



# 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*



### NYS FY2023 Budget

Governor Kathy Hochul and the State’s Legislative Leaders this week reached a conceptual agreement on a \$220 billion FY2023 spending plan for New York. The Senate and Assembly are currently debating and passing pieces of the 10-bill budget package which was due April 1<sup>st</sup>.

The Governor asserted the budget is “balanced and fiscally responsible,” with 15% of State Operating funds set aside in reserves.

At time of publication, the major appropriation bills were still being finalized. Lawmakers must complete passage of the budget by Monday to avoid interruptions to payroll for state employees.

Based upon the Governor’s press conference and the currently printed budget bills, specifics include:

- **Care Workers Wages:**
  - **Home Care Employees:** \$7.4 billion to support a wage increase, a \$3 wage increase for home healthcare aides.
  - **Health Direct Care Workers:** 5.4% cost of living increase for FY2023.
- **Education Funding:** \$31.5 billion in total school aid, including a \$1.5 billion increase in foundation aid.
- **Environment:** \$4.2 Billion Clean Water, Clean Air and Green Jobs Environmental Bond Act.
- **Ethics:** Repealing the “structurally broken” Joint Commission on Public Ethics and replacing it with the Commission on Ethics and Lobbying in Government. The Commission will be made up of 11 members nominated by the Governor, Senate, Assembly, newly added Comptroller and Attorney General. Appointment recommendations are made to law school deans or their designee who have approval power.
- **Healthcare/Hospital Funding:** \$2.4 billion to improve healthcare infrastructure, as well as dedicate \$3.9 million in funding over four years to hospitals.

- **Higher Education:** \$150 million to expand New York's Tuition Assistance Program to cover part time students; \$400 million to help CUNY and SUNY institutions with their operation costs.
- **Housing:** \$25 billion five-year housing plan that will create and preserve over 100,000 affordable homes, including 10,000 homes with support services for vulnerable populations.
- **Pandemic Aid:** \$2 billion to cover pandemic related expenses. The \$2 billion in recovery funding includes \$800 million for a continuation of the Emergency Rental Assistance Program, \$250 million to help people with utility arrears, \$125 million in homeowner and landlord assistance, as well as \$25 million in one-time non-recurring investments.
- **Public Safety:** According to Governor Hochul, the public safety changes allow judges to set bail on some repeat offenders, in gun cases involving as few as three firearms (down from 10) or for violating an order of protection. Certain hate crimes would become an arrestable offense instead of resulting in a ticket. The spending plan also modifies the discovery process. For example, cases would no longer be “automatically just dismissed” if prosecutors “in good faith” fail to make a disclosure. In addition, the budget includes revisions to making Kendra's law “more effective.”
- **Revenue Initiatives:**
  - **Alcohol to go:** Legalize the sale of to-go alcoholic drinks with the purchase of food.
  - **Casinos:** The Budget authorizes a Statewide Request For Applications process, with no more than 3 licenses allowed downstate. A community advisory committee will be required to consider local support. Locations will be determined by the Gaming Facility Location Board.
  - **Gas Tax:** Starting June 1, the State's sales tax on fuel will be suspended until December 31<sup>st</sup>. The State tax suspension will result in a 16 cent per gallon decrease.
  - **Property Tax Break for Homeowners:** A new property tax credit for middle income households, an investment of \$2.2 billion, applicable to approximately 2.5 million homeowners.
  - **Small Business Tax Relief Program to Help Offset COVID-19 Related costs:** \$250 million credit program.
- **Transportation:** \$32.8 billion in a five-year transportation infrastructure plan.

The budget deal will include also the recently announced \$1.4 billion agreement for a new stadium for the Buffalo Bills, as well as \$7 billion in child care funding over four years to expand subsidized child care.

In addition, the budget includes a measure to expand the State's Empire State Development database detailing economic development funding and subsidies which was launched in 2019. For projects started on or after January 1, 2018, the database would include the participant's name, project location, and the timespan the project is to receive the economic benefits. Projects initiated six months after the effective date of the budget must disclose the type and specifics of each economic benefit afforded to a participant, total number and types of employees, job creation and retention data and participant compliance data. For MWBE projects, these requirements go into effective one year after enactment and would include goal progress.

Also, according to published reports, the budget provides the State Comptroller with new authority to audit the projects that receive state incentives.

According to Governor Hochul, there is opportunity to consider outstanding issues post-budget, including the Clean Slate Initiative, 421-A, a ban on gas in new construction, and mayoral control of New York City schools.

## *In the News – New York City*



### **Speaker Adrienne Adams & City Council Release FY 2023 Preliminary Budget Response**

New York City Council Speaker Adrienne Adams, Council Finance Chair Justin Brannan, and the New York City Council this week unveiled its [response](#) agenda to Mayor Eric Adams' \$98.5 billion Fiscal Year 2023 Preliminary Budget. The Council calls for additional investments in programs and services, replacing planned programmatic cuts and personnel decreases, bolstering City reserves, and increasing capital spending on several infrastructure priorities like affordable housing, bus and bike lanes, and pedestrian space.

The plan includes increasing the overall budget by \$1.6 billion, or 1.5%, in the current fiscal year and another \$2.8 billion, or 2.8%, in Fiscal Year 2023 – agency spending would increase in FY2023 by \$1.3 billion.

The Council also wants to add \$3 billion in total to the City's Rainy Day fund and Retiree Health Benefits Trust Fund, which the Mayor proposed at \$1 billion and \$3.8 billion respectively. In total, Mayor Adams' budget sets City reserves at \$6.15 billion for fiscal year 2023, while the Council's plan sets reserves at \$9.74 billion.

Specifics of the Council's Budget Response include:

- ***Bolstering Agency Operations for Greater Efficiency*** – The Administration should add \$1.5 million to help support small business ecommerce, \$2.3 million to strength the Department of Investigation by adding to its headcount, and \$50 million to support Cultural Institution Group (CIGs). The Council also calls on the Administration to take the necessary steps to achieve EMS pay parity.
- ***Creating a Path to Success for Our City's Children & Youth*** – The Administration should add \$59 million to support citywide expansion of restorative justice, \$57.1 million to expand on youth employment programs, \$30 million to provide pay parity for special education Pre-K providers, \$14 million to expand on mental health, career counseling, and guidance counselors, and \$12 million for English language learners as well as for DOE community coordinators.

- ***Improving Access to Health, Mental Health, and Safety*** –The Council urges the Administration to add \$61 million for the Behavioral Health Emergency Assistance Response Division (B-HEARD) program, \$45 million to create a Hospital Fund, \$11.5 million to increase mental health support and outreach services for unhoused individuals, \$8.7 million to expand geriatric mental health capacity, \$5 million to support the expansion of the Saturday Night Lights program, and \$8.4 million to create the State’s first Trauma Recovery Centers.
- ***Increasing Equitable Access to Benefit Programs for ALL New Yorkers*** – The City should add \$60 million to provide wage equity for Human Services providers, \$21 million to extend pay parity to Day Care Directors, \$30 million to fund Seamless Meal Transition for Older Adults, \$13.5 million to double baseline funding for Adult Literacy, \$11.2 million increase Emergency Food Assistance Program’s (EFAP) baseline, \$7.5 million to improve IT education for older adults, \$5 million to expand language access at City agencies, \$23 million for CUNY Reconnect.
- ***Investing in a Cleaner & Greener NYC*** –The Council calls on the Administration to add \$22 million to corner basket pick-up, \$52 million for Parks’ maintenance and summer workforce, \$47.8 million for Sanitation funding restoration, which includes \$18.2 million to restore composting, \$4.9 million in rat mitigation, and \$3.1 million in zero-waste school education.
- ***Protecting Housing Opportunities for New Yorkers & Investing in Homeless Services*** – The City calls on the Administration to provide a \$90 million property tax rebate to homeowners, \$40.5 million to baseline prevailing wages for security guards, \$47.9 million to fully fund HASA SROs, \$114.9 million to expand funding for drop-in centers, safe haven beds & stabilization beds, \$49.4 million to convert hotels to housing for the homeless, \$41.6 million to increase domestic violence shelter capacity, \$6 million for more runaway homeless youth beds, and \$28.4 million for supportive housing for justice involved people.
- ***Supporting Fairness and Equity in the Justice System*** –The Administration should provide \$34.3 million to support District Attorneys, \$10 million to fund Fair Futures up to age 26 and for justice-involved youth, \$12.3 million to provide adequate resources to the Board of Correction, and \$2.5 million to allow CCRB to hire up to full staffing capacity.
- ***Strengthening the City's Infrastructure*** – The Council calls on the Administration to add \$4 billion to increase investments in affordable, supportive, and public housing, \$3.1 billion to enhance the City's Streets Plan; \$250 million to fund comfort stations in parks in all five boroughs, \$250 million to establish new H+H neighborhood health ambulatory care centers and \$163 million to fund the gap in the library systems infrastructure needs.

# **Briefs**

## **NY Court System Fires 103 Unvaccinated Workers**

New York state court administrators confirmed this week that 103 employees have been fired and another 12 resigned or retired after they failed to comply with a COVID-19 vaccine mandate. Four unvaccinated judges also face possible misconduct claims, including Associate Judge Jenny Rivera of the State's Court of Appeals.

Last month 156 employees faced termination for failing to comply with the mandate. The Office of Court Administration (OCA) said 41 employees were vaccinated. Of the remaining employees, 103 were fired, 1 resigned, and 11 retired. Four judges also received written warnings.

Union officials have fought OCA's efforts to fire employees over the vaccine mandate, arguing that court officials violated labor law, bypassing collective bargaining agreements.

## **State Medicaid Director Steps Down**

Brett Friedman, who became New York's Acting Medicaid Director in August 2021, today submitted his resignation letter to state Health Commissioner Mary Bassett, according to published reports. He will officially leave his position May 27<sup>th</sup>.

Amir Bassiri, the current Deputy Medicaid Director, will become acting Director following Friedman's departure.

Friedman had directed New York's Medicaid program since Donna Frescatore retired as Medicaid Director and Executive Director of NY State of Health. He previously served as Director of Strategic Initiatives and Special Medicaid Counsel at the Department of Health's Office of Health Insurance Programs since November 2019.

## **State Board of Elections Unveils New Tracking System for Mailed-in Absentee Ballots**

### ***Agreed-Upon State Budget Includes Provision to Provide Postage-Paid Return Envelopes***

Voters statewide will be able to track their mailed-in absentee ballots under a new service provided by the State Board of Elections. In addition, the soon-to-be-enacted FY23 State Budget includes language to provide postage-paid return envelopes for absentee ballots.

Voters will be able to track the progress of their mailed ballot from verifying that an application for the ballot was received, to receipt of the filled-in ballot at their county Board of Elections, to the counting of the vote. The system also will alert a voter if there is a problem with the ballot that can be "cured" with election officials to allow the ballot to be counted.

The new information will be added to an online tool provided by the state Board of Elections to verify whether a voter is registered and where he or she may vote during early voting and on Election Day. The site includes directions and a map to the polls. The website also identifies a voter's Assembly, State Senate, and congressional election districts and in what party if any the voter has enrolled. The new portal is part of the State's [Voter Registration and Poll Site Search tool](#).

Due to a recent change in law, New York State voters are no longer permitted to cast a ballot on a voting machine if they have already been issued an absentee ballot for that election. Voters who have already been issued an absentee ballot can still vote in person using an affidavit ballot. The affidavit ballot will be kept separate until the election is completed. Election officials will verify whether the voter's absentee ballot has been received. If the voter's absentee ballot has been received, the affidavit ballot will not be counted. If the voter's absentee ballot has not been received, the affidavit ballot will be counted.

## **Appellate Judge Extends Stay on Lower-Court's Redistricting Ruling**

State Appellate Division Justice Stephen K. Lindley today extended the stay on a lower court's redistricting ruling, keeping New York's congressional and state legislative maps in place while the parties continue to present arguments. The Appellate Division Fourth Department is expected to hear arguments of the appeal on April 20<sup>th</sup>.

In March, Supreme Court Judge Patrick McAllister ordered state officials to submit new district maps for New York's congress, Senate and Assembly districts, ruling the recently approved maps were unconstitutional. He directed the Legislature to redraw the maps by April 11<sup>th</sup> or he would appoint a "neutral expert" to redraw the maps. Governor Kathy Hochul and Attorney General Leticia James immediately appealed the decision, and a stay was granted. Justice Lindley today opted to continue the stay.

In his decision, Justice Lindley wrote that "the stay will not prohibit Judge McAllister from retaining a 'neutral expert' to prepare a proposed Congressional map, if Judge McAllister elects to do so pending resolution of the appeal. Of course, any map drafted by such neutral expert would have not force or effect unless and until the Court of Appeals affirms Judge McAllister's order..."

"...The Legislature may begin redrawing the map right now if it chooses...Or the Legislature may chose to do nothing and risk the possibility of having to live with the map drawn by Judge McAllister's neutral experts should respondent's lose before the Court of Appeals....," Justice Lindley wrote.

# Coming Up

## *New York State*

*No Scheduled Hearings*

## *New York City*

### *Monday, April 11<sup>th</sup>*

*Joint – Committee on Oversight and Investigations & Public Safety*, Hybrid Hearing – Council Chambers – City Hall, 10 a.m.

Oversight – DOI’s Office of the Inspector General for the NYPD.

*Joint - Committee on Fire and Emergency Management & Resiliency and Waterfronts*, Remote Hearing – Virtual Room 1, 1 p.m.

Oversight – Storm Preparedness.

### *Tuesday, April 12<sup>th</sup>*

*Subcommittee on Zoning and Franchises*, Remote Hearing – Virtual Room 1, 10 a.m.

*Joint - Committee on Mental Health, Disabilities and Addiction & State and Federal Legislation*, Remote Hearing – Virtual Room 2, 1 p.m.

Oversight – Coordination of the State and City in the Provision of Mental Health Services.

*Committee on Land Use*, Remote Hearing – Virtual Room 1, 2 p.m.

### *Wednesday, April 13<sup>th</sup>*

*Committee on Higher Education*, Remote Hearing – Virtual Room 1, 10 a.m.

Oversight – Single Stop Successor Programs at CUNY

*Joint – Committee on Environmental Protection & Housing and Buildings*, Remote Hearing – Virtual Room 3, 10:30 a.m.

Oversight – Oversight on Local Law 97

### *Thursday, April 14<sup>th</sup>*

*Committee on Finance*, Hybrid Hearing – Council Chambers - City Hall, 10 a.m.

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

**“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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