



# This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

April 24, 2020 Edition



## *In the News – State*

### Reopening Path Begins to Take Shape

#### *Initial Antibody Testing Survey Suggests Regional Approach*



State Lights Albany's Corning Tower  
with NY Tough ♡.

The snapshot of New York's COVID-19 infection rate, provided by an initial statewide antibody testing survey, appears to support Governor Andrew Cuomo's regional framework for reopening the State. The 3,000 person testing survey showed that an estimated 13.9 percent of the New Yorkers have likely had COVID-19, the bulk of which were downstate.

“We took a snapshot today. It was 20% [in New York City]. It was 14% statewide. Now, let's see how that progresses, how that changes,” Governor Cuomo said in an interview with MSNBC. “If people show the same discipline, we start to reopen. We have a little more activity. Weather is getting warm. But watch the gauge. Watch the meter. And the meter is the virus infections that you see from the testing.”

The state randomly administered antibody tests to 3,000 people at grocery stores and shopping locations across 19 counties in 40 localities. In New York City, 21.2 percent tested positive for antibodies; on Long Island, 16.7 percent tested were positive; and in Westchester/Rockland, 11.7 percent of the tests were positive. The rest of the state had 3.6 percent of positive test results.

According to the Governor, if the infection rate is 13.9%, that means that 2.7 million people have been infected statewide. With approximately 15,5000 total fatalities, the death rate is approximately .5% of people infected.

A second set of testing is scheduled for this weekend, as the Governor's team aims to fine tune the results to determine how to rollout the reopening. Currently, the State does not meet the federal criteria for reopening. The Center Disease Control's guidelines call for two weeks of flat or declining numbers. New York is on course to meet the criteria and the Governor is looking to the testing data to determine which counties and regions to open and when to open them based on the facts and data specific to that area.

Earlier this week, Governor Cuomo said that Lieutenant Governor Kathy Hochul will coordinate Western New York's public health and reopening strategy, and former Lieutenant Governor Robert Duffy will volunteer as a special advisor to coordinate the Finger Lakes' strategy.

Governor Cuomo indicated that he will coordinate the opening of the Capital Region. A State financial projection released today estimated that New York will see a \$13.3 billion revenue loss during FY2020-2021.

The Governor will allow elective outpatient treatments to resume in counties and hospitals without significant risk of COVID-19 surge in the near term.

Specifically, hospitals will be able to resume performing elective outpatient treatments on April 28<sup>th</sup> if the hospital capacity is over 25 percent for the county and if there have been fewer than 10 new hospitalizations of COVID-19 patients in the county over the past 10 days. If a hospital is located in a county eligible to resume elective outpatient treatments, but that hospital has a capacity under 25 percent or has had more than 10 new hospitalizations in the past 10 days, that hospital is not eligible to resume elective surgeries. If a county or hospital that has resumed elective surgery experiences a decrease in hospital capacity below the 25 percent threshold or an increase of 10 or more new hospitalizations of COVID-19 patients, elective surgeries must cease. Further, patients must test negative for COVID-19 prior to any elective outpatient treatment. The State Department of Health will issue guidance on resuming elective surgeries.

Restrictions on elective surgery will remain in place in Bronx, Queens, Rockland, Nassau, Clinton, Yates, Westchester, Albany, Richmond, Schuyler, Kings, Suffolk, New York, Dutchess, Sullivan, Ulster, Erie, Orange and Rensselaer Counties, as the state continues to monitor the rate of new COVID-19 infections in the regions.



## State Department of Financial Services Directs Health Insurers to Immediately Pay Outstanding Hospital Claims

### *DFS Directive Will Also Suspend Preauthorization Requirements for All Hospital Services and Prohibit Retrospective Review of Hospital Claims*

New York State Department of Financial Services (DFS) this week issued a [circular letter](#) directing health insurers to provide cash flow relief to, and ease administrative requirements on, New York State hospitals in response to COVID-19. The letter to insurers calls for the immediate payment of outstanding hospital accounts receivables, suspension of preauthorization requirements for all hospital services, and prohibition of retrospective review of claims.

"We are at a profound moment in this crisis where we are finally passing the apex of the curve, but if we make a bad move now it's going to set us back," Governor Cuomo explained. "We're beginning to make plans on how to re-open our economy and start the return to the new normal, but in the meantime we have to ensure our health care system and our hospitals that have been so critical in combating this virus have the support they need."

In accordance with the circular letter, DFS is directing health insurers to:

- Immediately process for payment outstanding hospital claims.
- In collaboration with DFS, work with hospitals in insurers' network to provide additional financial assistance if needed and feasible, focusing on community, rural, and safety-net hospitals.
- Suspend preauthorization requirements for all services performed at hospitals, including lab work and radiology, until June 18, 2020.
- Not conduct retrospective reviews of hospital claims, until June 18, 2020, subject to limited exceptions.
- Not make medical necessity denials related to emergency department and inpatient hospital treatment for COVID-19.



STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY 12224

## Executive Orders by the Governor

### **New York State Executive Order No.202.22 (April 22<sup>nd</sup>)**

Provisions related to real estate property tax transactions including allowing the Nassau County Executive to delay the final school tax payment until June 1, 2020.

### **New York State Executive Order No.202.21 (April 19<sup>th</sup>)**

Clarifies that any officiant, public or private, is able to perform or solemnize a marriage ceremony utilizing audio-video technology.

### **New York State Executive Order No.202.20 (April 18<sup>th</sup>)**

Waives the 60 day required to obtain a marriage license or solemnizing of the marriage ceremony and provides for the use of audio-video technology.

### **New York State Executive Order No.202.19 (April 17<sup>th</sup>)**

Establishes a single, statewide coordinated testing prioritization process for COVID-19; requires that a nursing home, or adult care facility licensed by the Commissioner of Health must notify a family member or caregiver if any resident tests positive for or dies from COVID-19 within 24 hours with penalties of up to \$2,000 per violation per day; and prohibits local governments from taking any actions that could affect public health without consulting with the state Department of Health.

### **New York State Executive Order No.202.18 (April 16<sup>th</sup>)**

Waives the statutory 15-day waiting period before a public employee's service retirement can take effect; and extends all "NYS on Pause" restrictions and closures until May 15<sup>th</sup>.



## Chapters of the Laws of 2020

**Chapter 26 – Sponsored by M of A Cusick/Senator Lanza** -- Exempts certain vessels from the compulsory state pilotage requirement.

**Chapter 38 – Sponsored by M of A Magnarelli/Senator Hoylman** -- Provides that a police officer shall only issue a summons for a violation of failure to wear a seatbelt in a taxi or a livery for minors ages 8 to 15 to the parent or guardian, if the violation occurs in the presence of parent or guardian.

**Chapter 64 – Sponsored by Senator Savino/M of A Rodriguez** -- Authorizes the New York Black Car Operators' Injury Compensation Fund, Inc. to provide additional health benefits, consistent with its plan of operation, for all black car operators.

**Chapter 70 – Sponsored by Senator Parker/M of A Glick** -- Expands eligibility for those who receive awards under crime victims' compensation to include a domestic partner; defines domestic partner.

**Chapter 71 – Sponsored by Senator Benjamin/M of A Rosenthal** -- Requires domestic violence and sexual assault awareness education for persons engaged in the practice of nail specialty, waxing, natural hair styling, esthetics and cosmetology.

**Chapter 80– Sponsored by Senator Sepulveda/M of A Weprin** -- Requires a report on the death and circumstances of an inmate to be sent to the governor, the chairman of the assembly committee on correction and the chairman of the senate committee on crime victims, crime and correction.

**Chapter 81– Sponsored by Senator Carlucci/M of A Galef** -- Requires hospitals to order services where the identified caregivers being unwilling or unable to give proper care.

**Chapter 83 – Sponsored by Senator Rivera/M of A Gottfried** -- Relates to rights of residents of adult care facilities; provides that residents have a right to be informed about their condition, treatment and medications.

**Chapter 85 – Sponsored by Senator Metzgar/M of A Jaffee** -- Makes certain provisions related to prohibition of discrimination based on an employee's or a dependent's reproductive health decision making severable.

**Chapter 86 – Sponsored by Senator Savino/M of A Woerner** -- Provides additional information to employees on public work contracts.

**Chapter 87 – Sponsored by Senator Skoufis/M of A Zebrowski** -- Relates to the disclosure of the identities of political committees making certain expenditures for political communications.

# *In the News – City*



## **New York City Council Introduces COVID-19 Legislative Relief Package**

The New York City Council this week introduced a COVID-19 relief package that aims to protect tenants, help small businesses, and find ways to address the public health crisis brought on by the virus. Highlights include a bill that extends time for COVID-impacted tenants to repay rent and pay back debts, as well as new protections from harassment for all renters, including the City's small businesses.

The package also includes the NYC Essential Workers Bill of Rights. The bills would require premiums for non-salaried essential employees at large companies, prohibit the firing of essential workers without just cause, and provide paid sick leave for gig workers.

All of the bills were introduced on Wednesday at the Council's inaugural remote Stated Hearing. The Council will hold hearings on each of the bills over the next week and a half.

### **NYC Essential Workers' Bill of Rights**

- **Premiums for essential workers** ([Int. No. 1918](#) - **Sponsored by Majority Leader Laurie Cumbo and Speaker Johnson**): The legislation requires large employers to pay premiums to certain essential non-salaried workers. Specifically, the bill requires employers with more than 100 employees to pay hourly workers \$30 for a shift under four hours, \$60 for a shift of four to eight hours, and \$75 dollars for any shift over eight hours. The obligation would end when the state of emergency is lifted. It does not apply to public employees.
- **Just cause rights for essential workers** ([Int. No. 1923](#) - **Sponsored by Council Member Ben Kallos, Speaker Johnson, and Council Member Brad Lander**): The legislation prohibits all essential worker hiring parties from firing those workers without just cause.
- **Paid sick leave for gig workers** ([Int. No. 1926](#) - **Council Member Lander**): The legislation extends paid sick leave to independent contractors.
- **Resolution on misclassification** ([Res. No. 1285](#) - **Council Member Lander**): The Resolution urges the State Legislature to pass legislation to put the burden of proof on employers to classify workers as independent contractors.

### Protecting New York City's Renters

- **Extending time for all NYC renters to repay rent, blocking evictions, and collection of debts ([Int. No. 1912](#) - Sponsored by Speaker Johnson):** The legislation prevents marshals and the City's sheriffs from collecting debts and performing evictions until April 2021.
- **Protecting tenants from COVID-related harassment and discrimination ([Int. No. 1936](#) - Sponsored by Council Member Ritchie Torres and Speaker Corey Johnson):** The legislation prohibits harassing a tenant based on their status as person impacted by COVID-19. Violations would be punishable by a civil penalty of \$2,000 to \$10,000.

### Prioritizing Public Health

- **Providing safe shelter ([Int. No. 1927](#) - Sponsored by Council Member Stephen Levin and Speaker Johnson):** The legislation requires the City to provide each single adult homeless individual with a private room through the end of the pandemic and implement protocols to reduce risk of infection.
- **Mandating open City streets ([Int. No. 1933](#) - Sponsored by Council Member Carlina Rivera and Speaker Johnson):** The legislation requires the City to create more street space for pedestrians and cyclists throughout the five boroughs, with a citywide target of 75 miles of open streets.

### Protecting New York City's Small Businesses

- **Commercial tenant harassment ([Int. No. 1914](#) - Sponsored by Council Member Adrienne Adams and Speaker Johnson):** The legislation makes threatening any commercial tenant based on their status as a COVID-19 impacted business or person a form of harassment punishable by a civil penalty of \$10,000 to \$50,000.
- **Suspending personal liability on commercial leases ([Int. No. 1932](#) - Sponsored by Council Member Rivera and Speaker Johnson):** The legislation temporarily suspends personal liability provisions in leases and other rental agreements of COVID-19 impacted businesses while the state of emergency is in effect.
- **Suspending sidewalk cafe fees ([Int. No. 1916](#) - Sponsored by Council Member Andrew Cohen):** The legislation suspends annual sidewalk café fees. Specifically, the bill would to waive and refund all fees related to sidewalk cafe licenses that are due on or after January 1, 2020 until December 31, 2020.

## *Briefs*

### **New York Launches New Domestic Violence Text Program and New Confidential Online Service**

*New Yorkers in Need of Help or Assistance Can Text 844-997-2121 or Can Go to the New Confidential Online Site to Reach a Professional on [www.opdv.ny.gov](http://www.opdv.ny.gov)*

In the face of a dangerous uptick of domestic violence incidents, New York today launched the modernization of the state's domestic violence hotline with a new text program and confidential online service to aid victims of abuse.

According to Governor Andrew Cuomo, calls to the state's domestic violence hotline are up 30 percent in April compared to last year and calls increased 18 percent from February to March 2020. State Police also report domestic violence incident calls were up 15 percent in March compared to last year.

New Yorkers seeking help can text 844-997-2121 or chat with a professional on the new confidential website at [www.opdv.ny.gov](http://www.opdv.ny.gov). The text and online services will be staffed 24 hours a day, 7 days a week with OPDV staff who are experts in the area of domestic violence.

## **Governor Announces Executive Order to Provide All New Yorkers With the Opportunity to Request an Absentee Ballot**

Governor Andrew Cuomo [announced](#) that he will issue an Executive Order that will require the New York State Board of Elections to send an absentee ballot application to all registered voters for the primary elections which are scheduled for June 23, 2020. The application would be accompanied by a postage paid return envelope. The polls would also be open for onsite voting.

Governor Cuomo stated that it “makes no sense to me to tell people you have to put your life at risk and violate social distancing to vote.”

## **NYS Department of Health and State Attorney General to Investigate Nursing Homes**

The State Department of Health (DOH) and State Attorney General will begin investigating New York nursing homes for compliance with state and federal COVID-19 directives on separation policies, staffing, family/caregiver notification requirements, and personal protective equipment provision, according to Governor Andrew Cuomo.

Facilities could be fined \$10,000 per violation or risk losing their operating license.

According to the Governor nursing homes are required by law and regulations to provide PPE, as well as temperature checks, for staff amid the pandemic. They must also isolate residents who test positive for the virus, notify all residents and their families within 24 hours of Covid-19 cases or deaths and readmit Covid-19-positive residents only if they are able to provide adequate care under DOH and CDC guidance.

Attorney General Leticia James has set up a [web-based contact](#) and hotline (833-249-8499) for individuals to file confidential nursing home complaints.

## **MTA Board Unanimously Ratifies Family Benefits Agreement Recognizing Heroic Sacrifice by Frontline Workers During the COVID-19 Pandemic**

The Metropolitan Transportation Authority (MTA) Board this week unanimously ratified the COVID-19 Family Benefits Agreement. The MTA reached 41 agreements with 26 different unions to honor their heroic service and sacrifice following initial agreements with Transport Workers Union Local 100 (TWU), the International Association of Sheet Metal, Air, Rail, Transportation Workers (SMART), and International Brotherhood of Teamsters Local 808 (IBT).

The benefits include a payment of \$500,000 from the MTA to the spouse, beneficiary or estate of any worker who died as a result of COVID-19. In addition, the MTA will provide health insurance for three years to the spouse and dependent children (up to the age of 26).

The agreement will also be extended to non-represented employees.

## **SUNY Launches System-Wide Esports Tournament to Raise Money for COVID-19 Emergency Relief Efforts**

State University of New York will sponsor a system-wide esports tournament to help support student emergency funds amid the COVID-19 pandemic, beginning Monday, April 27, and lasting three weeks. The SUNY Chancellor Esports Challenge will offer a \$20,000 prize pool. Participating students will represent their college with all winnings going to student emergency funds at those students' respective schools.

Each college is invited to put forward two teams of students to compete in "Fortnite" by Epic Games, "Super Smash Bros Ultimate" by Nintendo, or "Rocket League" by Psyonix. The tournament is free and can be completed entirely online. Of the \$20,000 prize pool, Chancellor Johnson committed \$10,000 and co-sponsor Extreme Networks committed \$10,000. To get involved in the tournament, participants are invited to join the [SUNY Discord Server](#).

## ***Coming Up***

### ***New York State***

***Senate in Recess at the Call of the Majority Leader***

***Assembly in Recess at the Call of the Speaker***

## *New York City*

### *Tuesday, April 28th*

*Housing & Buildings and Consumer Affairs & Business Licensing*, remote hearing, 1 p.m.

[Int 1912-2020](#) - COVID-19 Relief Package - Ceasing the taking and restitution of property and the execution of money judgments by the city sheriff and marshals due to the impacts of COVID-19.

[Int 1936-2020](#) - COVID-19 Relief Package - Amending the definition of harassment to include threats based on a person having been impacted by COVID-19.

### *Wednesday, April 29th*

*Consumer Affairs and Business Licensing and Small Business*, remote hearing, 1 p.m.

Oversight - The Impact of COVID-19 on Small Businesses in New York City

[Int 1846-2020](#) - Disclosure of gratuity policies for delivery workers.

[Int 1895-2020](#) - Food service establishments' packaging of food for delivery.

[Int 1896-2020](#) - Disclosure of commissions charged by third-party food delivery services.

[Int 1897-2020](#) - Licensing of third-party food delivery services.

[Int 1898-2020](#) - Telephone order charges by third-party food delivery services.

[Int 1907-2020](#) - Prohibiting third-party food delivery services from limiting the purchase prices covered establishments may charge on food and beverage orders.

[Int 1908-2020](#) - Fees charged by third-party food delivery services.

[Int 1914-2020](#) - COVID-19 Relief - Harassment of commercial tenants impacted by COVID-19.

[Int 1916-2020](#) - Requiring the dept of consumer affairs to waive and refund all fees related to sidewalk cafe licenses that are due on or after January 1, 2020 until December 31, 2020.

[Int 1921-2020](#) - Requiring third-party food delivery services and food service establishments to display sanitary inspection letter grades online.

[Int 1932-2020](#) - COVID-19 Relief Package - Personal liability provisions of leases for commercial tenants impacted by COVID-19.

[Res 1049-2019](#) - Prohibit the use of a confession of judgment in business loans.

### *Thursday, May 1st*

*Women and Gender Equality and Public Safety*, remote meeting, 1 p.m.

Oversight - The Impact of Coronavirus (COVID-19) on Domestic Violence in New York City.

---

**Disclaimer:** The materials in this *This Week in New York* report are provided for informational purposes only and are not intended to be a comprehensive review of legislative or governmental or political developments, to create a client-consultant/lobbyist relationship, or to provide consulting, lobbying or political advice. Readers are cautioned not to attempt to solve specific problems on the basis of information contained in this *This Week in New York*. If consulting, lobbying or government relations advice is required, please consult a professional expert in such matters. The information contained herein, does not necessarily reflect the opinions of Pitta Bishop & Del Giorno LLC, or any of its members or employees or its clients. Neither Pitta Bishop & Del Giorno LLC, nor its members or employees make any warranty, expressed or implied, and assume no legal liability with respect to the information in this report, and do not guarantee that the information is accurate, complete, useful or current. Accordingly, Pitta Bishop & Del Giorno LLC is not responsible for any claimed damages resulting from any alleged error, inaccuracy, or omission. This communication may be considered an advertisement or solicitation.

---

To request that copies of this publication be sent to a new address or fax number, to unsubscribe, or to comment on its contents, please contact Theresa Cosgrove at [tcosgrove@pittabishop.com](mailto:tcosgrove@pittabishop.com) or at (518) 449-3320.

**To Our Clients:** If you have any questions regarding any of the matters addressed in this newsletter, or regarding any legislative, government relations or political or consulting or related issues in general, please contact the Pitta Bishop & Del Giorno LLC professional with whom you usually work.

---

*This Week in New York* is a publication of Pitta Bishop & Del Giorno LLC.

120 Broadway, 28th Floor  
New York, New York 10271  
Telephone (212) 652-3890  
Facsimile (212) 652-3891

111 Washington Avenue, St. 401  
Albany, New York 12210  
Telephone (518) 449-3320  
Facsimile (518) 449-5812

25 Hyatt Street, St. 202  
Staten Island, New York 10301  
Telephone (718) 943-1050  
Facsimile (718) 943-1051