



# This Week in New York

**Covering New York State and City Government**

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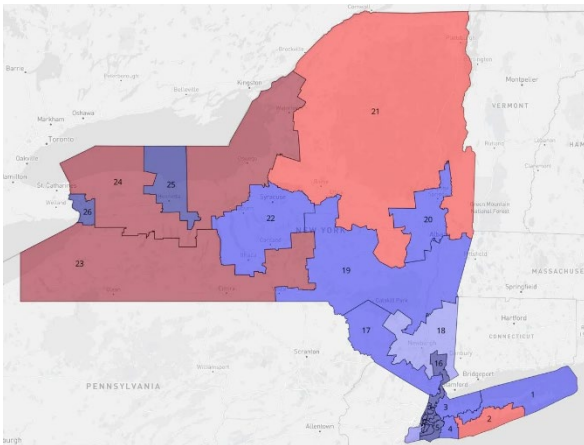


*“Every record has been destroyed or falsified, every book rewritten, every picture has been repainted, every statue and street building has been renamed, every date has been altered. And the process is continuing day by day and minute by minute. History has stopped. Nothing exists except an endless present in which the Party is always right.”*  
*-George Orwell, 1984-*

## *In the News – New York State*

### **Judge in Redistricting Case Declines to Halt New York's Elections**

#### **NY's New Congressional Districts**



A Western New York Supreme Court judge this week said he will allow the State's 2022 election process to proceed, despite an ongoing legal challenge over the new congressional and legislative district lines.

“It is highly unlikely that the new viable map could be drawn and be in place within a few weeks or even a couple of months,” Steuben County State Supreme Court Judge Patrick McAllister said. “Therefore, striking these maps would more likely than not leave New York without any duly-elected congressional delegates. I believe the more prudent course would be to allow the current election process to proceed, then if necessary, provide for new elections next year.”

The pending lawsuit, brought by a number of Republicans, asserts that the new district lines could allow the number of Democrats in the State's congressional delegation to increase from 19 to 22, even though the State will lose one congressional seat, and violate the State Constitution that prohibits drawing maps with the intent of helping a particular party.

Judge McAllister did rule in favor of a number of other requests including declining to remove Governor Kathy Hochul as a defendant, allowing the suit to challenge lines in every corner of the state, permitting Republicans to add a challenge to State Senate lines to their lawsuit, and granting permission to subpoena legislators' correspondence on the maps.

If Judge McAllister ultimately rules to reject the lines approved by the Legislature in February, new maps would then be drawn in time for special elections in every congressional and state Senate seat in 2023. A similar scenario took place in 1964 when the district lines were rejected. State legislators were elected to what became one-year terms and elections were held again in 1965.

Litigants are expected to reconvene on March 14 to debate technical claims. Judge McAllister is expected to reach a decision by early April.

Petitioning for the 2022 ballot is already underway. Candidates have until April 7 to file their petitions to secure a spot in the primary elections which are set for June 28.



## **NYS Moves to Divest in Russia**

### ***NYS Comptroller Prohibits New Russian Investments & Directs Investment Review***

### ***Governor Signs Executive Order Directing All State Agencies to Review & Divest***

New York State Comptroller Thomas DiNapoli has directed his staff to prohibit all new investments in Russian companies and to review the New York State Common Retirement Fund's (Fund) current investments and assess whether they present financial risks that warrant further restrictions or divestment. He is also reaching out to the Fund's investment managers to urge them to conduct a similar examination to mitigate investment risk and minimize market impact.

"Russia's unlawful invasion of Ukraine has led to unprecedented sanctions against Russian companies and individuals," Comptroller DiNapoli said. "While American sanctions already prohibit investments in many Russian companies, I believe it is prudent to freeze purchases in all Russian companies due to the situation's unpredictability and the likelihood that conditions will deteriorate. This will ensure that the Fund does not increase its minimal exposure to the Russian economy while completing its divestment review, consistent with my fiduciary duty."

The Fund estimates it has \$110.8 million in public equity investments including direct holdings and co-mingled funds in Russian companies.

Also this week, Governor Kathy Hochul signed an [Executive Order](#) directing all New York State agencies and authorities to review and divest public funds from Russia. In addition, the Department of Financial Services (DFS) expedited procurement of additional blockchain analytics technology to bolster its ability to detect exposure among DFS-licensed virtual currency businesses to Russian individuals, banks, and other entities.

# *In the News – New York City*



## **Mayor Adams Announces Agreement to Transform South Brooklyn Marine Terminal Into Offshore Wind Hub**

New York City Mayor Eric Adams this week announced an agreement that will transform the city-owned South Brooklyn Marine Terminal (SBMT) into “one of the largest” offshore wind port facilities in the nation. The agreement will generate \$1.3 billion in average annual investment citywide and support 13,000 local jobs.

As part of the deal finalized by the New York City Economic Development Corporation (NYCEDC), Equinor, its partner — bp — and Sustainable South Brooklyn Marine Terminal, L.P. (SSBMT) will upgrade and build out the terminal as an operations and maintenance base. The terminal will become a power interconnection site for the [Empire Wind 1 project](#).

Heavy lift platforms will be built on the 39th Street Pier for wind turbine staging and installation for Equinor and other developers. The port will serve as a hub to support the Empire Wind and [Beacon Wind](#) offshore wind farms.

NYCEDC also partnered with Equinor and the community to support workforce training for local residents. The agreement expands the target of minority- and women-owned business enterprise (M/WBE) contractors based in and registered with New York City or New York State, with a 30 percent M/WBE participation goal; and will support technical assistance for M/WBE and Disadvantaged Business Enterprises. Additionally, the agreement ensures the development will be a low-emissions facility.

“With this investment, the South Brooklyn Marine Terminal will soon be transformed into one of the largest offshore wind port facilities in the nation,” said Mayor Eric Adams. “This site will be the launch of a whole new industry for New York City that will support 13,000 local jobs over time, generate \$1.3 billion in average annual investment citywide, and significantly reduce our carbon footprint so that we can meet our climate goals of 100 percent clean electricity by 2040....”



## **NYC Employees' Retirement System Votes To Divest in Russian Securities**

The trustees of the New York City Employees' Retirement System (NYCERS) voted this week to approve a resolution directing the Comptroller to carry out the divestment of the System's investments in securities issued by Russian companies, beginning with those identified by the United States government as financing, supporting, or enabling the Putin regime.

The New York City Employees' Retirement System is one the nation's largest municipal retirement funds in the United States with over 350,000 active members and retirees. The System held approximately \$31.1 million in Russian securities at the close of business on February 25. As of December 31, 2021, the System had \$88.2 billion in total assets under management (AUM).

The trustees of the New York City Employees' Retirement System include: Mayor's Representative Cynthia Collins (Chair); New York City Comptroller Brad Lander, New York City Public Advocate Jumaane Williams; Borough Presidents: Mark Levine (Manhattan), Donovan Richards (Queens), Antonio Reynoso (Brooklyn), Vito Fossella (Staten Island), and Vanessa Gibson (Bronx); Henry Garrido, Executive Director, District Council 37, AFSCME; Tony Utano, President Transport Workers Union Local 100; and Gregory Floyd, President, International Brotherhood of Teamsters, Local 237.

## **Briefs**

### **Legislature Approves Sexual Harassment Protection Legislation**

The Senate this week approved legislation to strengthen New York's sexual harassment protections in the workplace, sending bills that ensure the State's 2019 anti-harassment initiatives include public employees and bolster provisions related to retaliatory activities to Governor Kathy Hochul for consideration.

Sponsored by Senator Andrew Gounardes and Assemblymember Yuh-Line Niou, the first bill (S3395/A2483A) clarifies that the state or a locality is considered an employer of anyone serving in the state or local executive, judiciary, and legislative branches, including the staff of elected officials or judges. According to the sponsors, this would ensure that these employers are subject to Chapter 161 of 2019 which clarified employers' responsibility for the behavior of their employees, eliminated parts of the Faragher/Ellerth defense, and required employers to provide notice of their office's sexual harassment prevention policy.

The second bill (S5870/A7101), sponsored by Senator Gounardes and Assemblymember Jessica Gonzalez-Rojas, clarifies that release of personnel records to discount victims of workplace discrimination counts as a retaliatory action under the Human Rights Law and to provide additional recourse to victims of such retaliation.

## **Governor Hochul: There ‘May Never be a Five-Day [Work] Week Again’**

Governor Kathy Hochul acknowledged this week that the COVID-19 pandemic could change the five-day in office work week in New York State. However, the Governor asserted that she would like to see employees occupying office buildings “at least three to four days at minimum” to spur economic recovery.

“It may never be a five-day week again,” said Governor Hochul explained. “It may be four days with flexibility. It may be three and a half.”

In published reports, Kathryn Wylde, CEO of the Partnership for the City of New York, concurred with Governor Hochul’s assessment, “...she is accurately reflecting their [New York City employers] view of the future of office work. People will be expected back in the office but with some greater flexibility than in the past.”

## **Comptroller DiNapoli Releases Industry Sector Dashboards to Track NYC Economic Recovery**

New York State Comptroller Thomas DiNapoli this week launched online dashboards to track data for key industry sectors in New York City, providing policy makers and the public with a look at how the COVID-19 pandemic has affected the City and how its recovery is progressing.

The dashboards track various economic and fiscal aspects of the construction, office, securities, restaurant, retail, tourism, and the arts, entertainment and recreation sectors. The tools offer details for each sector, including employment and salary data. It also provides information on how each of the sectors compares with the private sector overall as well as the rest of the state and nation.

Key information and trends identified by the most recent data (dashboards are linked below):

- **Arts, Entertainment and Recreation**: Employment in the sector fell by more than half in the first months of the pandemic. Despite gains made last year, employment in the sector in December 2021 remained 17.9% below what it was in March 2020.
- **Construction**: Jobs in the sector rebounded from a low of 87,200 in April 2020 to 135,600 in December 2021. That is still far below the industry’s peak of 164,000 in October 2018.
- **Office**: Vacancy rates remain at historic highs due to a shift in demand for office space even as employment in this sector has rebounded from a low of 1.3 million jobs in May of 2020 to 1.4 million in December 2021.



- **Restaurants**: Shutdowns related to the pandemic caused a 70% drop in jobs from March to April 2020. At the end of 2021, the subsector (part of the accommodation and food services sector) remained 20.8% below pre-pandemic levels.
- **Retail**: Despite a 9.2% increase in 2020, retail salaries remain about half that of the total private sector.
- **Securities**: While many sectors continue to experience improvement in employment recovery, securities saw further declines in 2021 (that began in 2019).
- **Tourism**: The sector lost 46.9% of its employment when the pandemic hit and remains 35.2% lower than the fourth quarter of 2019.

The NYC sector dashboards will be updated regularly. Employment levels will be updated monthly for most sectors with other information updated as new data becomes available.

## **Attorney General James Warns New York Consumers and Businesses to Be Cautious Amid Ongoing Crisis in Ukraine**

New York Attorney General Letitia James this week provided warnings and tips to consumers and businesses who could potentially experience residual impacts from the ongoing crisis in Ukraine. The Office of the Attorney General (OAG) notes that consumers and businesses should be mindful of any potential price gouging of fuel, other goods and services, and take actions to protect themselves against potential cybersecurity threats that may develop amid the crisis.

### **Price Gouging of Fuel**

Due to Russia's role as the world's second-largest producer of natural gas and one of the world's largest oil-producing nations, the crisis may lead to market disruptions and potentially inflated prices at the pump. New York law prohibits sellers of fuel and other vital and necessary goods from charging unconscionably excessive prices during an abnormal market disruption, including disruptions caused by world conflicts. New York consumers are urged **to report dramatic gasoline price increases to OAG for investigation**.

### **Cybersecurity Best Practices for Consumers and Businesses**

While there is currently no active cybersecurity alert, the U.S. Department of Homeland Security has encouraged consumers and businesses of all sizes to ensure they are taking appropriate measures to protect their systems. The OAG has previously investigated issues relating to cybersecurity and provided guidance to both consumers and **businesses about how they can best protect themselves from cybersecurity threats**.

### **Consumers Safeguards to Protect Online Accounts from Cybersecurity Threats**

Attorney General James suggested the following: Protect your passwords by using a password manager and never reuse passwords; Enable two-factor authentication (2FA); Check regularly for unauthorized activity; Regularly run antivirus software; Update your software; and Take suspicious activity seriously.

## NYC Comptroller Unveils Fund Tracker To Tally City Spending of COVID-19 Relief Funds

City Comptroller Brad Lander this week unveiled an interactive public dashboard tracking the spending from FY 2022 onward of nearly \$11 billion in Federal pandemic relief funding for New York City.

Through FY 2026, Federal pandemic aid is expected to total \$26 billion. The tracker shows that through mid-February the City has spent \$1.16 billion of \$3.30 billion in planned State and Local Fiscal Recovery Fund (SLFRF) spending for FY 2022, and \$1.7 billion of \$3.0 billion in FY 2022 funds specifically awarded for education. View the Federal Stimulus Fund Tracker [here](#).

## Summer Youth Employment Program Applications Open for New Yorkers Aged 14-24

New York City Mayor Eric Adams this week opened applications for the New York City Department of Youth and Community Development's (DYCD) [Summer Youth Employment Program \(SYEP\)](#). In addition to a record 90,000 SYEP opportunities, 10,000 summer jobs will be available through other city agencies as the result of a \$79 million investment in the Fiscal Year 2023 Preliminary Budget.

## Mayor Adams Announces Next Phase of NYC's Pandemic Response

New York City Mayor Eric Adams today announced several changes to COVID-19 pandemic restrictions including suspension of the Key to NYC program and the removal of indoor mask mandates in City public schools for K-12 students.

Beginning Monday, March 7<sup>th</sup>:

- **[Key to NYC](#) rules will be suspended.** Indoor venues, including restaurants, fitness facilities, and entertainment spaces will no longer be required to check for proof of vaccination before customers enter. Businesses previously covered by Key to NYC rules will still have the flexibility to require proof of vaccination or masking indoors if they choose.
- **Masks will no longer be required on public school grounds for kindergarten to 12<sup>th</sup> grade students.** According to the Mayor, while these public school children will be able to remove their masks, if they so choose, schools will continue to maintain strict COVID-19 protocols, including increased ventilation, a daily screener to ensure those with symptoms do not come to school, and test kit distribution. Masks will continue to be required for all settings with children under 5 years of age (where none of the population is yet eligible for the vaccine), including programs contracted by the New York City Department of Education with 3- and 4-year-old children as well as 3k and 4K classrooms in district schools.

Mayor Adams today also announced that all other COVID-19 mandates will remain in effect. Under the rules, employees will still be required to be vaccinated unless they have received a reasonable accommodation from their employer.

# Coming Up

## ***New York State***

### ***Monday, March 7<sup>th</sup>***

***Assembly Session***, New York State Capitol Building, Assembly Chamber, Albany, 2 p.m.

***Senate Session***, New York State Capitol Building, Senate Chamber, Albany, 3 p.m.

### ***Tuesday, March 8<sup>th</sup>***

***Assembly Session***, New York State Capitol Building, Assembly Chamber, Albany, TBD

***Senate Session***, New York State Capitol Building, Senate Chamber, Albany, 3 p.m.

### ***Wednesday, March 9<sup>th</sup>***

***Assembly Session***, New York State Capitol Building, Assembly Chamber, Albany, TBD

***Senate Session***, New York State Capitol Building, Senate Chamber, Albany, 3 p.m.

### ***Thursday, March 10<sup>th</sup>***

***Assembly Session***, New York State Capitol Building, Assembly Chamber, Albany, TBD

***Senate Session***, New York State Capitol Building, Senate Chamber, Albany, 11 a.m.

## ***New York City***

### ***Monday, March 7<sup>th</sup>***

***Committee on Small Business***, Remote Hearing – Virtual Room 4, 10 a.m.

Oversight – SBS’s Response to COVID-19.

***Committee on Veterans***, Remote Hearing – Virtual Room 3, 10 a.m.

Oversight – Preliminary Budget Hearing – Veterans.

***Committee on Rules, Privileges and Elections***, Council Chambers – City Hall, 10:30 a.m.

***Committee on Transportation and Infrastructure***, Remote Hearing – Virtual Room 1, 10 a.m.

### ***Tuesday, March 8<sup>th</sup>***

***Subcommittee on Zoning and Franchises***, Remote Hearing – Virtual Room 3, 11 a.m.

***Committee on Cultural Affairs, Libraries, and International Intergroup Relations***, Remote Hearing – Virtual Room 1, 12:30 p.m.

Oversight – Preliminary Budget – Cultural Affairs, Libraries, and International Intergroup Relations.

***Committee on Public Housing***, Remote Hearing – Virtual Room 2, 1 p.m.

Oversight – Preliminary Budget Hearing – Public Housing.



***Wednesday, March 9<sup>th</sup>***

***Committee on General Welfare***, Remote Hearing - Virtual Room 1, 10 a.m.

Oversight – Preliminary Budget Hearing – General Welfare.

***Joint - Committee on Mental Health, Disabilities and Addiction & Health***, Remote Hearing – Virtual Room 2, 12 p.m.

Oversight – Preliminary Budget Hearing – Mental, Health, Disabilities and Addiction.

***Committee on Fire and Emergency Management***, Remote Hearing - Virtual Room 3, 2 p.m.

Oversight – Preliminary Budget Hearing – Fire and Emergency Management.

***Thursday, March 10<sup>th</sup>***

***City Council***, Hybrid Hearing – Council Chambers – City Hall, 1:30 p.m.

***Friday, March 11<sup>th</sup>***

***Joint - Committee on Aging & Subcommittee on Senior Centers and Food Insecurity***, Remote Hearing – Virtual Room 1, 10 a.m.

Oversight – DFTA’s Home Delivered Meals Program and the Ending of the 60+ Recovery Meals Service.

***Joint - Committee on Environmental Protection & Subcommittee on COVID Recovery and Resiliency***, Remote Hearing - Virtual Room 2, 11 a.m.

Oversight – COVID-19 Testing in Wastewater.

**“No man can be a good citizen unless he has a wage more than sufficient to cover the bare cost of living, and hours of labor short enough so after his day’s work is done he will have time and energy to bear his share in the management of the community, to help in carrying the general load.”**

**-Theodore Roosevelt-**

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