



# This Week in New York

Covering New York State and City Government

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*"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

Department of  
Financial  
Services



### Governor Hochul Announces Guidance to Combat Discrimination in Affordable Housing Insurance

Governor Kathy Hochul this week announced [new guidance](#) informing insurers that they are prohibited from inquiring about or making coverage decisions based on a property's status as an affordable housing development or on the level or source of a tenant's income within the building, such as government assistance.

The guidance from the New York State Department of Financial Services follows legislation enacted as part of the FY 2025 Budget to prohibit discrimination in insurance based on tenants' source of income or the existence of affordable dwelling units within the building.

"With this new guidance, we are putting insurers on notice: New York will not tolerate bias against our affordable housing providers," Governor Hochul said. "Insurance discrimination drives up costs for property owners and renters and puts countless affordable homes at risk. My administration is stepping up our enforcement of housing discrimination of all kinds to ensure fairness in our housing market and to keep costs down for all New Yorkers."

Insurers are prohibited from inquiring about or considering, canceling, refusing to issue or renew, increasing the premium of, or excluding, limiting, restricting or reducing coverage based on:

- The presence of dwelling units in the building that are affordable to residents at a specific income level pursuant to a government agreement;
- The receipt of governmental rental assistance by the owner or tenants of a residential rental building, or the shareholders of a cooperative housing corporation;
- The level or source of income of the building's residents; or
- Whether the building is owned by a limited equity cooperative, a public housing authority, or a cooperative housing corporation subject to certain provisions of the private housing finance law.



## Bills Under Consideration by the Governor

**A8982A Sponsored by AM Fall/Senator Scarcella-Spanton** -- Adjusts the base pilotage tariffs at Sandy Hook, Sands Point and Execution Rocks

**A9580 Sponsored by AM Lavine/Senator Thomas** -- Extends provisions related to the assessment and review of assessments in the county of Nassau

**A9849 Sponsored by AM Benedetto/Senator Mayer** -- Relates to annual professional performance reviews of teachers and principals.

**A10213 Sponsored by Rules (AM Davila)/ Senator Kavanaugh** -- Extends provisions relating to the Department of Housing Preservation and Development in the City of New York.

**S5916 Sponsored by Senator Hoylman-Sigal/AM Rosenthal.** -- Clarify that claims filed against governmental entities under the Adult Survivors Act (Ch. 203 of 2022) do not require the filing of a notice of claim or a notice of intention to file a claim.

**S6585 Sponsored by Senator Stavisky/AM Williams** -- Extends certain provisions authorizing a tuition waiver for one course for police officer students at CUNY.

**S8600 Sponsored by Senator Ramos/AM Lunsford** -- Extends the reciprocity of debarments imposed under the federal Davis-Bacon Act for three years.

**S9076 Sponsored by Senator Goundardes/AM Pheffer Amato** -- Provides a cost of living increase in the Special Accidental Death Benefits (SADB) for surviving spouses, dependent children, and certain other eligible beneficiaries of former uniformed employees of the City of New York and the New York City Health and Hospitals Corporation, and of the Triborough Bridge and Tunnel Authority, who were members of the New York City retirement systems and pension funds and died as a natural and proximate result of an accident sustained in the performance of duty.

**S9678B Sponsored by Senator Gonzalez/Rules (AM Otis)** -- Revises legislation related to materially deceptive media in political communications to better conform with federal law.

**S9739 Sponsored by Senator Comrie/Rules (AM Simone)** -- Extends until 2028 the non-membership composition of the Metropolitan Transportation Authority Board.



## Comptroller DiNapoli: Motor Vehicle Fatalities Rise Sharply in NY

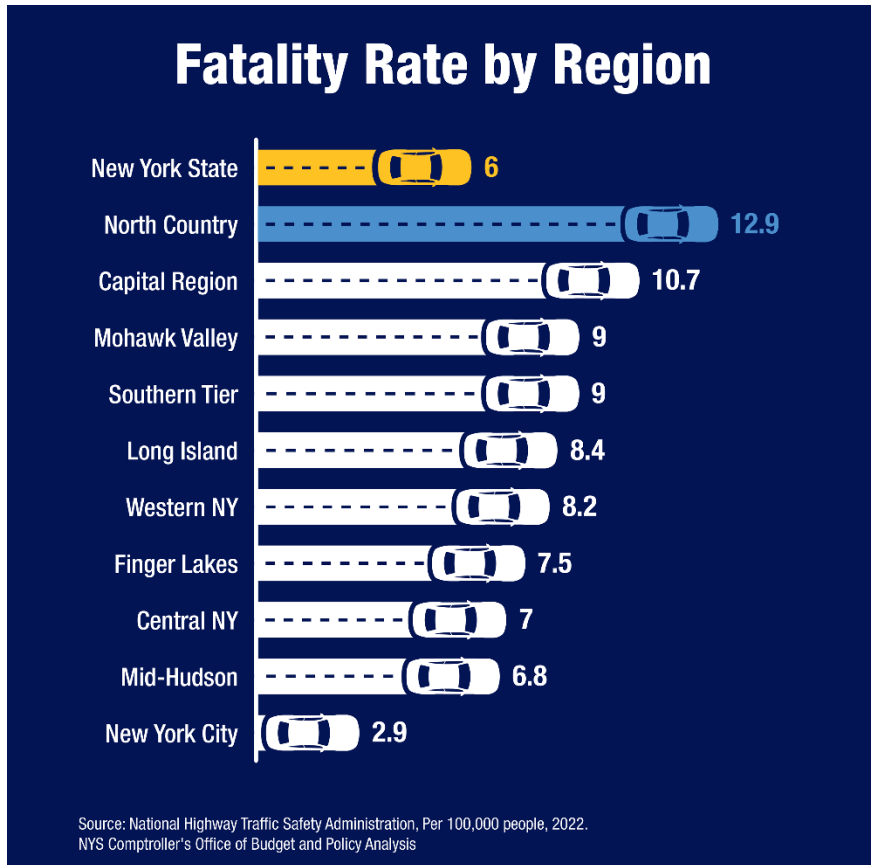
Motor vehicle fatalities in New York state rose 25.8% from 2019-2022, with fatalities at the highest level in a decade in 2022, even as the number of vehicle miles travelled, licensed drivers, and traffic accidents have declined, according to a [report](#) released this week by New York State Comptroller Thomas DiNapoli.

“Traffic fatalities in New York have grown at an alarming rate since the pandemic,” Comptroller DiNapoli said. “While there are fewer drivers on the road and vehicle safety features have greatly improved, more fatal crashes are occurring. ...”

There were 1,175 traffic fatalities in New York in 2022, which was the highest number since 2013. Nationwide traffic related deaths grew by nearly 17% while New York’s fatalities soared by 25.8% between 2019-2022. This increase coincides with a 7% decrease in vehicle miles travelled and a 12.5% decline in traffic accidents in New York in this period.

Most fatal car crashes occur on urban roadways, which increased 68% in New York since 2017. In 2022, Long Island led the state in the number of deaths (164 in Suffolk and 81 in Nassau). Regionally, the North Country had the highest per capita fatality rate in 2022 at 12.9 per 100,000 people, while New York City was the lowest at 2.9 per 100,000 people, likely because it has a large number of residents who do not own vehicles.

Three out of four vehicles involved in fatal crashes were passenger vehicles and light trucks in 2022. Overwhelmingly in fatal accidents, occupants who were not wearing a seat belt or helmet were killed (64%). Approximately one-in-three deaths in New York involved speeding, and another one-in-three involved a driver with a blood alcohol content above the federal legal limit of 0.08. There was a 45% increase in fatalities involving drivers above the legal limit from 2019-2022.



# In the News-New York City

## MTA “Congestion Pricing Fallout”

### *Board Approves Revisions to MTA Capital Improvement Schedule to Account for Loss of \$16.5 Billion in Congestion Pricing Revenue*

The Metropolitan Transportation Authority board voted 10-1 this week on a resolution to put \$16.5 billion of transportation improvements on hold following Governor Kathy Hochul’s decision to suspend the congestion pricing program.

“The fact is the MTA...cannot start implementing congestion pricing without the New York State DOT sign off,” said a Janno Lieber, the MTA Board Chair and Chief Executive Officer explained, in published reports. “Others may litigate that very issue, if so, so be it, but we are right now where we are.”

MTA officials detailed its “congestion pricing fallout” plan, detailing the “less urgent” projects to be deferred.

“Some projects are going to be put to the back burner as a result,” Janno Lieber, MTA chairperson and CEO, said while addressing the board. “And no matter how we feel about the pause on congestion pricing, we are going to work with everyone — the executive chamber, the legislature, the feds — to find a way to preserve and revive the projects that are being resequenced right now, because we are short of money.”

The “resequencing” includes deferment in the following areas:

### Expansion (Impact: \$5 billion)

Future Second Avenue Subway Phase 2 contracts to be deferred or shifted to the 2025-2029 Capital Plan. Shift of \$3 billion in local funding to state of good repair will make \$2 billion of federal funding unavailable. Additional expansion -related work also to be deferred.

### Accessibility (Impact: \$2 billion)

Americans with Disability Act settlement is predicated on full funding for the program.

- 23 subway stations deferred.
- Potential cancellation: LIRR Hollis & Forest Hills.



### **Zero-Emissions Buses (Impact: \$500 million)**

Both buses and depot charging infrastructure to be deferred.

- 250+ electric buses.
- Deferral of bus depot charging infrastructure.

### **Upgrades to Infrastructure & Technology (Impact: \$1.5 billion)**

Less urgent upgrades to be deferred.

- Verrazzano-Narrows Bridge ramp reconstruction and main cable dehumidification.
- Public Address upgrades at 70+ stations.
- Track Intrusion initiatives.
- Potential cancellation: Metro-North Brewster Yard upgrades.

### **Rolling Stock (Impact: \$1.5 billion)**

Additional upgrades to subway, railroad, and bus fleets to be deferred.

- Future generation of subway cars
- New CNG buses
- Passenger and work locomotives for railroads

### **Signal Modernization (Impact: \$3 billion)**

Signal upgrades & state of good repair work to replace signals on the AC and BDFM lines to be deferred.

- Fulton Line AC
- 6 Av Line and 63rd Street Tunnel BDFM

### **State of Good Repair (Impact: Solving \$3 billion gap)**

Even with all the deferrals, additional impacts to state of good repair projects are unavoidable.

Less urgent work to be deferred:

- 5 subway station renewals.
- Station component repairs.
- Various structural repairs.

“When that financial solution that is being talked about arrives, God willing, we will be ready to put Humpty Dumpty back together again as quickly as possible,” Lieber said.

## ***Briefs***

### **State Appellate Division Rules Nonpublic Schools Can be Penalized for Not Meeting “Substantially Equivalent” Benchmarks**

The State Education Department can penalize school districts and parents of students who attend nonpublic schools that fail to provide a course of learning that is “substantially equivalent” to what is offered in a public school, the Appellate Division’s Third Judicial Department concluded in a 4-1 decision released this week.

“Parents and guardians cannot discharge their statutory duty by relying upon a nonpublic school that fails to meet the minimal standards of our state law, and the regulations at issue here are the direct application of the commissioner’s statutory authority to enforce compliance with that standard,” the majority opinion said.

The ruling overturned a March 2023 decision by state Supreme Court Justice Christina L. Ryba that took issue with SED’s ability to enforce the substantial equivalency regulations. The decision is expected to be appealed to the state’s high court by Parents for Educational and Religious Liberty in Schools (PEARLS).

“This case tests the ability of the (education) commissioner to enforce the minimal standards of our education law — that is, to ensure that the children of our state receive a sound basic education,” Presiding Justice Elizabeth A. Garry wrote in the majority opinion. “A child attending an institution for a full, lengthy school day period who is not receiving or obtaining a substantially equivalent education in the basics of arithmetic, English, science and history cannot adequately supplement this substandard curriculum in the few hours remaining in the week.”

## **NYS Releases Final Interagency Extreme Heat Action Plan**

Under the direction of Governor Kathy Hochul, the State Department of Environmental Conservation (DEC) and the New York State Energy Research and Development Authority (NYSERDA) developed New York’s [Extreme Heat Action Plan](#) (EHAP), which provides a road map for coordinated State extreme heat planning initiatives.

The EHAP identifies 49 State-led actions and recommendations to address the structural drivers of heat vulnerability and its impact on the most vulnerable New Yorkers. Populations identified in the plan as those most vulnerable to extreme heat include residents of low income and communities of color, Indigenous Peoples, certain indoor and outdoor workers, older adults and young children, expecting mothers, people with certain pre-existing conditions such as diabetes and heart disease, people with disabilities, users of certain drugs and medication, justice-involved individuals, immigrants, people facing language barriers and people experiencing housing insecurity.

Recommendations are grouped into four action tracks to help communities adapt to extreme heat:

- Action Track 1: Adaptation Planning and Implementation
- Action Track 2: Preparedness, Communication, and Workers’ Safety
- Action Track 3: Built Environment, Infrastructure, and Managed Spaces
- Action Track 4: Ecosystem-Based Adaptation

## **US Federal Court Allows Limits on New York Legislators’ Outside Income**

A federal court has dismissed a lawsuit asking the court to strike down New York’s new laws limiting State legislator’s outside income, according to published reports.

U.S. District Judge Brenda Sannes wrote that the legislators that brought the suit last summer do not have standing to challenge the law until it’s clear they will violate it.

Lawmakers approved a law in 2022 that will cap their earnings at \$35,000 starting in 2025. A group of Republican lawmakers challenged the new rules in federal court. As reported by *Politico*, last week Justice Sannes issued a decision that dismissed the case.

“Whether Legislator Plaintiffs will even be in a position to violate the law is at the moment entirely speculative,” she wrote, as they are subject to re-election in November.

The lawmakers are reviewing other “avenues” at the state level.

## PEF President Wayne Spence Elected to Unprecedented Fourth Term

The membership of the Public Employees Federation (PEF) has elected Wayne Spence to an unprecedented fourth three-year term. He was first elected in 2015

“I am again humbled and grateful that PEF members saw fit to return me to office for this fourth term and I look forward to continuing our work together,” Spence said in a statement. “We’ve made great strides in the state workforce, but there is always more to accomplish. I believe that together we must continue to reform the state pension plan to attract and retain workers, clean up toxic work environments at certain state agencies, and address the workplace violence we’re seeing too often at state facilities.”

PEF represents more than 50,000 members, including professional, scientific and technical workers.

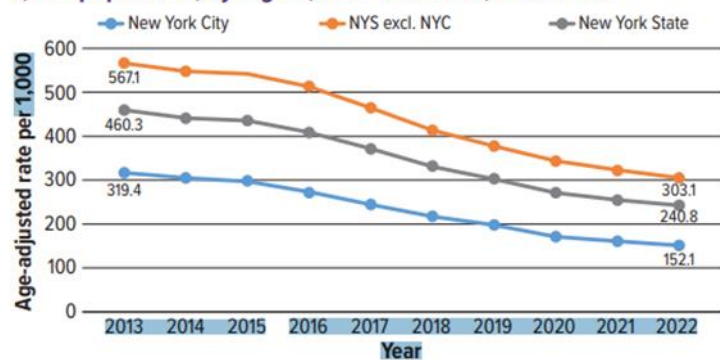
## NYC Leads State in Decreasing Opioid Prescription Trend

The New York State Department of Health has released a new data report showing opioid prescribing practices are improving in New York State.

The Data to Action Report on Opioid Prescribing in New York State shows that New York State providers continue to make strides in practice improvements and implementing new preventive measures to reduce the risks of overdose and substance use disorder within their communities.

Data outlined in the report shows opioid prescribing practices are improving in New York State. The number of filled opioid prescriptions declined from more than 9 million in 2013 to under 6 million in 2022—a 42.1 percent decrease over 10 years. From 2013 to 2022, the age adjusted rate per 1,000 population of opioid prescriptions decreased from 460.3 to 240.8. Reductions were observed in both New York City and New York State outside of New York City. However, data found that in 2022, the prescribing rate was twice as high outside of New York City compared to New York City (303.1 per 1,000 versus 152.1 per 1,000, respectively).

Figure 1: Opioid analgesics prescriptions, age-adjusted rate per 1,000 population, by region, New York State, 2013-2022



These data exclude buprenorphine prescriptions for the treatment of opioid use disorder (OUD).  
Data source: New York State Prescription Monitoring Program Data as of May 2023.

## Mayor Adams and Speaker Adams Announce Agreement on the FY2025 Budget

New York City Mayor Eric Adams and New York City Council Speaker Adrienne Adams this afternoon announced an agreement on a \$112.4 billion budget the City for Fiscal Year 2025.

The deal will include the full restoration of funding to libraries and cultural institutions. A total of \$58.3 million will be restored to the three New York City public library systems, while \$53 million will be restored to cultural institutions through the Cultural Institutions Group and Cultural Development Fund recipients.

The City Council is expected to approve the budget prior to the start of the City's fiscal year on July 1<sup>st</sup>.

## Coming Up

### *New York State*

*\*There are currently no scheduled meetings for the week of July 1<sup>st</sup> through the 7<sup>th</sup>\**

### *New York City*

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*Our next publication of This Week in New York will be on July 12<sup>th</sup>*

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