



THIS WEEK IN NEW YORK

COVERING NEW YORK & CITY GOVERNMENT

JULY 26, 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



Two New Lawsuits Challenge Governor Hochul's Congestion Pricing Pause

A broad coalition of lawyers, plaintiffs, and advocates announced two new lawsuits yesterday challenging Governor Kathy Hochul's indefinite pause of New York City's congestion pricing plan and seeking to compel its implementation as required by law.

The first lawsuit, City Club of New York et al v. Hochul, challenges Governor Hochul's authority to independently block implementation of the 2019 MTA Reform and Traffic Mobility Act signed into law by the then-governor Andrew Cuomo. The Act mandated the design, development, building, and operation of the Central Business District Tolling Program.

The second lawsuit, Riders Alliance v. Hochul, challenges Governor Hochul's decision on the basis of New York State's Climate Leadership and Community Protection Act, which requires New York to reduce economy-wide greenhouse gas emissions 40 percent by 2030, and requires state officials to act in a manner consistent with mandated targets. This lawsuit also alleges that the Governor's decision violates the state constitutional right to clean air and a healthy environment that was added to the state constitution in 2021 by an overwhelming 70% of voters.

The suits argue that the Governor's failure to enact congestion pricing violates both laws, and the success of either will result in the implementation of New York City's congestion pricing plan. Both were filed in New York County Supreme Court.

"When Governor Hochul halted congestion pricing last month, she singlehandedly deprived millions of subway and bus riders of \$15 billion worth of transit improvements like more frequent trains, new subway lines, faster buses and greater accessibility — and she also violated two state laws and the state constitution," said City Comptroller Brad Lander.

New York City's congestion pricing plan was set to begin on June 30th and generate an estimated \$1 billion to the MTA annually — for projects like extending the Second Avenue Subway to West Harlem, installing elevators and accessibility improvements at stations, upgrading outdated signals, and keeping the system in a state of good repair.

Details of each suit include:

[City Club of New York et al v. Hochul](#)

- **Petitioners:** The City Club of New York, residents of the Central Business District (to be named)
- **Counsel:** Emery Celli Brinckerhoff Abady Ward & Maazel
- **Respondents:** Governor Kathy Hochul, New York State Department of Transportation (DOT), New York State DOT Commissioner Marie Therese Dominguez, Metropolitan Transportation Authority (MTA)
- **Legal basis:** Central Business District Tolling Program (CBDTP) (NY Vehicle and Traffic Law § 1704): Article 78 of NY Civil Practice Law and Rules provides an avenue to challenge the states failure to implement congestion pricing, as required by legislation passed in 2019.
Source: NYC Comptroller

[Riders Alliance v. Hochul](#)

- **Petitioners:** Riders Alliance, Sierra Club, New York City Environmental Justice Alliance
- **Counsel:** Earthjustice
- **Respondents:** Governor Hochul, New York State DOT, New York State DOT Commissioner Dominguez, MTA
- **Legal basis:** Section 7.2 of the Climate Leadership and Community Protection Act (CLCPA): The Governor and New York State agencies, including NYS Department of Transportation and the MTA, are required to act in a manner consistent with statewide greenhouse gas emissions reduction goals. This lawsuit is also based on the environmental rights provision of the New York State Constitution's Bill of Rights.
Source: NYC Comptroller



Comptroller DiNapoli: NY's Local Bridges in Continued Need of Repair

One in 10 locally owned bridges in New York state is rated in poor condition, according to a [report](#) released this week by State Comptroller Thomas P. DiNapoli, with an estimated \$29 billion needed for repairs on local bridges based upon U.S. Department of Transportation, Federal Highway Administration (FHWA) data.

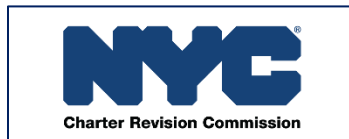
The Office of the New York State Comptroller (OSC) has developed an interactive map to accompany the report, [The Condition of Locally Owned Bridges in New York State](#). The map allows viewers to explore data about bridges in New York by owner type and bridge condition. Selecting a county details the bridges in that location.

In 2023, 10% of local bridges were rated in poor condition. The regions with the highest percentage of local bridges in poor condition in 2023 were the Mid-Hudson (13.9%) and Capital District (13.7%) regions. Long Island (3.2%) and New York City (7.1%) had the lowest percentage of bridges rated in poor condition. The North Country (50.1%), Finger Lakes (48.7%), and Western New York (45.4%) regions have the highest share of local bridges in good condition.

Nearly every county and New York City had at least one local bridge rated in poor condition in 2023. Ulster County had the most, with 63 in poor condition, followed by New York City (60), Columbia County (34), Orange County (31) and Rensselaer County (31). Conversely, Yates County had only one local bridge in poor condition, while Suffolk and Wyoming counties had two each. Schenectady County had the fewest number of local bridges overall and was the only county that did not have any in poor condition in 2023.

A majority of the FHWA's estimated \$29 billion cost to maintain New York's local bridges was for New York City (\$19.1 billion, or 66.7%) because it has some of the largest and most expensive to maintain. Estimated improvement costs for the rest of the state's local bridges was \$9.6 billion.

In the News-New York City



Proposed Amendments to the NYC Charter

The New York City Charter Revision Commission this week approved five ballot proposals for City's voters to consider in November. The proposals range from extending the Department of Sanitation's authority to keep the City clean, to instituting new procedures for public safety initiatives, to promoting support for MWBEs.

"This commission carefully examined our city's charter, heard from residents across all five boroughs, and approved thoughtful ballot proposals...that their fellow New Yorkers will have the opportunity to vote on when they flip their ballots this November," Mayor Eric Adams said.

The Charter Commission released its draft proposals on Tuesday and put forth amendments shortly before the vote on Thursday revising the public safety initiative review procedures, following public comment.

City Council Speaker Adrienne Adams bashed the proposal, as amended, as a mayoral "power grab."

"The Mayor's Charter Revision Commission's proposed changes to the City's constitution represent a power grab that will make government less responsive to New Yorkers by consolidating even more power to the Mayor and his agencies," Speaker Adams said. "The Commission's failure to come close to the standards within its own proposals, let alone basic levels of transparency, is utter hypocrisy and denies any public input on the final proposals while approving them just two days after release to the public."

The November NYC ballot will include the following questions:

Ballot Question #1: Clean Streets

Department of Sanitation's mandate and facilitate its efforts to keep streets and other city property clean:

City-owned property & cleanliness violations

o The amendment would enable DSNY, at the Mayor's direction, to clean any city-owned property and allow DSNY to enforce all laws, rules, and regulations related to the cleanliness of streets, sidewalks, and exteriors of real property of the City.

Containerization

o The amendment would clarify that DSNY can regulate containers used to dispose garbage. Currently, the Charter does not explicitly reference this mandate.

Street Vendors

o The amendment would extend DSNY enforcement authority over Street Vendors to other types of City property, not just streets and sidewalks. The authority would be concurrent with agencies already authorized to enforce vending rules.

Ballot Question #2: Fiscal Responsibility

The Commission proposes an amendment to improve the assessment of fiscal impacts in the legislative process and update certain budget deadlines.

Earlier Assessment of Fiscal Impacts

o The amendment would require that a Fiscal Impact Statement be prepared prior to a public hearing on a proposed local law. In addition, an updated Fiscal Impact Statement would be required prior to a vote on a proposed local law. An existing requirement for Fiscal Impact Statements prior to a vote by a Council Committee would be eliminated.

Requiring Both Executive and Legislative Branch Assessments

o The amendment would require that Fiscal Impact Statements for proposed local laws contain estimates from both the City Council and the Mayor's Office of Management and Budget.

o The Council would be required to give the Office of Management and Budget eight days' notice before holding a public hearing or a full Council vote on a proposed local law to allow the Office of Management and Budget time to develop and submit its estimate, and to allow councilmembers sufficient time to consider each estimate.

o If the Office of Management and Budget has received adequate notice from the Council, but has not provided its estimate in a timely manner, the Council need not wait to move forward with a public hearing or full Council vote.

Budget Modernization

o The amendment would extend the deadline for the preliminary budget from January 16th to February 1st in years following a mayoral election, extend the deadline for the mayor to submit a preliminary certificate on capital debt and obligations from January 16th to February 1st in years

following a mayoral election, and extend the deadline for the Independent Budget Office to report on revenues and expenditures from February 1st to February 15th in years following a mayoral election.

o The amendment would also extend the deadline for submission of the executive budget from April 26th to May 1st, and extend the deadline for Borough President recommendations on the executive budget from May 6th to May 13th.

Ballot Question #3: Public Safety

The Commission proposes an amendment to promote public input and deliberation in the consideration of proposed local laws respecting public safety.

Applicability:

o The amendment would add new procedures required for consideration of local laws respecting the public safety operations of three City agencies: the Police Department, the Department of Correction, or the Fire Department.

Procedures:

o If the Council intends to proceed to a vote by the full Council on a covered public safety proposal, the Council would be required to give an additional notice to the public, the Mayor, and the commissioner of each affected agency at least 30 days prior to final vote. The Mayor and affected agencies could use the time between such notice and the vote to hold one or more additional public hearings on the proposal.

Waiver:

o The Mayor would have authority to waive these additional procedural requirements.

Ballot Question #4: Capital Planning

The Commission proposes an amendment to improve the City's Ten-Year Capital Strategy by promoting transparency and ensuring the City collects critical information to inform capital planning.

Expanding the Citywide Statement of Needs to include additional pertinent details.

o The amendment would promote transparency by requiring the Citywide Statement of Needs to incorporate additional, more detailed information such as facility conditions and the estimated useful life for City facilities.

Formalizing the link between the Ten-Year Capital Strategy, Statement of Needs, and the inventory of City facilities.

o The amendment would require the Ten-Year Capital Strategy to consider the information collected by the City for the Statement of Needs and annual inventory of its capital facilities and infrastructure.

Codifying the factors considered when planning the Ten-Year Capital Strategy.

o The Amendment would codify certain factors often used when evaluating investments in infrastructure, such as the level of deterioration, how critical a facility is to agency operations, impact on resiliency, and the geographic distribution of City facilities.

Aligning certain Ten-Year Capital Strategy deadlines with the release of the City's preliminary budget.

- o The Amendment would change the release date of the ten-year capital strategy to January to coincide with the January budget plan and the deadline for the associated City Planning Commission hearing to better match the City's actual capital planning calendar.

Ballot Question #5: MWBEs and Modernization

The Commission proposes an amendment to promote support for MWBEs and modernize two aspects of municipal government.

Formalize the role of the Chief Business Diversity Officer and clarify responsibilities.

- o The amendment would formally establish the Chief Business Diversity Officer and their responsibilities in the Charter.

Grant the Mayor power to confer permitting authority on employees of the Mayor's Office of Media and Entertainment (MOME).

- o The amendment would give the Mayor the power to grant MOME employees, who are employed under the Office of Technology and Innovation, the authority to issue permits.

Consolidate duplicative archive review boards.

- o The Amendment would consolidate the Archival Review Board with the Archives, Reference and Research Board, due to their similar missions.

Briefs

Governor Hochul Unveils \$108 Million Proposal to Transform Former Bayview Correctional Facility Into 124 Affordable Housing Units and Community Hub

Governor Kathy Hochul this week unveiled Liberty Landing, a project to convert the state-owned 100,000 square-foot former Bayview Correctional Facility in Manhattan into affordable housing for low-income residents and supportive housing for formerly incarcerated individuals reentering the community. The proposed project, a joint venture between Camber Property Group and Osborne Association, would invest over \$108 million in West Chelsea and provide 124 permanently affordable housing units and on-site supportive services.

The project will feature a 15-unit short-term transitional residence to support individuals with mental health needs who in need of temporary housing. The State Office of Mental Health is providing both capital and operating funding for these residences. The proposed project will be sponsored by Empire State Development under a General Project Plan, will undergo environmental review under the State Environmental Quality Review Act, and will be presented for public review and comment prior to its final consideration and approval.

Osborne Association, the supportive service partner at Liberty Landing, will provide on-site social services and programming to assist individuals reentering the community after incarceration. The services include workforce development programs, family and relationship coaching, independent living skills training, and onsite wellness services, such as nutrition education and chronic disease management. Residents will also have access to benefits advocacy, peer mentorship, and connections to healthcare, mental health support, and substance use disorder treatment through community partnerships.

State Approves Mount Sinai Beth Israel Closure

The state Department of Health (DOH) has approved the Mount Sinai Health System's plan to close Beth Israel hospital in lower Manhattan.

As conditions of the closure, Mount Sinai must operate a 24/7 primary care and urgent care clinic for at least three months, while formalizing an agreement with NYC Health + Hospitals to invest in an expansion of Bellevue Hospital's emergency department, including its psychiatric emergency department.

"The conditional approval of the closure plan submitted by Mt. Sinai Beth Israel Hospital is based on careful and extensive review of the plan and delineates several conditions to help ensure that patients receive quality care at nearby hospitals and other primary care providers," according to a DOH statement in published reports.

Chapters of the Laws of 2024

Chapter 205 – Sponsored by AM Hevesi/Senator Stavisky – Allows severely disabled individuals to renew parking permits without providing an updated certification or additional medical documents.

Chapter 209 - Sponsored by Senator Martinez/AM Eachus – Expands the eligibility criteria to receive a partial real property tax exemption for persons with disabilities by including persons whose primary residence is in a special needs trust, and real property owners who have a tenant with a disability whose lease provides them with a life interest in the property, as long as the tenant remains in residence.

Chapter 211 – Sponsored by Senator Hoylman-Sigal/Rules (AM Simone) -- Allows for new future commercial uses solely at Per 76, such as commercial office development, amusement rides and tourist attractions, facilities for waterborne transportation activities and floating restaurants.

Chapter 212 – Sponsored by Senator Kavanagh/Rules (AM Woerner) – Amends the Access to Home and Access to Home for Heroes programs to permit home repairs related to habitability to be financed with program funds in conjunction with accessibility improvements.

Mayor Adams Takes New Actions To Promote Safe E-Bike Charging & Usage

New York City Mayor Eric Adams this week launched the New York City Safe Charging Accelerator to ensure safe e-bike usage and charging, and to prevent lithium-ion battery fires in New York City.

As a part of this accelerator, the New York City Department of Transportation (DOT) will propose a rule to expedite approvals for property owners to more quickly install e-bike battery swapping and charging cabinets on public sidewalks, removing barriers to their installation and making them accessible and usable for e-bike users.

Additionally, DOT will launch the nation’s first municipal trade-in pilot program for unsafe e-bikes and other powered mobility devices and their batteries, allowing eligible food delivery workers to replace their unsafe devices with certified, high-quality e-bikes and batteries. The program offers trade-ins of both e-micromobility devices and lithium-ion batteries.

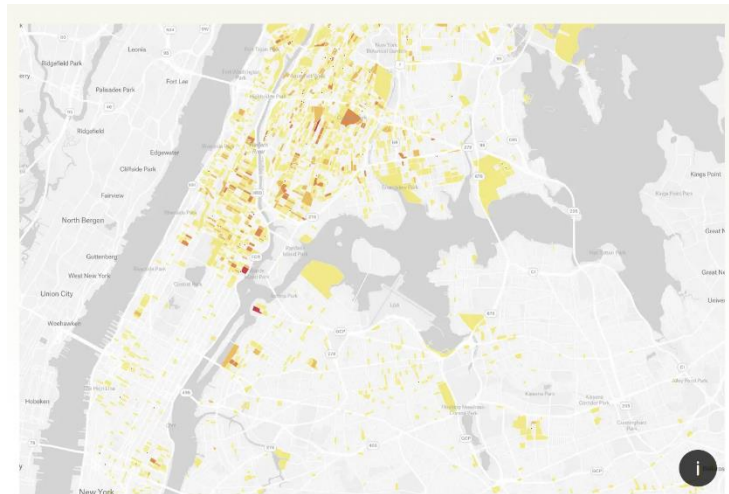
Participants must reside in New York City, be at least 18 years of age, own an eligible, working device, and have earned at least \$1,500 over the prior year as a food delivery worker to be eligible to participate in the program. Participants will receive two batteries because many delivery workers report that a full day of work often necessitates the use of two batteries. A public hearing on the administration’s new trade-in program will be held online on August 22 at 10 a.m. Applications for the program will open in early 2025. The e-bike and battery trade-ins will take place in 2025, using \$2 million in funding.

NYC Shooting incidents, 2020-2024

Utilizing police data and reporting by its journalists, *Gothamist* has built an interactive map which shows that during the period of January 2020 to June 2024, shootings in New York City have occurred in a relatively small number of city blocks.

The map combines two publicly available NYPD datasets and 2024 fatal shooting data compiled by *Gothamist* from NYPD information.

The [map](#) utilizes census blocks to detail shooting incidents that occurred in the area during the period of January 2020 to June 2024.



Jaclyn Jeffrey-Wilensky/Gothamist

Coming Up

New York State

Tuesday, July 30th

NYS Community Commission on Reparations Remedies

Blue Room, State Capitol, 2nd Floor, Albany, 2:30 p.m.

New York City

Tuesday, July 30th

Committee on Consumer and Worker Protection, Council Chambers – City Hall, 10 a.m.

Committee on Land Use, Committee Room – City Hall, 11 a.m.

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