



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



Governor Floats 10-Point Public Protection Plan

Governor Kathy Hochul this week presented the Legislature with a 10-point legislative plan, addressing public protection issues that have been plaguing the State. The plan includes reforms to the State’s bail program, gun trafficking laws, legal discovery statute, Raise the Age Law, and Kendra’s Law, while increasing funding for pretrial, diversion, and employment programs and mental health treatment.

The public protection plan includes:

1. **Bail Reform**: Allow Bail Determinations to Be Informed by Factors Including Criminal History and History of Firearm Use and Possession For the Most Serious Felonies.
2. **Bail Reform**: Make Repeat Offenses Subject to Arrest and Bail-Eligible.
3. **Bail Reform**: Make Certain Gun-Related Offenses, Hate Crimes Offenses, and Subway Crime Offenses Subject to Arrest and Not Desk Appearance Ticket (DAT) eligible.
4. **Bail Reform**: Make Gun-Related Offenses Bail-Eligible including criminal sale of a firearm to a minor.
5. **Gun Trafficking**: Make It Easier to Prosecute Gun Trafficking by reducing the number of guns someone has to sell to be subject to penalties for gun trafficking.
6. **Targeted Reforms of the Discovery Statute**: The Governor proposed three changes to the discovery statute: (1) Allow prosecutors to be deemed in “substantial compliance” with the discovery statute; (2) Make a conforming/technical change to enable a case to proceed once a

prosecutor has turned over all locatable materials; and (3) Exclude traffic infractions from the discovery requirements.

7. **Targeted Reforms of the Raise the Age Statute:** Under the plan, the Raise the Age statute would be amended as follows: (1) Gun possession will be sufficient to allow, but not require, a judge to keep a case in criminal court; (2) Youth Part judges would be given the authority to access to Family Court records, and all parties to a Youth Part proceeding would have access to Family Court records for the purposes of setting bail, determining appropriate resource needs of the defendant, and sentencing recommendations. The records that are made available to the prosecution and defense can be resealed following the resolution of the case; and (3) Grants Family Court jurisdiction over any person who is charged with committing a crime when they were under 18.
8. **Criminal Justice Program Funding:** Increase Funding for Pretrial, Diversion, and Employment Programs.
9. **Mental Health Programming:** Expand Involuntary Commitment and Kendra’s Law.
10. **Mental Health Funding:** Increase Funding for Mental Health Treatment. Additional budget funding would be committed to further increase mental health services and housing capacity, specifically transitional respite housing and additional permanent supportive housing units.

The Governor’s plan was considered a “big step” by New York City Mayor Eric Adams.

“The governor’s proposal includes significant steps, which I have advocated for, that would make New York safer, while not undoing important reforms. It is a big step forward that these proposals are being discussed at the highest level in Albany...” the Mayor said.



Governor Hochul Signs Package of Legislation to Address Workplace Harassment and Discrimination

Governor Kathy Hochul this week signed a package of legislation to address workplace harassment and discrimination. The legislation was signed at a Women’s History Month celebration with advocates for gender equity and women’s rights.

Chapter 138 of the Laws of 2022, sponsored by Senator Alessandra Biaggi and Assemblymember Yuh-Line Niou, requires the Division of Human Rights to establish a toll-free confidential hotline for complaints of workplace sexual harassment.

The function of the hotline will be to connect complainants with experienced pro-bono attorneys who will help make them aware of their legal rights and advise them on the specifics of their individualized cases.

Chapter 139 of the Laws of 2022, sponsored by Senator Andrew Gounardes and Assemblymember Niou clarifies that the State is considered an employer of anyone serving in the executive, judiciary, and legislative branches – including the staff of elected officials or judges – and subject to the provisions of the Human Rights Law. This legislation will clarify that the state will not be able to avoid responsibility for harassment of public employees and ensure that New York’s anti-harassment regulations protect both public and private employees.

Chapter 140 of the Laws of 2022, sponsored by Andrew Gounardes and Assemblymember Jessica Gonzalez-Rojas, establishes that the release of personnel records to discredit victims of workplace discrimination counts as a retaliatory action under the Human Rights Law. The Human Rights Law expressly prohibits all forms of retaliation against complainants. This legislation clarifies that the release of a personnel record counts as retaliation except where it is necessary to comply with an investigation. This bill also provides additional recourse to victims of unlawful retaliation under this new provision by allowing them to file a complaint with the Attorney General who may commence a proceeding in state Supreme Court.

According to Governor Hochul, addressing sexual harassment is part of her Equity Agenda, which includes the creation of a Council on Gender Equity, measures to protect access to reproductive health services, including abortion care and prenatal and postnatal care, increased support for minority and women-owned businesses (MWBs), investments in child care access, and a plan to bring free child care to every SUNY campus. The Governor is also calling on the Legislature to pass the Equal Rights Amendment this session.

In the News – New York City



NYC Comptroller Spotlights 421-a

As the State Legislature and the Governor debate the future of New York’s sunsetting 421-a program, New York City Comptroller Brad Lander interjected his analysis, [*A Better Way Than 421-a: The High-Rising Costs of New York City’s Most Unaffordable Tax Exemption*](#), which looks at the cost of the program and its proposed changes, the impact on housing production, and the nexus between 421-a and structural property tax reform.

Established in 1971, the 421-a tax exemption was designed to spur housing development at a time of disinvestment. According to Comptroller Lander, the City Department of Finance estimates that the 421-a program will cost New York City \$1.77 billion in tax revenue for roughly 64,000 exemptions this year.

In “A Better Way Than 421-a,” the Comptroller’s office estimates that more than 60% of the income-restricted units created by the 2017 version of the program were built for families earning over \$100,000 a year, making those units unaffordable to nearly 75% of New Yorkers. For example, a family of three would have to earn up to \$139,620 and pay about \$3,400 a month for a two-bedroom apartment.

Governor Kathy Hochul, in her Executive Budget, released a proposed revision to 421-a. The new program, “Affordable Neighborhoods for New Yorkers” (ANNY), aims to include more affordability, such as new options for small rental projects and homeownership projects.

Both chambers excluded the Governor’s proposal to replace 421-a in their respective one-house budgets and neither offered an alternative plan.

Comptroller Lander proposes structural changes to the property tax system that would address the disparity in taxation between condominium and rental buildings. For example, the New York City Advisory Commission on Property Tax Reform found that the median effective tax rate on rental buildings is roughly double than a condo building creating a strong disincentive to developing rental housing.

The Comptroller’s report finds that the tax rates proposed by the New York City Advisory Commission on Property Tax Reform “could largely eliminate the need for 421-a as a development incentive.” The report recommends that State legislators let 421-a expire on June 15, 2022 and set a deadline of December 31, 2022 to achieve structural property tax reform.

In addition, the Comptroller asserted that Legislature should appoint a working group of State Senators and Assemblymembers to develop and introduce legislation—by December 31, 2022—to enact comprehensive property tax reform in consultation with City leaders and other stakeholders. The property tax reform should:

- Introduce a uniform sales-based valuation methodology and a single revenue-neutral tax rate for 1-3 family homes, co-ops and condominiums, and small rental buildings. Assessed value growth caps should be replaced by tax relief programs that favor primary and low-income residents.
- Make the equalization of tax treatment of new residential construction a “pillar of comprehensive reform.”
- Establish a new, targeted affordable housing tax incentive (potentially on the model of the City’s Article XI exemption which is sized to account for the market conditions, costs and standards, and other subsidies) that would match the tax benefit granted to a building to the level needed to achieve the affordability the development will offer. That new incentive should also come with strong labor standards.

Briefs

NYS Assembly and Senate Release One-House Budget Bills

As New York State's April 1st budget deadline approaches, both the Senate and the Assembly have put forth their annual one-house budget proposals, a view into the wish lists of the respective houses.

The New York State Senate passed an approximately \$230 billion one-house budget resolution committed to climate action while continuing property tax relief for homeowners, rent relief for tenants, and a suspension of the state's tax on gasoline. Included in the Senate Majority resolution is increased support for caregivers and infrastructure at the local level, and investments in mental health services and community violence prevention efforts.

Speaker Carl Heastie's one-house proposal of \$226.4 billion invests in childcare, universal prekindergarten, rent relief and home ownership, and sustainable living wages for our state health care workers.

Governor Kathy Hochul proposed a \$218.5 billion spending plan.

State Lawmakers Push for Cannabis Business Tax Relief in NYS Budget

New York's legislative leaders submitted budget proposals this week that included language to give marijuana businesses access to state tax deductions currently available to other industries, decoupling State tax law from federal law to sidestep federal prohibitions.

Specifically, the respective one-house budget proposals including language stating that, beginning this taxable year through January 1, 2025, "the provisions of Section 280E of the Internal Revenue Code, relating to expenditures in connection with the illegal sale of drugs, shall not apply for the purposes of this chapter to the carrying on of any trade or business that is commercial cannabis activity by a licensee."

The Senate and Assembly also have stand alone initiatives, sponsored by Senate Jeremy Cooney and Assemblymember Donna Lupardo, to avert the taxes. Assemblymember Lupardo indicated she received "...no push back, whatsoever" in relation to the bill.

Governor Hochul Extends NY's COVID State of Emergency, Continuing Remote Government Meetings

Governor Kathy Hochul extended the State of Emergency for the COVID-19 pandemic another month, allowing local governments throughout the state to continue to host remote meetings.

Under the State's Open Meetings Law (OML) most state and local government entities are required to host their meetings in person. That requirement was suspended by former Governor Andrew Cuomo at the start of the pandemic, reinstated last summer when Governor Cuomo's emergency powers ended, and suspended once again when the Omicron variant surged. The current State of Emergency was due to end on March 16th.

"Over the past two years, many New Yorkers have been able to observe and participate in local government, school board, community boards, and other public meetings because of the option to meet remotely due to the pandemic," spokesperson Hazel Crampton-Hays said in a statement. As we determine paths forward for different pandemic restrictions and exemptions, we are allowing this to be extended for one final month while we work with the Legislature on permanent improvements to Open Meetings Law...Local governments, school boards, community boards, state boards, and other public bodies should be preparing now to resume in-person meetings, open to the public, and we encourage public bodies to meet in public starting as soon as possible, even while the OML exemptions are still in place."

MTA: NYC Congestion Tolls Scheduled for 'End of 2023'

The Metropolitan Transportation Authority (MTA) expects to have federal approval for its downtown congestion pricing plan by the end of this year, setting up a launch of the new fees by the end of 2023, officials testified at a City Council budget hearing this week.

"We look forward to a successful launch of the congestion pricing program towards the end of 2023," Steve Berrang, the MTA's Director of Capital Program Management, said, according to published reports. "We anticipate that we will obtain FWHHA —federal — approval for our environmental assessment for congestion pricing," Berrang said. "Approximately one year after that —310 days to be exact — construction will be complete, and we anticipate funding to start to flow to the MTA."

State legislation enacted in 2019 sets a toll revenue target of \$1 billion per year to support \$15 billion in loans for transit improvements. Specifics of the plan, including the tolls, are to be determined by the six-member "Traffic Mobility Review Board." To date, the Board has not yet met.

MTA estimates for the toll rates range from \$9 to \$23 for passenger vehicles, depending on the time of day, with higher fees imposed on trucks.

Mayor Adams Appoints Elizabeth Crotty as Commissioner and Chair of the New York City Business Integrity Commission

New York City Mayor Eric Adams today announced the appointment of Elizabeth Crotty as Commissioner and Chair of the New York City Business Integrity Commission (BIC). The mission of BIC is to ensure that trade waste and wholesale market companies are conducting their business safely and with integrity.

Crotty was a founding partner at Crotty Saland, PC and was an Associate at Kreindler & Kreindler litigating international cases. She started her career as an Assistant District Attorney at the New York County District Attorney's Office, prosecuting financial crimes under the Special Prosecutions Bureau.

A graduate of Fordham University School of Law, Crotty currently serves as a board member for the Manhattan District Attorney's Association, a not-for-profit alumni organization of the Manhattan DA's Office, and on the New York City Bar Association's Judiciary Committee.

NYC Keeping Private Sector COVID Vaccine Mandates

Private sector vaccination mandates will continue indefinitely in New York City, Health Commissioner Dr. Ashwin Vasan said today, and masks will continue to be worn by children under 5 in public schools.

"I think it's indefinite at this point," the Health Commissioner said. "People who have tried to predict what will happen in this future for this pandemic have repeatedly found egg on their face, as they say. And I'm not going to do that here today."

Health officials said New York City is seeing an increase in omicron over the past few days, with the BA.2 subvariant accounting for about 30% of cases.

Coming Up

New York State

Monday, March 21st

Assembly Session, New York State Capitol Building, Assembly Chamber, Albany, 1:45 p.m.

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

Tuesday, March 22nd

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 23rd

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 24th

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 21st

Committee on Education, Remote Hearing - Virtual Room 1, 9 a.m.

Oversight – Preliminary Budget Hearing – Education.

Committee on Hospitals, Remote Hearing – Virtual Room 2, 10 a.m.
Oversight – Preliminary Budget Hearing – Hospitals.

Joint - Committee on Economic Development & Oversight and Investigations, Remote Hearing – Virtual Room 3, 1 p.m.
Oversight – The City’s Evolving Workforce Development Plans in the Wake of the Pandemic.

Subcommittee on Zoning and Franchises, Remote Hearing - Virtual Room 4, 1 p.m.

Subcommittee on Landmarks, Public Sitings and Dispositions, Remote Hearing - Virtual Room 4, 2 p.m.

Committee on Land Use, Remote Hearing - Virtual Room 4, 2:30 p.m.

Tuesday, March 22nd

Committee on Governmental Operations, Remote Hearing - Virtual Room 1, 10 a.m.
Oversight – Preliminary Budget Hearing – Governmental Operations.

Committee on Parks and Recreation, Remote Hearing - Virtual Room 2, 10 a.m.
Oversight – Preliminary Budget – Parks and Recreation.

Committee on Civil Service and Labor, Remote Hearing - Virtual Room 3, 10:30 a.m.

Committee on Higher Education, Remote Hearing - Virtual Room 2, 2 p.m.
Oversight – Preliminary Budget – Higher Education.

Wednesday, March 23rd

Joint- Committee on Land Use & Technology, Remote Hearing - Virtual Room 2, 9:30 a.m.
Oversight – Preliminary Budget Hearing – Land Use and Technology.

Committee on Criminal Justice, Remote Hearing - Virtual Room 1, 10 a.m.
Oversight – Preliminary Budget Hearing – Criminal Justice.

Committee on Sanitation and Solid Waste Management, Remote Hearing - Virtual Room 2, 2 p.m.
Oversight – Preliminary Budget Hearing – Sanitation and Solid Waste Management.

Committee on Aging, Remote Hearing - Virtual Room 1, 2:30 p.m.
Preliminary Budget Hearing – Aging.

Thursday, March 24th

City Council, Council Chambers – City Hall, 1:30pm

Friday, March 25th

Committee on Environmental Protection, Remote Hearing - Virtual Room 1, 10 a.m.
Oversight – Preliminary Budget Hearing – Environmental Protection.

“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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