



# 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 & Legislature Miss Hochul Administration’s Inaugural Budget Deadline**

When the State Senate gavelled out at 1:02 p.m. Thursday, March 31<sup>st</sup>, it confirmed that the Legislature would not pass the 2022-2023 New York State budget legislation before the start of the new fiscal year on April 1<sup>st</sup>. The Assembly packed up shortly thereafter at 1:22 p.m., leaving the legislative leaders and the Governor to hash out the outstanding issues over the weekend.

"This is a critical time in New York's economic recovery, and I am committed to ensuring that our state budget reflects New Yorkers' priorities and tackles the top issues we are facing. From improving public safety to supporting small businesses, these are important and complex issues, and we need to get them right," Governor Kathy Hochul said in statement released Thursday. "I am continuing to have productive conversations with Majority Leader Stewart-Cousins and Speaker Heastie and I appreciate their collaboration and good faith approach to these negotiations. We are getting closer to agreement, with consensus on major policy items."

Criminal justice reform, ethics reform, alcohol-to-go, a gas tax holiday, a wage increase for home care workers, insurance coverage for low-income immigrants, and funding for “safety net” hospitals are among issues that remain unresolved.

While the additional time is necessary to close out the complex issues, it also allows for other issues to come onto the table. For example, issues that appeared “dead” earlier in the week—including a proposal to require new buildings to use electricity or other zero-emission options—get new “life” and are still being pushed by supporters. New issues—such as permanent authorization to hold state and local meetings remotely—“pop up” as the negotiations continue. Meanwhile, the 11<sup>th</sup> hour agreement to keep the Buffalo Bills in New York by financing a new \$1.4 billion stadium in Orchard Park has been met by staunch legislative scrutiny.

According to State Comptroller Thomas DiNapoli's office, the final budget must be completed by 4 p.m. Monday, April 4<sup>th</sup>, "to avoid any issues with upcoming payrolls" of state workers for the new fiscal year.

As of now, the Senate is scheduled to return at 3 p.m. on Monday, the Assembly is at the Call of the Speaker and none of the major budget bills have been amended to the final version. Although, in Albany, all of that could change very quickly.



## **Western NY Judge Throws Out Congressional, Senate, and Assembly Redistricting Maps; Attorney General James to Appeal**

The battle over New York's representational lines continues, as a Steuben County State judge yesterday rejected the maps drawn by the Democratic-led Legislature for the Congressional, Senate, and Assembly districts. Following the decision, Governor Kathy Hochul and State Attorney General Letitia James issued a joint statement, asserting "we intend to appeal this decision."

Acting State Supreme Court Judge Patrick F. McAllister's 18-page ruling (in *Harkenrider v. Hochul*) ordered lawmakers to draw maps with "sufficient bipartisan support" by April 11<sup>th</sup> or have a neutral party draw the lines.

"This court finds that the November 2021 legislation which purported to authorize the legislature to act in the event the IRC failed to act was not a mere enactment of legislation to help clarify or implement the Constitution, but in fact substantially altered the Constitution," Justice McAllister wrote. "Alteration of the Constitution can only be done by a constitutional amendment and as recently as November 2021 the people rejected the constitutional amendment that would have given the legislature such authority. Therefore, this court finds that the recent enacted Congressional and Senate maps are unconstitutional...Under the currently constructed when the IRC failed to act and submit a second set of maps there is nothing the Legislature has the power to do. Therefore the court would need to step in. The court would note that not only are the Congressional and Senate District maps void but the Assembly maps are void *al initio* as well. The same faulty process was used for all three maps."

Judge McAllister asserted that if the state Legislature fails to reach a consensus on the lines and leave the court-appointed mapmakers to draw new lines, the primary could be pushed no later than August 23rd.

According to published reports, the Senate Democrats also intend to appeal the decision.

# *In the News – New York City*



## **State Legislation to Fix City Comptroller's Administrative Error Delivered to Governor Hochul**

***The New York City Comptroller incorrectly filed a surety bond after being sworn into office, making him technically ineligible to serve***

Legislation to extend the deadline for New York City Comptroller Brad Lander to file the \$200,000 surety bond necessary to satisfy the requirements for serving as Comptroller of the City of New York was passed by both houses of the State Legislature and has been delivered to Governor Kathy Hochul for consideration. The legislation is sponsored by Senate Majority Leader Andrea Stewart-Cousins and Assembly Speaker Carl Heastie.

Under current New York State law, every public officer is required to (1) take and file an oath of office before he or she performs any official duties; and (2) execute and file an official undertaking in the form of a surety bond in order to ensure that he or she will faithfully discharge the duties of his or her office and promptly account for and pay over all moneys or property received by him or her official capacity. An oath of office or official undertaking for an elective office must be taken and filed before or within thirty days after the commencement of the term of office. An oath of office or official undertaking for an appointive office must be taken and filed within thirty days after notice of his or her appointment or within thirty days after the commencement of his or her term of office.

Following November's election, Comptroller Lander was sworn into office in January, and he filed his surety bond with the City Clerk's office after the legal deadline, making him technically ineligible to serve as the city's comptroller. The \$200,000 surety bond is required to ensure the comptroller's "faithful performance of the duties" of their office.

"Routinely, oaths of office and official undertakings are executed and filed before or at the commencement of a term. However, on occasion, there are incidents where public officers inadvertently neglect or fail to execute and file such requirements within the time period set forth by law, thus triggering a vacancy in the position to which they were elected or appointed or other potential penalties," according to the sponsor memo submitted with the bill. "This legislation would cure the failure to file for certain elected and appointed officials as of January 1, 2022 through March 31, 2022 in order to prevent situations where failure to file official oaths and undertakings effectively acts to undo the will of voters in elections."

The Senate passed the measure yesterday, 52-12, while the Assembly approved the bill on Tuesday, 145-1.

# *Briefs*

## **Comptroller DiNapoli: State Education Employment Program For New Yorkers With Disabilities Falling Short**

### ***Audit Recommends Stronger Oversight to Ensure Participants Get Attention They Need to Reach Goals and Fulfill Program's Mission***

The program run by the State Education Department (SED) to help New Yorkers with disabilities gain employment and transition to independent living is not fulfilling its mission because it too often leaves participants with inadequate plans that do not accomplish those goals, according to an audit released this week by State Comptroller Thomas DiNapoli.

Under the Adult Career and Continuing Education Services – Vocational Rehabilitation Supported Employment Program (ACCES-VR) program, counselors work with individuals to develop an Individualized Plan for Employment (IPE). The IPE should identify the employment goal for the participant, the services that will be provided and how progress will be measured.

Comptroller DiNapoli's auditors, however, found SED does not regularly meet the deadlines for eligibility determinations (60 days after the application date), finalization of IPEs (90 days after eligibility date), or annual reviews of IPEs, which are required by federal law and SED policy.

## **Mayor Adams Reappoints Lorraine Cortés-Vázquez as Department for the Aging Commissioner**

New York City Mayor Eric Adams this week announced the reappointment of former New York Secretary of State Lorraine Cortés-Vázquez as Commissioner of the New York City Department for the Aging (DFTA).

Cortés-Vázquez has over three decades of experience in the government, private, and non-profit sectors. Since April 2019, she has served as the Commissioner for DFTA. She also serves on the Metropolitan Transportation Authority Board and on the Board of Trustees for The City University of New York, the largest urban public university system in the world.

Previously, Cortés-Vázquez worked at AARP as the executive vice president for Multicultural Markets and Engagement, and as the president and CEO of the Hispanic Federation. Cortés-Vázquez also served as New York's 65th Secretary of State.

Cortés-Vázquez obtained her undergraduate degree from Hunter College and earned a master's degree from New York University's Robert F. Wagner Graduate School of Public Service.

## **NYC Comptroller Declines to Register Medicare Advantage Plan Contract Citing a Lack of Sufficient Information**

Due to the legal and budgetary uncertainties that remain while litigation over the City's contract with Anthem Insurance Companies continues, the New York City Comptroller's office could not, at this time, register the proposed Medicare Advantage Plan. Comptroller Brad Lander returned the contract to the Administration pending new cost estimates.

According to Comptroller Lander, over the last 30 days, the Comptroller's Bureau of Contract Administration has been working with the Office of Labor Relations (OLR) to detail the budgetary impacts of the proposed contract. However, as OLR acknowledged, the planned cost savings are currently unknown due to delays in the implementation of the new Medicare Advantage Plan and the court decision to invalidate the requirement for retirees to pay additional premiums to keep their old health plans. Therefore, the Comptroller explained, his office cannot currently assess the total cost to the City and fulfil its mandate to confirm that the contract is fully funded.

The Comptroller requested that the Law Department confirm "that their prior approval as to legal authority is still valid," given the court's decision, and for the Administration to provide a new cost estimate for the program. He noted that this additional information may not be available until issues raised in the litigation are resolved.

## **Mayor Adams Appoints Asim Rehman OATH Commissioner and Chief Administrative Law Judge**

New York City Mayor Eric Adams this week announced the appointment of Asim Rehman as Commissioner and Chief Administrative Law Judge of the Office of Administrative Trials and Hearings (OATH). He currently serves as Deputy Commissioner for Legal Matters and General Counsel at the New York City Department of Correction (DOC).

Rehman joined city government in 2014 as General Counsel for the new Office of the Inspector General for the NYPD in the Department of Investigation. He later served as First Deputy Inspector General. In 2020, Rehman joined the New York City Law Department as Chief of Staff.

A Staten Island native, Rehman is a graduate of Haverford College and the University of Michigan Law School.

## **Rent Guidelines Board Report Finds Major Drop in Landlord Income**

The net operating income of landlords with rent-stabilized apartments fell 7.8 percent in 2020, according to the [2022 Income and Expense Study](#) released by the Rent Guidelines Board. This year's study reflects the significant impact of the first year of the COVID-19 pandemic on the NYC economy.

The study also found that between 2019 and 2020, rental income decreased an average of 3.8% and total income declined an average of 4.6%. Meanwhile, operating costs fell an average of 2.8% between 2019 and 2020.

Rent Stabilization Association Joseph Strasburg said, meanwhile, “This historic decline in net operating income, combined with increasing property taxes, through-the-roof heating costs, and increases across the board in other building operating expenses, presents the perfect storm of catastrophic proportions.”

Earlier this week, Mayor Eric Adams signed a legislation to extend the deadline for the City to complete the housing vacancy survey, a periodic study to determine whether New York is experiencing a housing shortage that triggers rent stabilization. Intro 70 extends the survey deadline from April 1 to July 1. The Mayor indicated that the City needed more time to complete the survey coming out of Covid.

## Coming Up

### *New York State*

#### *Monday, April 4<sup>th</sup>*

*Assembly Session*, New York State Capitol Building, Assembly Chamber, Albany, Call of the Speaker

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

#### *Tuesday, April 5<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, April 6<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, April 4<sup>th</sup>*

*Subcommittee on Landmarks, Public Sitings & Dispositions*, Remote Hearing – Virtual Room 2, 10 a.m.

*Joint - Committee on Contracts and Small Business & Subcommittee on COVID Recovery and Resiliency*, Remote Hearing – Virtual Room 3, 10:30 a.m.

Oversight – The Impact of COVID-19 on M/WBEs.

*Committee on Land Use*, Remote Hearing – Virtual Room 2, 11:30 a.m.

*Joint – Committee on General Welfare and Veterans*, Remote Hearing – Virtual Room 1, 1 p.m.  
Oversight – Update on the City’s Efforts to End Veterans Homelessness.

***Tuesday, April 5<sup>th</sup>***

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

*Committee on Civil and Human Rights*, Remote Hearing – Virtual Room 2, 10:30 a.m.  
Oversight – CCHR: Complaint Processing Times and Resolutions.

***Wednesday, April 6<sup>th</sup>***

*Joint - Committee on Fire and Emergency Management, Housing and Buildings & Special Committee on Twin Parks Citywide Taskforce on Fire Prevention*, Council Chambers – City Hall, 10 a.m.

Oversight – Agency Enforcement and the Twin Parks Fire.

*Joint – Committee on Aging and Subcommittee on COVID Recovery and Resiliency & Senior Centers and Food Insecurity*, Remote Hearing – Virtual Room 3, 1 p.m.  
Oversight – Protecting Older Adults at Older Adult Centers During the Continued COVID-19 Pandemic & Reopening Older Adults Centers.

***Thursday, April 7<sup>th</sup>***

*Committee on Finance*, Committee Room – City Hall, 10 a.m.

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

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**“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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