



# 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*



### **New York State Responds to Buffalo Shooting**

In response to the white supremacist act of terror at a supermarket on Saturday in Buffalo, Governor Kathy Hochul this week unveiled a package of initiatives to combat the rise in domestic terrorism. Specifically, the Governor put forth Executive Orders and legislative proposals to focus State counter terrorism efforts and reform state gun laws. In addition, she called upon the Attorney General to investigate social media platforms that host content promoting violent acts.

Specifics of the Governor’s initiatives include:

#### **Domestic Terrorism and Violent Extremism Executive Order**

The Executive Order calls on the Division of Homeland Security and Emergency Services to establish a new unit, within the Division's Office of Counter Terrorism, to focus on threat assessment management and disbursing funding to localities to create and operate their own threat assessment management teams. It will also educate law enforcement members, mental health professionals, and school officials on the recent uptick in domestic and homegrown violent extremism and radicalization, as well as create best practices for identifying and intervening in the radicalization process.

The Executive Order also calls on New York State Police to establish a dedicated unit within the New York State Intelligence Center (NYSIC) to track domestic violent extremism through social media and directs every county to perform a review of its current strategies, policies, and procedures for confronting threats of domestic terrorism.

### **Extreme Risk Protection Order (ERPO) Required**

The second Executive Order will require State Police to file for an Extreme Risk Protection Order (ERPO) under New York State's Red Flag Law whenever they have probable cause to believe that an individual is a threat to themselves or others.

### **Attorney General Social Media Referral**

The Governor directed that Office of the Attorney General to investigate and study the social media platforms that were utilized by the Buffalo shooting suspect to broadcast, promote, and facilitate violence, espouse hate, and legitimize replacement theory.

Attorney General Leticia James launched the investigation this week and will look into the social media companies and other online resources that the shooter used to discuss and amplify his intentions and acts to carry out this attack. Specifically, the investigations will focus on those platforms that may have been used to stream, promote, or plan the event, including but not limited to Twitch (owned by Amazon), 4chan, 8chan, and Discord.

### **Legislation**

Governor Hochul is also pushing a series of legislative measures designed to help law enforcement investigate and prevent gun-related crimes. The Governor is proposing new legislation to close the "other gun" loophole by revising and widening the definition of a firearm, making more guns subject to various preexisting firearm laws.

Governor Hochul is also working with the Legislature to pass two bills to address and streamline the investigation of gun-related crimes. The first would require semiautomatic pistols manufactured or delivered to licensed dealers in New York to be microstamping-enabled. The second would require all law enforcement agencies to report the recovery of any crime gun within 24 hours of their discovery.



## **Comptroller DiNapoli: New York's Workforce Development Programs Lack Governance and Coordination**

The State Department of Labor needs to "pay closer attention" to the management of the State's more than 500 workforce development programs to ensure resources are used effectively and bring New York back from the COVID-19 pandemic, according to [an audit of the Department of Labor](#) (DOL) released this week by State Comptroller Thomas DiNapoli. The audit covers the period of July 2018 through December 2021.

“Workforce development is crucial to help New York recover from the COVID-19 pandemic, but the programs across the state lack leadership and coordination,” Comptroller DiNapoli said. “As the lead agency in workforce development, the Department of Labor needs to pay closer attention to what is needed to better manage these programs and get our state back to work. Employment recovery in New York is lagging behind the rest of the country and these programs are critical for helping New Yorkers find well-paying jobs and businesses find qualified employees.”

Under the federal Workforce Innovation and Opportunity Act (WIOA), states must have a governance body and must align their Workforce Development (WFD) programs. In New York, this governance body is the State Workforce Investment Board (SWIB). DOL, along with 21 agencies and public authorities, 33 Local Workforce Development Boards (LWDBs) and 95 One-Stop Career Centers, offers WFD programs and services such as training, support services, childcare and transportation assistance.

However, DiNapoli’s auditors found the SWIB has been inactive for five years, last meeting in January 2017. A roster provided by DOL in September 2021 listed 40 members, but the term dates for 30 of the 40 members expired between February 2014 and August 2017.

The SWIB is responsible for creating four-year plans to improve New York’s workforce development system. These plans are required under the federal plan, and modifications have to be submitted for federal approval. Late submissions can result in delays in federal funding. Due at least in part to the absence of a functioning SWIB, DOL’s most recent plan was submitted in March 2020 and has not yet been approved at the federal level. In response to the audit’s preliminary findings, officials said it was on hold due to the lack of a functioning SWIB.

Comptroller DiNapoli’s auditors developed a [database](#) of the department’s catalogue of funding information, identifying programs associated with specific population groups and service categories, and the agencies and authorities that offer them. Comptroller DiNapoli’s audit identified transportation barriers, limited broadband availability, and the number of potential users per career center as potential barriers to accessing WFD programs and services.

DiNapoli recommended DOL promptly request replacement for SWIB members no longer willing and/or able to serve to assist in reconstituting a functioning SWIB in line with WIOA requirements. In addition, he directed DOL to obtain approval of the 2020 four-year Plan and successive Plans.

In response to the audit findings, DOL Commissioner explained that it received approval from the Governor’s Office to begin reconstituting the SWIB in November 2021 and the Office of General Services (OGS) is currently conducting the candidate vetting process. OGS will make the subsequent appointments.

With respect to the outstanding federal reports, Commission Reardon explained that once modifications are submitted, which include the new board appointments, the federal Department of Labor is expected to approve the combined state plans for the period of July 1, 2020 to July 30, 2024.



## New York's Redistricting Saga Continues to Unfold

As it stands now, New York voters will head to the polls for two separate primaries this summer. On June 28th, voters will cast their ballots in primaries for governor, lieutenant governor, Assembly members and U.S. Senate. On August 23rd, they will vote in primaries for Congress and state Senate. However, pending court decisions involving the district lines and State Board of Elections procedures may alter the primary schedule, representation districts, and, possibly, the major candidates.

### Appeal of Assembly Line Decision Scheduled to be Heard on Monday

A state Supreme Court justice next week will hear arguments in a bipartisan legal redistricting challenge to the state Assembly lines next week. Manhattan Supreme Court Justice Laurence Love will preside over the hearing set to begin at 10 a.m. Monday.

Republican activist Gavin Wax, Democratic Greene County businessman Gary Greenberg and Democratic gubernatorial candidate Paul Nichols filed the legal challenge to the Assembly lines Monday after two previous attempts to overturn the maps were struck down. Judge McCallister has stated the Assembly maps were also drawn improperly but ruled there is insufficient time to redraw new maps in previous challenges separately filed by Wax and Greenberg.

### Suit Filed to Move Statewide Races to August 23<sup>rd</sup>

The State League of Women Voters this week filed a lawsuit in United States District Court for the Southern District of New York seeking to combine all of New York's primaries in August. The suit argues that the Board of Elections unlawfully certified primary ballots for statewide races, including the governor's race, since candidates collected signatures based on congressional maps that have been deemed unconstitutional.

The suit alleges that the Board's actions violate New York voters' freedom of association under the First and Fourteenth Amendments. If successful, the suit would move all of the state's primaries to August and reopen the petitioning process for all races.

One of the petitioners in the suit argues in an affidavit that she should have "the ability to support and vote for other candidates beyond the candidates who are currently running in the Governor's race." The petitioner, Petra Gopfert, indicated that she would like to "sign and support a petition to add Andrew Cuomo to the Democratic Party primary ballot for Governor."

### **Congressional Lines Decision Still Pending**

Today is the deadline for Judge Patrick McAllister to rule on the proposed by Congressional and Senate lines drawn by special master Jonathan Cervas. These lines were released on Monday, May 16<sup>th</sup> and New Yorkers were permitted to submit public comment on the new maps to the court before midnight on Wednesday. At time of publication, no decision had been released.

Objections were filed by legislative leaders, including Assembly Speaker Carl Heastie and Senate Majority Leader Andrea Stewart-Cousins, who outlined objections to the racial composition and unconstitutionality of certain districts. Republican plaintiffs wrote a rebuttal to the Democrats' comments on the maps Thursday.

Meanwhile the residents of Saratoga Springs and Amsterdam mounted a letter writing campaign to urge the special master to place the cities back in the Albany-Schenectady-Troy congressional district (currently represented by U.S. Rep Paul Tonko). The special master's May 16<sup>th</sup> maps moved the cities to the North Country congressional district (currently represented by U.S. Rep. Elise Stefanik).

## ***In the News – New York City***



### **Council Votes on Legislative Package to Strengthen Fire Safety Following Twin Parks Fire in the Bronx**

The City Council this week voted on a package of legislation to strengthen fire safety measures in residences throughout New York City. The bills respond to issues that led to the January 9<sup>th</sup> residential building fire at the 19-story Twin Parks Northwest apartment building in the Bronx that claimed the lives of 17 New Yorkers.

“The Twin Parks fire in the Bronx was one of the worst tragedies in the history of New York City,” said Speaker Adrienne Adams. “While we continue to mourn the lives of the 17 New Yorkers we lost that day, the Council is taking meaningful and concrete actions to ensure tragedies like this will never happen again. This package of legislation bolsters current safety measures to protect residents.”

The package includes:

**Introduction 104-A**, sponsored by Council Member Oswald Feliz, Chair of the Twin Parks Citywide Taskforce on Fire Prevention, would establish a definition for the term “self-closing” door so it is clear that applicable doors must return to the closed position and latch shut when opened and released.

**Introduction 105-A**, also sponsored by Chair Feliz, would make some modifications to the enforcement of Local Law 111, which required that doors providing access to interior corridors or stairs be self-closing or equipped with devices to ensure closing after having been opened, with a deadline of July 31, 2021 for property owners to bring doors into compliance. The Local Law also placed responsibility on owners of multiple dwellings to keep and maintain self-closing doors in good repair, and made failure to do so a class C or “immediately hazardous” violation.

**Introduction 106-A**, sponsored by Council Member Shahana Hanif, would prohibit the sale of portable electric space heaters without certain safety features that are designed to mitigate the fire risk posed by operation of such devices. Specifically, any such device would have to be equipped with a thermostat, an automatic function that disables the device upon tip-over or overheating and be certified by a nationally recognized testing laboratory. Anyone who violates the ban would face civil penalties that escalate upon subsequent violations.

**Introduction 131-A**, sponsored by Council Member Pierina Sanchez, would amend current requirements relating to the Fire Department’s efforts to conduct fire safety education and outreach for residential buildings, by requiring that such activities include dissemination of relevant information pertaining to the safe operation of electric space heaters in residential settings. Additionally, the bill requires that any written materials disseminated by FDNY pertaining to fire safety education must be made available in the top ten languages most commonly spoken within the City.

**Introduction 155-A**, sponsored by Council Member David Carr, would waive permit filing fees for owners of 1-3 family homes who are looking to repair the damage caused by a fire, and to correct any construction defects discovered following the fire. The waiver would apply to other dwellings in the same homeowner’s or cooperative association with the same construction defect.

The Council also voted on the following home rule messages related to pensions:

- **S6981-B/A7971-A** – Relates to additional member retirement program contributions for some members under age 57 who, due to their enrollment dates, cannot meet the 25-year service requirement for using specific benefits for which they make contributions. This bill would address that disparity and exempt members who are unable to receive the benefits from the requirement to make additional contributions.
- **S6985-B/A7873-A** – Relates to automotive members of the NYC employee retirement system This would provide automotive members of the New York City Employees’ Retirement System (NYCERS) who begin their careers later in life with the ability to receive a vested retirement benefit.
- **S6980-B/10029** – Relates to allowing police/fire members of the Fire Department of the City of New York (FDNY) pension fund to get credit for Emergency Medical Technician (EMT) service. This will give Tier III members of the New York City Fire Department Pension Fund who have prior creditable service as an EMT with the FDNY the ability to receive Fire Department Pension service credit for their service. It would also allow members to apply up to three prior years of service as a NYCERS EMT to their FIRE pension retirement, so long as the service years with NYCERS directly precedes their current membership in the FIRE pension.

- **S.6988B/A7962** – Create a 25-year plan for fire protection inspectors. It would also provide uniformed fire service personnel the opportunity to retire with a full pension after 25 years of service. It would grant them parity with other uniformed service personnel who perform essential tasks including, police officers, firefighters, EMTs and other uniformed service employees.

## *Briefs*

### **NYS Files Discrimination Complaint Against Amazon**

New York State Division of Human Rights has filed a complaint against Amazon, Inc. alleging the company engages in discrimination against pregnant workers and workers with disabilities by denying them reasonable accommodations.

Under the New York State Human Rights Law all employers, upon request, must reasonably accommodate workers with disabilities or pregnancy-related conditions. This can include modification of job duties that allow an employee to perform the essential functions of their jobs.

Amazon, which operates 23 worksites with over 39,000 workers across New York State, employs in-house "Accommodation Consultants" to evaluate such requests and recommend appropriate action. The Division alleges that Amazon's policy of allowing worksite managers to override the recommendations made by the Accommodations Consultant have caused Amazon employees to be denied reasonable accommodations for their disabilities and pregnancy-related conditions. The Division further alleges that under Amazon's accommodation policy, employees with disabilities are forced to take unpaid medical leave even in situations where the Accommodation Consultant has identified a reasonable accommodation.

The Division's complaint seeks to compel Amazon to cease its discriminatory conduct, adopt non-discriminatory policies and practices regarding the review of requests for reasonable accommodations, and train its employees on the provisions of the Human Rights Law. It is also seeking civil fines and penalties to the State of New York.

### **Comptroller DiNapoli: Local Sales Tax Collections Up Nearly 16% in April**

Local government sales tax collections grew by 15.7% in April compared to the same month in 2021, according to an [analysis](#) released this week by State Comptroller Thomas DiNapoli. Overall, local collections totaled \$1.7 billion, up \$232 million from April of last year.

“While local sales tax collections in April were strong throughout most of the state, the continued rise in the price of goods and services has increased the cost of doing business for many local governments,” Comptroller DiNapoli said. “My office is closely monitoring the impact that inflation is having on New York’s economy.”

New York City's collections totaled \$726 million, an increase of 10.5%—or nearly \$69 million—when compared to April of 2021. Nearly every county also experienced significant year-over-year growth in collections, due, in part, to recent high inflation. Oswego County saw the largest increase at 113%. Schenectady County was the only county to see a decline, down 12.6% in April.

## **Deal Reached to Keep NYC Speed Cameras Running 24/7**

State lawmakers have finalized a deal that would extend and expand New York City's speed camera program for three years. Under the proposal, speed cameras would be operational 24 hours per day, seven days per week.

"We have finalized an agreement to renew the speed camera program and expand the hours to 24/7," said Senator Andrew Gounardes (D-Brooklyn), according to published reports. Assemblymember Deborah Glick (D-Manhattan) is the sponsor in the Assembly.

"Make no mistake about it, this is a major victory for New Yorkers that will save lives and help stem the tide of traffic violence that has taken too many. We are investing a historic \$900 million in street safety and redesigning 1,000 intersections across the city – but we cannot do this alone, and my team and I have been working closely with our partners in Albany for months to get this done," Mayor Adams said in a statement.

Currently, the cameras, placed in 750 school zones, operate from 6 a.m. to 10 p.m. The legislation requires a home rule message from the City Council.

## **NYPD, Brooklyn DA Eric Gonzalez and Junior's Cheesecake Owner Lead Gun Buyback**

*Event to be Held Saturday, May 21, from 10 am to 4 pm, at Emmanuel Baptist Church, in Brooklyn.*

Junior's Restaurant, which is known for its New York Cheesecake, is co-sponsoring a gun buyback on Saturday, May 21, from 10 am to 4 pm, at Emmanuel Baptist Church, 279 Lafayette St., in Brooklyn. The gun buyback is a partnership between Juniors, the New York Police Department, New York City Police Foundation, and Brooklyn District Attorney Eric Gonzalez's Office.

The event offers an opportunity for individuals to exchange handguns, assault rifles, shotguns, and airguns for monetary compensation, as well as an iPad. Those turning in an assault rifle and/or handguns will receive a \$200 bank card and an iPad, while those turning in rifles, shotguns and/or air guns will receive a \$25 bank card. No questions are asked about the origins or legality of the guns traded in. The goal is to safely remove them from citizen's possession.

"As a father, businessman, and owner of restaurants that have been woven into the very fabric of New York for more than 70 years, I want to do everything I can to keep my borough, my city, my restaurants and my fellow New Yorkers safe," Junior's third-generation owner, Alan Rosen, said. "...If this gun buyback results in even one less act of criminal gun activity, if it just saves the life of one other innocent boy or girl, it is worth it..."



# Coming Up

## *New York State*

### *Monday, May 23<sup>rd</sup>*

*Assembly Session*, New York State Capitol Building, Assembly Chambers, Albany, 12:30 p.m.

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

### *Tuesday, May 24<sup>th</sup>*

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

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

### *Wednesday, May 25<sup>th</sup>*

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

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

## *New York City*

### *Monday, May 23<sup>rd</sup>*

*Joint - Committee on Small Business & Finance*, Remote Hearing – Virtual Room 1, 10 a.m.  
Executive Budget Hearings – Small Business.

*Joint – Committee on Public Housing & Finance*, Remote Hearing – Virtual Room 1, 12 p.m.  
Executive Budget Hearings – Public Housing.

*Joint – Committee on Criminal Justice & Finance*, Remote Hearing – Virtual Room 1, 2:30 p.m.  
Executive Budget Hearings – Criminal Justice.

### *Tuesday, May 24<sup>th</sup>*

*Committee on Finance*, Remote Hearing – Virtual Room 1, 10 a.m.  
Executive Budget Hearings – Finance

### *Wednesday, May 25<sup>th</sup>*

*Committee on Finance*, Remote Hearing – Virtual Room 1, 10 a.m.  
Executive Budget Hearings – Finance (Public Testimony)

### *Thursday, May 26<sup>th</sup>*

*Committee on Consumer and Worker Protection*, Remote Hearing – Virtual Room 1, 10 a.m.  
Oversight – Con Edison Price Increases.

*City Council*, Remote Hearing – Virtual Room 1, 10 a.m.

*Committee on Mental Health, Disabilities and Addiction*, Remote Hearing – Virtual Room 3, 12 p.m. Oversight – Tracking the Opioid Settlement Fund and its Related Programs.

**“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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