



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

March 13, 2020 Edition



In the News – State



US Mobilizes to Contain Novel Coronavirus

Events with 500 or More Individuals in Attendance to Be Cancelled or Postponed

Any Gathering Under 500 Individuals in Attendance Will Be Required to Cut Capacity by 50 Percent

New Limits on Visitations to Nursing Homes - Only Medically Necessary Visits Allowed

First Public Drive-Through Testing Facility on the East Coast, Located in New Rochelle,

President Donald Trump today declared a national emergency and Governor Andrew Cuomo this week announced a number of containment directives aimed at stemming the progress of the corona virus.

In announcing the state of emergency, the President indicated that he is working in conjunction with Governor Cuomo and other governors, as well as well with various segments of private industry.

The New York State initiatives include constructing a one-mile containment zone in New Rochelle, instituting limits on mass gatherings, moving the State University of New York (SUNY) and the City University of New York (CUNY) to an online instruction platform, and restricting visitation at nursing homes across the state. In addition, the State has increased its virus testing capacity.

Last weekend the Governor issued an Executive Order declaring a disaster emergency in the State of New York. This [state of emergency declaration](#) includes:

- Allowing qualified professionals other than doctors and nurses to conduct testing.
- Expedited procurement of testing supplies and equipment.
- Expedited leasing of lab space.
- Allowing EMS personnel to transport patients to quarantine locations other than just hospitals.
- Providing clear basis for price gouging and enforcement investigation.

This week Governor Cuomo accepted the recommendation of State Health Commissioner Dr. Howard Zucker for emergency measures to contain the novel coronavirus cluster in New Rochelle. The protocols include closing schools, houses of worship and other large gathering facilities within a one-mile radius in New Rochelle for a two-week period, from Thursday, March 12th to Wednesday, March 25th. In addition, The Governor has deployed National Guard troops to a Health Department command post in New Rochelle to assist with the outbreak. The troops are mobilizing to deliver food to homes and help with cleaning public spaces in the containment area.

Yesterday, Governor Cuomo directed statewide gathering restrictions that go into effect at 5 p.m. today. (Limits at New York City's Broadway Theaters began yesterday.) Under the regulations, events with 500 or more individuals in attendance are to be cancelled or postponed. Events, gatherings, or places of business with less than 500 individuals in attendance will be required to cut capacity by 50 percent, with exceptions being made for spaces where individuals do not make sustained close contact, such as schools, hospitals, public buildings, mass transit, grocery stores and retail stores.

Governor Cuomo also announced only medically necessary visits will be allowed at nursing homes. This policy will be effective Friday at 5 pm. The state is also asking nursing homes to set up skyping and other online communication capacity so families can tele-visit their loved ones. Additionally, the state will require health screenings for all nursing home workers each day when they enter a facility and require them to wear surgical masks to guard against any potential asymptomatic spread.

In order to increase testing capacity, the State is contracting with BioReference Laboratories to run an additional 5,000 tests per day. These additional 5,000 tests per day will come online next week. This additional testing capacity is on top of the 28 private labs the Governor announced are partnering with the state in the coming days and weeks. Additionally, the Governor announced the first public drive-through testing facility on the east coast will start testing people today in New Rochelle. Testing will be done by appointment only. New Rochelle residents who have been quarantined will be tested first.

The State is taking measures to create a reserve workforce of health care professionals in the event of a staffing shortage and identify state facilities that can be used as temporary hospitals. The State is asking former doctors, nurses and other health care professionals to reconnect with their former employers and offer to work on an on-call basis in the cases of a staffing shortage. The State is also identifying National Guard medics for reserved staffing and contacting medical schools to identify possible reserve health care professionals. Additionally, the Department of Health is accelerating regulations to get more health care personnel trained so they can work in other areas.

For all schools in communities with the highest rates of positive cases, Governor Cuomo said the state will be taking proactive steps to implement protocols that limit mass contact.



Governor Cuomo Asks NYS Comptroller to Revisit Revenue Projections in Light of Market Impact of Novel Coronavirus

Governor Andrew Cuomo on Tuesday requested that New York State Comptroller Thomas DiNapoli revisit the state's revenue projections in light of the market impact of the novel coronavirus. The Governor requested the projection within seven days.

Earlier this month, the Governor and the Legislature came to a consensus revenue forecast that the state would have an additional \$700 million in revenues for the 2020-2021 fiscal year. However, as the coronavirus spreads across the State, the "outlook has deteriorated." The State's 2020-2021 fiscal plan is due April 1st.

"As you know the world has changed in just the past few days and weeks," Governor Cuomo wrote in a letter to the Comptroller. "The world financial market volatility will no doubt impact our economic growth forecast for the next State Fiscal year and revenue from the financial sector. The COVID 19 epidemic could impact virtually every sector of society with school closures, travel disruptions, empty restaurants and hotels, and canceled business meetings."

The legislative leaders and the Governor are moving into the final stages of budget negotiations. The Legislative one-house budgets will be released next week and the State's leaders will then work for a consensus spending plan over the remaining two weeks.

"Our budget relies on two projections: current year and next year revenue projections and underlying economic growth forecasts," the Governor explained. "I can see how the current State Fiscal year's projections may be largely secure but I would like the benefit of your thoughts. I see possible major impacts on next year's forecast and would like your opinion on next year's revenue projections and what we should do, if anything, in this year's budget to prepare for next year."

State Senate Majority Leader Andrea Stewart-Cousins, D-Westchester, acknowledged the focus on the budget has shifted to curbing the spread of COVID-19.

"We are appropriately focused on what is really happening in our state, in the country," she told reporters Wednesday. "So, obviously we are doing business, but the focus is on what's happening in so many of our communities across the state...I think we have to focus on our priorities and of course our priority is always going to be public health."



Bills Passed Both Houses



S6935/A8973 Sponsored by Senator Benjamin/M of A Simotas - Amends the State' Equal Pay Statute by the removing the private right of action and providing that pay differentials based on collective bargaining agreements will not constitute a violation.

S6950/A8970 Sponsored by Senator Goundardes/M of A Pheffer Amato - Clarifies requirements for granting benefits to individuals who participated in World Trade Center rescue and cleanup efforts. The bill extends eligibility to those who have filed a notice of participation under the Workers' Compensation Law, provides that the President of the Civil Service Commission shall review claims, clarifies the rights and obligations of employers and employees relating to use of the sick leave and provides that appeals should be in accordance with Article 78 of the Civil Procedure Law.

S7013/A8732 Sponsored by Senator May/M of A Lupardo - Authorizes the manufacture and sale of ice cream or other frozen desserts made with liquor.

S7191/A9786 Sponsored by Senator Harckham/M of A Buchwald - Makes technical changes to the law requiring disclosure if the property subject to lien is real property improved or to be improved with a single family dwelling.

In the News – City



De Blasio Declares NYC State of Emergency to Stem Coronavirus

Mayor Bill de Blasio on Thursday declared a state of emergency in the City over the spread of coronavirus, authorizing 10% of city employees to work from home and putting another 20% on staggered schedules, “as much as possible away from the rush hours.” The changes will affect up to 100,000 municipal employees.

According to the Mayor, the declaration gives the city a range of new authority, including the power to establish curfews, shut down public transit, close public spaces, ration goods, impose price restrictions and suspend alcohol sales.

Mayor De Blasio declared that New York City's public schools would remain open despite the outbreak, but extracurricular activities will be curtailed and parent-teacher conferences will be conducted online. Any individual school closure decisions will be decided on a case by case basis.

A special election scheduled for March 24 for Queens borough president will go forward, but the Mayor encouraged campaigns to suspend door-to-door canvassing and instead campaign virtually.

New York City Comptroller Scott Stringer on Thursday indicated that his office's staff will "work from home under further notice. Additional information regarding telecommuting will be provided to all Comptroller's Office employee via email. All functions of the office will continue."



Speaker Corey Johnson Issues Sustainability Report

New York City Council Speaker Corey Johnson this week unveiled his [*Securing Our Future: Strategies for New York City in the Fight Against Climate Change*](#), a sustainability report laying out a "blueprint" to help the City address climate change.

"We must take aggressive measures to adapt to and mitigate climate change. The science is indisputable – if we don't make changes now to reduce greenhouse gas emissions and halt global warming, our planet and our city will suffer long-standing and irreversible effects. These strategies outline a path forward for New York City to continue to aggressively fight against climate change..." said Speaker Corey Johnson.

The Council's recommendations in the 189-page report are divided into four sections: Resiliency; Energy and Emissions; Sustainable, Circular Economy; and Green Jobs Pipeline.

Resiliency

Focuses on planning for climate change and protecting New York City today and in the future. Areas covered include coastal resiliency, adapting to rising temperatures, green infrastructure and sustainable surfaces, and citywide resiliency planning. Proposals include:

- **Develop a comprehensive five-borough vision to protect every vulnerable part of our shoreline:** This Council will consider legislation to develop a plan to protect every vulnerable part of our shoreline. It will be voted on this year and will be a priority for the Council.
- **Ensure that climate change is considered into capital planning:** The Council will consider legislation to require that climate change be considered when evaluating all proposed capital project investments in infrastructure or facilities.

- **Conduct a full assessment of all critical municipal infrastructure and buildings, informed by future climate projections:** The Council will work to ensure that critical infrastructure like our schools, hospitals, fire houses and police precincts are prepared and continue to deliver important services in a climate change future.
- **Properly track every heat-related death:** The City Council will consider legislation requiring the New York City Department of Health and Mental Hygiene (DOHMH) to re-evaluate its metrics to ensure that all heat-related deaths are appropriately counted.

Energy and Emissions

Focuses on concrete steps the City can take to reduce greenhouse gas emissions and support the transition from fossil fuels to a clean energy economy.

- **Work with the State to transmit more clean energy to our homes and businesses:** The City Council will advocate for at least half of the State's planned 9,000 MW of offshore wind power by 2035. The City Council also calls on the State to ensure that new transmission lines are developed to connect upstate-generated renewable energy to New York City.
- **Renewable Rikers:** The City Council will work to ensure the future of Rikers Island advances the City's transition to renewable energy, decreases citywide emissions and localized air pollution, and creates green jobs for New Yorkers.
- **District-scale renewable energy:** The City Council will consider legislation requiring a district-scale clean energy project, which will bring together a network of buildings to provide heating, cooling, and hot water needs without fossil fuels.
- **Require all new construction to be "electrification-ready":** The City Council will consider legislation requiring new construction and buildings undergoing extensive renovations to be fully electrification-ready.
- **A 100% zero emission school bus fleet by 2040:** The City Council will consider legislation that will replace diesel school buses with zero-emission school buses by 2040.

Sustainable, Circular Economy

Focuses on developing a system that reduces waste and pollution through innovative design, increased access to recycling, and support for groundbreaking, sustainability-focused work.

- **Bring curbside organics pickup to every New Yorker:** The City Council will consider legislation providing all New York City residents with access to organics recycling.
- **Require the beneficial reuse of construction and demolition material:** The City Council will consider legislation requiring certain C&D materials to be recycled for beneficial reuse.
- **Citywide textile recycling:** The City Council will consider legislation mandating textile recycling to ensure textiles are not disposed of with household trash.
- **Use a Trash Wheel to Clean the City's Waterways:** The City should conduct a study in collaboration with experts in the field of marine waste and the city's waterways and deploy a trash wheel in New York City.

Green Jobs Pipeline

Focuses on how the City can create good paying, sustainable jobs that employ a diverse workforce, and that will be in high demand as the City achieves resiliency, clean energy, and circularity. Proposals include: focusing the Office of Workforce Development on building a sustainable and green workforce; creating additional career and technical education (CTE) programs dedicated to green jobs; and ensuring that the public school curriculum includes climate change education.

Briefs

Attorney General James Announces Change To NYS Health Policy Allowing Transgender Minors To Correct Sex Designation On Birth Certificates

Process to Correct Birth Certificates Will Also Be Made Easier for Transgender Adults

New York Attorney General Letitia James this week announced a change in policy at the New York State Department of Health, Vital Records, that allows transgender minors to correct the sex designation on their birth certificates if they were born in New York State.

Following a case brought on behalf of a transgender minor — referred to as M.H.W. — who wanted to correct the sex designation on his birth certificate from female to male to match his gender identity, the state changed its policy to ensure M.H.W. and other transgender youth do not need to wait until they are 18 years old to make the change. Now, transgender individuals born in New York State can obtain a certified copy of their birth certificate that accurately reflects their sex, consistent with their gender identity.

No medical affidavits will be necessary to apply to correct the sex designation on a birth certificate for adults or minors, and individuals under the age of 18 can submit an application to correct their birth certificate. Those age 17 or older can make their request to the New York State Department of Health, Bureau of Vital Records, by submitting 1) a completed and signed application (DOH-5305) and 2) a notarized affidavit form affirming their gender identity (DOH-5303).

Minors age 16 or younger can make the request for a correction to a birth certificate through their parents or legal guardian(s). The requests must include 1) a completed and signed application by their parents or legal guardian(s) (DOH-5306), as well as 2) a notarized affidavit form affirming the gender identity of their child (DOH-5304). If those making the request are simultaneously requesting that a name be changed on a birth certificate, that should be noted on the application as well.

Questions concerning the new policy or correcting or amending birth certificates may be directed to the Bureau of Vital Records by email at vr@health.ny.gov or by telephone at (855) 322-1022.

Comptroller DiNapoli: Better Oversight Needed at Homeless Shelters Audit Found 60 Percent of Facilities Posed Significant Health and Safety Risks

A report released this week by New York State Comptroller Thomas DiNapoli found the Office of Temporary and Disability Assistance (OTDA) continues to provide inadequate oversight of homeless shelters, allowing unsafe conditions that pose significant health and safety risks.

Out of the 159 shelters Comptroller DiNapoli's auditors visited in the spring of 2019, 96 (60 percent) were in unsatisfactory condition. Twenty-one of those were identified in poor condition in prior audits by the Comptroller. At both certified and uncertified shelters, as well as hotels and motels, auditors observed a range of unsatisfactory, and even squalid living conditions. Significant violations included structural damage, mold, bugs and vermin, exposed wiring, water damage, missing smoke detectors, expired or uncharged fire extinguishers, and signs of smoking and drug use.

Comptroller DiNapoli's audit found required plans designed to help homeless individuals and families secure permanent housing are not being completed on a timely basis or, in some cases, at all. Auditors identified discrepancies between the list of facilities used for housing referrals by OTDA and local districts. OTDA was also unaware of 35 facilities that received homeless resident referrals from local districts.

The Comptroller's recommendations include that OTDA take steps to ensure shelter violations are corrected, which may include partially or fully withholding reimbursements for homeless services or reconsidering provider eligibility in the homeless shelter system.

City Human Rights Commission to Issue Rules on Protections on the Basis of Race, Creed and Religion

The New York City Commission on Human Rights (the "Commission") is proposing to amend its rules to clarify protections on the basis of race, creed, and religion. These proposed rules would amend title 47 of the Rules of the City of New York to explain covered entities' obligations under the City Human Rights Law.

Under the rule, race includes characteristics and traits commonly or historically associated with race or ethnicity, including but not limited to hair textures, hairstyles, including the use of head coverings and hair length. Similarly, hair textures, hairstyles, head coverings and hair length can be elements of individuals' religious practices. Discrimination based on hair can function as a proxy for discrimination based on race or religion and constitute a form of unlawful stereotyping.

According to the Commission, the rule is not intended to exclude claims for hair-based discrimination on the basis of disability, gender, age or other protected status under the New York City Human Rights Law. The proposed rule may be accessed at [here](#).

Mayor de Blasio Appoints Gonzalo Casals as Commissioner of the Department of Cultural Affairs

Mayor Bill de Blasio this week appointed Gonzalo Casals as Commissioner of the Department of Cultural Affairs (DCLA). Casals currently serves as Director of the Leslie-Lohman Museum in Manhattan. He succeeds Thomas Finkelpearl.

Before being appointed the Director of the Leslie-Lohman Museum in 2017, he was Vice President of Programs and Community Engagement at Friends of the High Line. In addition, Casals held various roles at El Museo del Barrio including Director of Education and Public Programs.

Mayor de Blasio Appoints Joni Kletter as Commissioner and Chief Administrative Law Judge of the Office of Administrative Trials and Hearings

Mayor Bill de Blasio this week appointed Joni Kletter as Commissioner and Chief Administrative Law Judge of the Office of Administrative Trials and Hearings (OATH). OATH is the City's central, independent administrative law court that adjudicates summonses issued by 25 different City enforcement agencies for alleged violations of law or City rules.

Kletter currently serves as the Director of the Mayor's Office of Appointments. She is also the Principal EEO Officer for the Mayor's Office. She also served as First Deputy Director and Counsel in the Mayor's Office for City Legislative Affairs.

Kletter previously served as a labor and employment attorney at Meyer Suozzi, English & Klein, P.C. Prior to that, she was a Federal Law Clerk for the U.S. District Court in the Eastern District of New York. Kletter received a B.A. from Yale University and a J.D., cum laude, from Cardozo School of Law. She is an active participant in Park Slope, Brooklyn civic life where she has lived since 2006.

Coming Up

New York State

***The Legislature is in session Monday, March 16th through
Wednesday March 18th***

New York City

Monday March 16th

Committee on Transportation, Committee Room – 250 Broadway, 14th Floor, 10 a.m.
Creation of a black car and livery task force

Subcommittee on Zoning and Franchises, Committee Room – City Hall, 10:15 a.m.

Committee on Land Use, Committee Room – City Hall, 10:30 a.m.

Committee on Land Use, Committee Room – City Hall, 11:30 a.m.
Preliminary Budget Hearing

Committee on Criminal Justice, Council Chambers – City Hall, 1 p.m.

Wednesday March 18th

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

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

Thursday March 19th

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

Preliminary Budget Hearing

Committee on Public Safety, Committee Room – City Hall, 12 p.m.

Preliminary Budget Hearing

Committee on Justice System, Committee Room – City Hall, 2 p.m.

Friday March 20th

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

Preliminary Budget Hearing

Committee on Governmental Operations, Committee Room – City Hall, 1 p.m.

Preliminary Budget Hearing

Committee on Education, Committee Room – City Hall, 2 p.m.

Preliminary Budget Hearing

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 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