



THIS WEEK IN NEW YORK

COVERING NEW YORK & CITY GOVERNMENT

FEBRUARY 9, 2024 EDITION

"Obstacles don't define us. Rather, it is the unparalleled courage and character of us that defines us as a people. So my confidence in the future is steeped in our glorious past - in the face of adversity, we always persist. We persevere, we prevail." Governor Kathy Hochul

In the News-New York State



Governor Hochul Advances Proposals to Build More Housing Via Gowanus Executive Order

Governor Kathy Hochul today announced that 18 new housing developments will move forward under the Gowanus Neighborhood Mixed Income Housing Development Program, advancing more than 5,300 units of housing, including more than 1,400 affordable units in the Gowanus section of Brooklyn.

Governor Hochul launched the program last year to advance projects stalled by the expiration of 421-A as part of a package of Executive Actions to increase New York's housing supply. The Governor also announced today the groundbreaking of 320 and 340 Nevins Street – a 654-unit project, including 154 affordable units, being developed by Charney Companies and Tavros Holdings and one of the first projects to move forward under the program.

The program, which is being overseen by Empire State Development, is moving forward with 18 individual project sites, whose applications were received last fall. Each individual site's participation in the program will be considered and voted on by the ESD Directors, followed by Public Authority Control Board review. A full list of projects is [here](#).

Also this week, Governor Hochul announced the certification of New York's first Pro-Housing Communities as part of her long-term strategy to support local efforts to build more housing statewide. Pro-Housing Communities will receive priority consideration over other localities for up to \$650 million in state discretionary funds.

The state's first 20 Pro-Housing Communities include localities in the Long Island, Mid-Hudson, Central New York, Western New York, Mohawk Valley, Southern Tier, North Country, and Capital Regions.



AG James Calls Upon OSHA to Protect Workers from Occupational Heat Exposure

Teamsters Work to Enact NYS Worker Protections

New York Attorney General Letitia James is leading a coalition of 10 attorneys general to protect workers from the dangers of exposure to extreme heat in the workplace. Meanwhile, at the State Capitol this week, organized labor, including Teamsters Joint Council 16, rallied to advance statewide legislation.

Attorney General James and the coalition this week [petitioned](#) the Occupational Safety and Health Administration (OSHA) to implement a nationwide emergency extreme heat standard to take effect this summer to protect workers from heat exposure. In addition the attorneys general also called on Congress to pass pending [legislation](#) directing OSHA to promulgate an interim heat standard while it continues its rulemaking for a permanent standard.

In Albany this week, the Teamsters were joined by allies from the New York Committee for Occupational Safety and Health, La Colmena, the National Employment Law Project, the Retail Wholesale Department Store Union (RWDSU), and WE ACT for Environmental Justice and called upon the New York Senate and Assembly to pass the Temperature Extreme Mitigation (TEMP) Act (S1604/A8935). The TEMP Act will require employers to safeguard their workers from the hazards of extreme weather conditions by providing access to hydration, air conditioning, warmth or shade, and other protections from the elements.



“The Teamsters thank Senate Labor Chair Jessica Ramos, Assembly Labor Chair Harry Bronson, and Assemblywoman Jen Lunsford for their leadership on this issue and dedication to the millions of New Yorkers that will benefit from this bill,” said Tom Gesualdi, President of Teamsters Joint Council 16. “By enacting the TEMP Act, we ensure that protections are consistently put into effect, safeguarding the well-being of our workforce both in the present and for generations to come.”



Comptroller DiNapoli Audit Finds Lapses in Mental Health Treatment Under Kendra's Law

The state's Office of Mental Health (OMH) needs to improve its oversight of court-ordered treatment for individuals under Kendra's Law to ensure that needed services are delivered in a timely manner, according to an audit released this week by New York State Comptroller Thomas DiNapoli.

“Kendra’s Law was enacted to ensure that those with severe mental illness get treatment to prevent them harming themselves or others,” Comptroller DiNapoli said. “In many instances, the program is working, but when there are lapses, the consequences can be fatal as our audit shows...”

Kendra’s Law was enacted in 1999 to allow court-ordered Assisted Outpatient Treatment (AOT) for individuals with serious mental illness that pose risks to themselves or others. OMH, its five regional field offices, and local mental health authorities around the state jointly administer the involuntary treatment under the law.

Under Kendra’s Law, through August 2023 local authorities have conducted nearly 47,000 investigations. Of 33,847 AOT petitions filed, 96% were granted, with New York City accounting for approximately 20,000 (62%).

Local mental health authorities are charged with investigating AOT referrals in a timely manner and determine if AOT criteria are met and a petition for AOT is warranted. According to the Comptroller, a timeframe for this review is undefined. Using a benchmark of six months, auditors found that nearly half of the investigations (19 of 41 sampled) took longer, including five that took over two years.

In general auditors found that court-ordered treatment was received in an appropriate timeframe with 44 individuals appropriately serviced in 46 audited AOT cases. However, in at least one case, a delay in initial treatment coincided with catastrophic consequences, with the individual subsequently arrested for homicide.

In addition, Comptroller DiNapoli’s auditors found record keeping and follow-up in relation to significant events--include becoming homeless, being arrested or incarcerated, and refusing court-ordered medications or other services--were incomplete and not well communicated among stakeholders. Of 550 significant events that were reported in OMH’s AOT tracking system, data entries were made for 123 (22%) of the events. They also found 47 unreported events that were recorded in case records but not reported to the local mental health authority.

Finally, the audit found lapses in treatment when local authorities failed to complete the case reviews that are required for renewing treatment. Auditors reviewed 37 cases and found 23 examples (62%) in which the required case review either was not done, or there was no evidence that it was done, before their court-ordered treatment expired.

OMH generally agreed with recommendations which included the need for defined reporting and treatment timelines. Officials said the agency would develop guidelines to define the “timely” completion of AOT investigations; that it was currently reviewing and modifying its significant event reporting to expand the level of detail required and the appropriate sharing of information; and that it expected to complete training materials on AOT renewals in 2024.

In the News-New York City



New York City's Vacancy Rate Reaches Historic Low of 1.4 Percent

The number of vacant housing units available to rent in the five boroughs dropped to a historic low in 2023, according to the latest [New York City Housing and Vacancy Survey](#), released this week by the Department of Housing Preservation and Development.

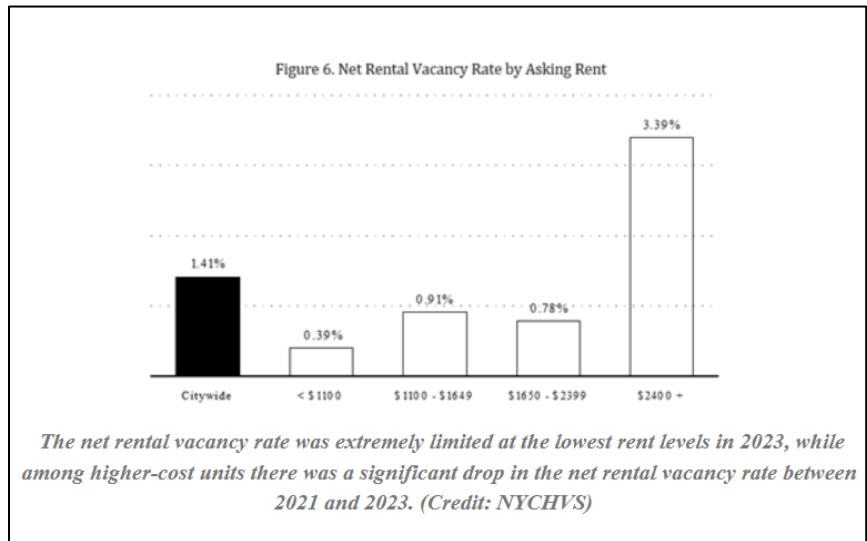
The report found the number of available, habitable homes dropped to 1.4% of the total rentable housing stock, the lowest since 1968, the year before New York passed its rent stabilization law aimed at protecting tenants from rent increases. That percentage represented 33,000 available units citywide out of a total of 2.35 million habitable units in the first half of 2023.

Conducted “roughly” every three years since 1965 in partnership with the U.S. Census Bureau, the NYCHVS is the longest-running housing survey in the country and the official source of the city’s net rental vacancy rate, used to determine the continued need for rent control and rent stabilization.

In two years, the vacancy rate decreased from 4.54% according to the report. According to the report, the core issue lies in the supply-demand imbalance. While the net housing stock grew by about 60,000 units or 2%, supply still failed to keep up with the demands of the City's new 275,000 households.

Even in high-cost homes, the availability was extremely limited, with a 3.39% vacancy rate. The overall number of units available for rent was low, approximately 33,000 citywide. Among units renting for under \$2,400, the net rental vacancy rate is below 1%, with the most significant decline observed in units with rents ranging between \$1,650 (the median rent in 2023) and \$2,400.

While the housing supply has shown growth, this expansion is far from sufficient to match the number of households, the report concluded.





Bills Passed by the City Council

Introduction 25--Sponsored by Council Member Eric Dinowitz--Requires the Department of Housing Preservation and Development (HPD) to provide an application form for the senior citizen rent increase exemption (SCRIE) program to residents in Mitchell-Lama apartment buildings subject to city supervision who appear to be eligible for the SCRIE program with necessary application information pre-filled on the form.

Introduction 92--Sponsored by Council Member Lynn Schulman--Requires the Department of Health and Mental Hygiene (DOHMH) to develop a 5-year population health agenda to improve public health outcomes, increase overall quality of life, address health disparities, and expand access to health care for New Yorkers.

Introduction 93--Sponsored by Council Member Shahana Hanif--Requires the Office to End Domestic and Gender-Based Violence (ENDGBV) to establish a trauma-informed program that connects eligible survivors of domestic or gender-based violence to support services, including, but not limited to, door and window repair services for the dwellings of eligible survivors, and a personal emergency response device.

Briefs

Albany Supreme Court Judge Upholds Early Voting Law

Justice Christina Ryba of Albany Supreme Court on Monday [upheld](#) a law expanding New York's early voting period to allow widespread balloting by mail, ruling against Republicans who argued the measure was unconstitutional.

The judge ruled that the state Legislature has discretion to implement election procedures, and that the lawsuit had failed to show that the new rules violate the state Constitution.

"The mere fact that the framers specifically authorized the Legislature to establish a different voting method for a specific category of voters does not necessarily signify their intent to restrict the Legislature's power to establish alternative voting methods for other voters," Justice Ryba wrote in her 11-page decision.

Governor Kathy Hochul lauded the decision saying, "The right to vote is sacred — a right that generations of Americans have fought to defend...Despite the best efforts of its opponents, democracy has once again prevailed in New York."

State Republican Chair Ed Cox indicated that he will appeal the ruling.

DFS Issues New Pharmacy Benefit Manger Regulations

Superintendent Adrienne Harris this week announced that the New York State Department of Financial Services (“DFS”) proposed new market conduct [regulations](#) to govern Pharmacy Benefit Managers (“PBMs”) operating in New York. DFS is also inviting [submissions](#) of comments, data, or documented evidence from the public regarding network adequacy requirements, formulary changes, drug manufacturer rebates, and quantity/product list restrictions.

In 2021, New York enacted legislation to regulate PBMs and charged DFS with developing regulations that would address conflicts of interest and claims practices by these companies. Last year, DFS proposed initial regulations and following industry and stakeholder comments released revised regulations. The new draft regulations propose to:

- Prohibit PBMs from barring any in-network pharmacies from providing mail order or delivery services, which will increase patients’ access to home delivery from their community pharmacy.
- Require PBMs to list formularies and pharmacy directories online and prohibit PBMs from punishing a consumer who relies on this information.
- Prohibit “anti-competitive practices that steer consumers away from their community pharmacy to larger pharmacies affiliated with the PBM.”
- Require PBMs to apply the same audit standards across all in-network pharmacies.

The proposed regulations are subject to a 10-day preproposal comment period beginning February 6, 2024, followed by a 60-day comment period upon publication in the *State Register*.

NY Lawmakers Join Suit to Block \$15 Congestion Toll

State and local elected officials have joined a federal lawsuit by the United Federation of Teachers and Staten Island Borough President Vito Fossella aimed at blocking the tolls of the Central Business Tolling Program in Manhattan. The suit argues the plan, which is aimed at reducing emissions in Manhattan, would increase pollution in surrounding areas.

State senators now joining the suit include James Skoufis (Rockland/Orange), Jessica Scarcella-Spanton (Staten Island), Andrew Lanza (Staten Island), Iwen Chu (Brooklyn), and Monica Martinez (Suffolk). Assemblymembers Aileen Gunther (Middletown), Jamie Williams (Brooklyn) and David Weprin (Queens) have also signed on, as have Staten Island NYC Councilmembers Joseph Borelli, David Carr, and Kamillah Hanks.

“As we have said time and time again, congestion pricing is a detriment to those that will be affected by this toll, environmentally and financially, and for people of all walks of life from across the five boroughs and beyond,” said Borough President Fossella. “We appreciate the support from elected officials and interested groups, as this fight cannot be won by any one of us alone.”

Mayor Adams Recommends Appointments to the MTA Board

New York City Mayor Eric Adams this week announced the recommendation of Deputy Mayor for Operations Meera Joshi and New York City Department of City Planning (DCP) Director and City Planning Commission (CPC) Chair Dan Garodnick to serve on the Metropolitan Transportation Authority (MTA) Board. All MTA board nominations are subject to New York State Senate confirmation.

Deputy Mayor Joshi oversees New York City's infrastructure, public realm, and climate portfolio. Prior to joining the Adams administration, Joshi was Acting Administrator of the U.S. Department of Transportation's Federal Motor Carrier Safety Administration. She led initiatives aimed at improving roadway safety, the working conditions of truck drivers, and accountability mechanisms to integrate automation. Joshi was previously chair and CEO of the New York City Taxi and Limousine Commission.

Director Garodnick leads the city's land use priorities, including neighborhood plans in every borough. In addition, during his 12-year services in the City Council, Garodnick chaired the Planning and Economic Development Committees and served as a member of the Land Use, Education, and Transportation Committees.

NYC Launches Program To Create 1,500 Permanent Affordable Homes For New Yorkers In Shelter

The Adams Administration this week launched the Affordable Housing Services (AHS) initiative, an effort that will create 1,500 permanent affordable homes for New Yorkers in the shelter system with City Fighting Homelessness and Eviction Prevention Supplement (CityFHEPS) vouchers. Through an emergency declaration issued this week, DSS will fast-track 1,000 of those units.

Through the AHS program, the city will help nonprofits purchase or enter long-term, building-wide leases on affordable housing sites. The emergency declaration will allow DSS to fast-track the creation of 1,000 units of affordable housing. The 1,000 fast-tracked units will all use the AHS long-term leasing model and take advantage of new-to-market buildings and existing housing stock ready for clients to move into. An additional 500 units will be acquired by non-profit providers, per Mayor Eric Adams

The City estimates 10,600 households with CityFHEPS vouchers are in the shelter system.

Mayor Adams Expands Paid Parental, Family Leave For Non-union City Employees

Over 10,000 municipal employees will benefit from a recent Adams administration policy that will increase parental leave for non-union employees, from six to 12 weeks, and provide up to 12 weeks of paid family leave for those caring for seriously ill family members.

The city's expanded parental leave policy will take effect immediately, while the paid family leave will take effect once these employees are enrolled in the State Paid Family Leave program, which

will take approximately 90 days.2024 benefits plan. The paid family leave benefit will be funded by an employee payroll deduction of approximately \$13.00 per paycheck.

New York State Association of Black, Puerto Rican, Hispanic & Asian Legislators, Inc.

53rd Annual Conference February 15th – February 18th

53RD BPRHAL CONFERENCE SCHEDULE

THURSDAY	FRIDAY	SATURDAY	SUNDAY
Conference Registration 4PM - 9PM Hilton Albany Kelsey's Lounge (1st FLR)	Conference Registration 12PM - 11PM Hilton Albany Kelsey's Lounge (1st FLR)	Conference Registration 8AM - 3PM Empire State Plaza The Concourse	Church Service 10AM - 1PM Albany Capital Center
	Policy Workshops: Day 1 12PM - 6PM Hilton Albany	People's Budget BPHA Caucus Presentation 8AM - 9:30AM Hilton Albany Kelsey's Lounge	Young Professionals Brunch 1:30PM - 4:30PM Hilton Albany Grand Ballroom (Level A) <i>*ticketed event</i>
	Chairwoman's Welcome Reception 7PM - 9PM Albany Capital Center <i>*ticketed event</i>	Clergy Breakfast 8am-10am Hilton Albany Governor's Ballroom	Community Service Awards 2PM - 5PM Hilton Albany Hudson Ballroom (Level B)
	Caribbean Night 9PM - 1AM Hilton Albany Grand Ballroom (Level A)	Policy Workshops: Day 2 9AM - 5PM Empire State Plaza ; Capitol Building (CAP) Legislative Office Building (LOB)	VIP Reception 6PM - 7PM The Egg Performing Arts Center
		Tomorrow's Leaders Conference (Youth Summit) 10AM - 4PM The Egg Performing Arts Center Hart Theatre	Annual Scholarship Gala 7PM - 10PM <i>*Doors open at 6:30pm*</i> Empire State Plaza Convention Center <i>*ticketed event</i>
		Labor Luncheon 12PM - 2PM Empire State Plaza Convention Center <i>*ticketed event</i>	Sneaker Ball: Gala After-Party 10PM - 2AM Hilton Albany Grand Ballroom <i>*ticketed event</i>
		Women's Empowerment Brunch The Future of Workforce and AI 12PM - 2PM Capitol Building (CAP) Assembly Chambers	
		MWBE Networking Reception 5pm-8pm Hilton Albany	
		Denim & White Party 10PM - 1AM Hilton Albany Grand Ballroom (Level A) <i>*ticketed event</i>	



Please check-in at conference registration to pick-up registration badges and adequate tickets prior to attending any events to avoid being turned away



Coming Up



Special Election February 13, 2024

77th Assembly District - Bronx
3rd Congressional District - Queens
Polls are open from 6 a.m. to 9 p.m.

New York State

Monday, February 12th

New York State Board of Regents, State Education Building, 5th Floor, 9 a.m.

NYS Assembly, State Capitol, 2 p.m.

NYS Senate, State Capitol, 3 p.m.

Tuesday, February 13th

New York State Board of Regents, State Education Building, 5th Floor, 9:30 a.m.

NYS Assembly, State Capitol, TBD

NYS Senate, State Capitol, TBD

Wednesday, February 14th

Happy Valentine's Day

NYS Assembly, State Capitol, TBD

NYS Senate, State Capitol, TBD

Thursday, February 14th through Monday, February 19th

Friday, February 16th

New York Cannabis Control Board Meeting, [livestream](#), 11 a.m.

New York City

Tuesday, February 13th

Committee on Economic Development, Council Chambers - City Hall, 10 a.m.

Subcommittee on Zoning and Franchises, 250 Broadway - Committee Room, 16th Floor, 11 a.m.

Wednesday, February 14th

Committees on Contracts & Transportation and Infrastructure, Committee Room - City Hall, 10 a.m.

Committees on Health & Women and Gender Equity, Council Chambers - City Hall, 10 a.m.

Subcommittee on Landmarks, Public Sitings and Dispositions, 250 Broadway - Committee Room, 16th Floor, 11 a.m.

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