



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

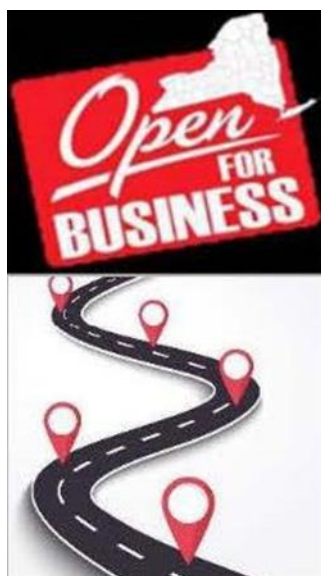
May 22, 2020 Edition



**“We believe in the ideas of family, mutuality,
the sharing of benefits and burdens
for the good of all, feeling one another’s pain,
sharing one another’s blessing
recognizing that at the heart of the matter
we are bound to each other.”**

-Mario M. Cuomo-

In the News – State



New York’s Steep Road to Recovery

State Loses 1.7 Million Jobs in April

As seven of New York’s 10 economic regions begin the phased reopening process amidst the COVID-19 pandemic, employment figures released this week show that the State’s road to economic recovery is quite steep. New York lost 1.7 million private sector jobs in April and unemployment reached 14.5%, according to U.S. Department of Labor figures.

The number of private sector jobs in New York State decreased over the month by 1,764,600, or 21.4 percent, to 6,467,600. Just under one-third of the monthly jobs decline occurred in leisure and hospitality (-577,700), mostly in accommodation and food services (-471,400).

In April 2020, the statewide unemployment rate increased from 4.1% to 14.5%. New York City’s unemployment rate increased over the month from 4.1% to 14.2%. Outside of New York City, the unemployment rate increased from 4.2% to 14.7%. The U.S. unemployment rate rose to 14.7%, up from March’s 4.4%

The number of unemployed New Yorkers also increased by 931,600 over the month, from 388,700 in March to 1,320,300 in April 2020, representing the largest monthly uptick on record.

The State Department of Labor also reviewed the change in jobs by major industry sector in New York State occurring between April 2019 – April 2020.

Change in Jobs by Major Industry Sector April 2019 – April 2020

**Educational and health services is in the private sector. Government includes public education and public health services.

Sectors With Job Losses:	
Leisure & Hospitality	-638,000
Trade, Transportation & Utilities	-357,300
Educational & Health Services*	-227,200
Professional & Business Services	-190,500
Construction	-167,700
Other Services	-124,300
Manufacturing	-84,100
Government*	-60,300
Financial Activities	-35,800
Information	-9,500
Natural Resources & Mining	-400

New York State sectors with job losses since April 2019:

- The industry sector experiencing the largest over-the-year decline in employment was leisure and hospitality (-638,000). Within this sector, job losses were greatest in accommodation and food services (-533,500), especially food services, and drinking places (-469,900).
- Trade, transportation and utilities (-357,300) had the second largest over-the-year job loss. Sector job losses were focused in retail trade (-229,000), especially clothing and accessories stores (-65,800).
- Over the past year, the third largest employment drop was in educational and health services (-227,200). Within the sector, most job losses occurred in health care and social assistance (-151,300), especially ambulatory health care (-87,400).

All fifteen metropolitan areas in New York State lost more private sector jobs than the U.S. average of 12.9%. Areas losing more than 20% of their private sector jobs over the past year are:

- Orange-Rockland-Westchester (-24.6%)
- Nassau-Suffolk (-24.5%)
- Buffalo-Niagara Falls (-23.3%)
- Syracuse (-22.0%)
- New York City (-21.8%)
- Rochester (-21.3%)
- Utica-Rome (-20.9%)
- Glens Falls (-20.8%)

Governor Andrew Cuomo announced that Long Island and the Hudson Valley could reopen next week if they continue to meet State criteria. Mayor Bill de Blasio indicated that City is on track to meet the criteria in the next few weeks. In addition, the State will be starting a targeted loan fund to bolster small businesses and government officials are hopeful that the next round of federal funding will assist localities with burgeoning debt brought on by the pandemic.



NY Courts to Lift Ban on New 'Nonessential' Lawsuits for Downstate Counties

The state Unified Court System is restoring the filing of new nonessential lawsuits for New York City and downstate counties starting Monday, according to published reports.

Chief Administrative Judge Lawrence Marks made the announcement Wednesday in a memorandum to trial court judges. New matters, previously classified as “nonessential,” will be able to be filed electronically for the five New York City counties and the Long Island counties of Nassau and Suffolk, along with Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester counties. The State court system postponed all “nonessential” services in March.

“This expanded use of NYSCEF will permit a significant broadening of civil litigation in a manner that continues to ensure the highest measure of health and safety to judges, court personnel and the public,” Judge Marks wrote in the memorandum.

“In recognition of the continued curtailment of in-court activities of court personnel and the public — and in contrast to the usual practice in consensual e-filing matters — this restoration of NYSCEF usage will be limited to cases in which represented parties file and serve all papers electronically,” he said in the memorandum.

Upstate New York counties began accepting new nonessential lawsuits this week after their regions met state-mandated reopening benchmarks.

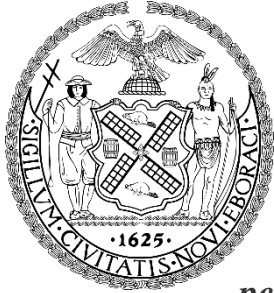


Executive Orders by the Governor

Executive Order 202.32 (May 21st)

Extends the suspensions and modifications of law, and any directives, not superseded by a subsequent directive, made by Executive Orders 202.23 through 202.27, for thirty days until June 20, 2020. It also extends by twenty-one days the period for paying, without interest or penalty, property taxes for an affected county, city, town, village or school district whose chief executive officer has requested an extension. Allows racetracks to open June 1st. Permits a gathering of ten or fewer individuals for any religious service or ceremony, or for the purposes of any Memorial Day service or commemoration.

In the News – City



Mayor de Blasio Launches Four-Part Plan For City Nursing Homes

All 169 nursing homes will have access to on-site COVID-19 tests, personnel support, and outbreak response teams to aid in infection control

Mayor de Blasio this week announced a comprehensive four-part plan to support nursing homes citywide amid the COVID-19 crisis.

Beginning next week, the City will offer on-site COVID-19 testing to patients and staff at all 169 nursing homes across the city. The City will also surge personnel to support existing nursing home staff and deploy Outbreak Control Teams from the Health Department to help control and prevent outbreaks in congregate settings before they occur. To minimize the risk of future outbreaks, the City will also help elder New Yorkers shift to a model of home-based care.

“These past few months have been painful for families across the city—and nowhere has this fear been more acute than among our city’s most vulnerable residents,” said **Mayor Bill de Blasio**. “Seniors are especially at risk for COVID-19, which is why we are marshaling every resource to our nursing homes to help them save lives and prevent future outbreaks.”

On-Site testing

Beginning next week, the City will offer on-site COVID-19 testing to all 169 nursing homes citywide. The City will subsidize the cost of tests for residents and work with a lab partner to ensure timely processing. Over the next two weeks, deliveries will be made to every nursing home which requests support with the goal of getting as many people tested as possible, and eventually reduced to regular, weekly tests as requested as appropriate to control transmission. With this added support, nursing homes will be able to test up to 3,000 people per day in addition to any of their existing testing capacity and that provided by New York State. Under guidance from the CDC during an outbreak, nursing home residents should be tested once a week. Staff members are required by New York State to be tested twice per week. Additionally, the City will work with the State, who oversees nursing homes, to implement these measures and ensure to ensure proper outbreak management and infectious control procedures.

More Staff and Support

The City will continue to surge personnel to nursing homes to aid existing staff. To meet urgent staffing needs, the City has already placed 240 additional personnel in nursing homes citywide and will continue to surge personnel to meet the goal of 600 personnel total. By end of next week, every nursing home will have staffing they’ve requested.

Outbreak Response Teams and More Home Based Care

To prevent further outbreaks, the City has created 10 Outbreak Response Teams in partnership with the Department of Health. Teams will be deployed to nursing homes and other congregate settings to rapidly respond and control outbreaks, including proper adherence to infectious disease protocol, use of Personal Protective Equipment, and additional retesting protocol as needed after the outbreak has ended. Each team will be led by an epidemiologist, with mental health and infection control specialists able to assist as needed. The City is also exploring how it can help support home-based care for more senior New Yorkers. By reducing the number of people in congregate settings, the shift would reduce the possibility of future widespread outbreaks and allow seniors to receive supportive services in the comfort and familiarity of their own homes and with more connection to their families.

90-Day PPE Stockpile

To create a 90-day reserve of PPE, the City will gradually add materials to a stockpile reserve consisting of N95s, face shields, goggles, gloves, gowns, face masks, and over 4,000 ventilators. The City will continue to furnish the immediate PPE needs of healthcare facilities, DOC, FDNY, EMS, NYPD, nursing homes, and funeral homes, with the City in possession of enough PPE to last the City through the month of May at its current crisis standard.

Briefs

Governor Establishes Task Force on Domestic Violence Survivors

Governor Andrew Cuomo this week established a Task Force to identify solutions to help domestic violence survivors. The Task Force will make recommendations to the Governor by Thursday, May 28th, and the Governor will make a final policy determination.

According to the Governor, due to the ongoing COVID-19 pandemic and the necessary social distancing guidelines, there has been a reported uptick in the number of domestic violence cases in the state. 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.

In April, the State launched a domestic violence hotline and a new text program and confidential online service to aid victims of abuse and provide potential lifesaving ways to get help. New Yorkers seeking help can call 1-800-942-6906, text 844-997-2121 or chat with a professional on the new confidential website at 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.

The task force will be chaired by Melissa DeRosa. The 30-member task force include members of the education, domestic violence advocacy, and legal communities, as well as representatives from Major League Baseball and the National Football League.

COVID-19 Impact on Health Insurance Premiums

The New York Health Plan Association (HPA) is warning that costs tied to the COVID-19 pandemic could have a major effect on 2021 premium rates.

HPA, which represents 29 managed care health plans, asserts that testing, treatment and care for coronavirus patients, increased utilization due to services delayed during the New York "PAUSE" order, and preparation for future waves of Covid-19 will affect premiums being filed for 2021 and beyond.

Governor Extends Sales Tax Interest & Penalty Relief to June 22nd

Governor Andrew Cuomo this week announced the State is extending sales tax interest and penalty relief through June 22nd. The State previously provided relief through May 19th for returns due March 20th.

According to the Governor, this extension could provide interest and penalty relief for up to 89,000 vendors who had returns due in March. These small businesses file their taxes quarterly and annually, and have taxable receipts of less than \$300,000 in the previous quarter.

NYS Court of Appeals Removes Two Incumbent Assembly Members From Primary Ballot

The New York State Court of Appeals on Thursday removed two incumbent State Assembly members from the June 23 primary ballot. Assemblymembers Rebecca Seawright of Manhattan and Carmen Arroyo of the Bronx will not be on the ballot due to petition deficiencies.

Assemblywoman Seawright was removed from the Democratic and Working Families Party lines over a late petition cover sheet and late certification of acceptance. She has Seawright has held the seat since 2014 and is secretary of the Assembly majority.

Her removal from the ballot leaves no Democratic contender for the seat. Republican Lou Puliafito is vying to represent the district in the November general election

Assemblymember Arroyo was removed from the ballot due to a designating petition "permeated" by fraud. The court said 512 of 944 signatures submitted to get her on the Democrat line were backdated to dates before the blank petition pages were received. Arroyo has represented her district for 26 years and was the first Puerto Rican and Hispanic woman elected to the legislative body.

Her removal from the Democratic primary leaves Amanda Septimo as the sole Democratic candidate. Ms. Septimo is backed by the Working Families Party.

Governor Cuomo Announces Summer School Will be Conducted Through Distance Learning

Governor Andrew Cuomo this week announced summer school programs in the State will be conducted through distance learning this year to help reduce the risk of spread. Meal programs and childcare services for essential employees will continue. In addition, school districts must develop a plan for students with disabilities who participate in extended summer school year programs to ensure they receive instruction.

The State will make a determination on the fall semester and issue guidelines in June so schools and colleges can start to plan for a number of scenarios. K-12 schools and colleges will submit plans for approval to the State in July.

Religious Gatherings of No More Than 10 People and Drive-In and Parking Lot Services Allowed Statewide Effective Thursday, May 21st

Beginning Thursday, May 21st, religious gatherings of no more than 10 people are allowed statewide. Strict social distancing measures must be enforced and all participants must wear masks. Additionally, drive-in and parking lot services are also allowed.

The Governor also announced the state is convening an Interfaith Advisory Council to discuss proposals to safely bring back religious services.

Attorney General James and Governor Cuomo Renew Suspension of State Debt Collection

New York State Attorney General Letitia James and Governor Andrew Cuomo this week announced that New York has renewed an order to halt the collection of medical and student State-owed debt that was specifically referred to the Office of the Attorney General (OAG) for collection for an additional 30-day period through June 16th.

In response to continuing financial impairments resulting from the spread of COVID-19, the OAG will renew the last two orders which came due Monday, May 18, 2020, through Tuesday, June 16, 2020. After this 30-day period, the OAG will reassess the needs of state residents for another possible extension. Additionally, the OAG will accept applications for suspension of all other types of debt owed to the State of New York and referred to the OAG for collection.

New York Racetracks To Open June 1st

Governor Andrew Cuomo this week announced horse racing tracks across the state and Watkins Glen International Racetrack will be allowed to open without fans as of June 1st. The state will issue guidance on how they can open safely reopen in the coming week.

Mayor de Blasio Appoints Magalie Austin as Director of the Mayor's Office of Minority and Women-Owned Business Enterprises

Mayor Bill de Blasio this week announced the appointment of Magalie Austin as Senior Advisor and Director of the Mayor's Office of Minority and Women-Owned Business Enterprises (M/WBE). In this role, she will work to foster the success of minority and women-owned businesses and oversee the City's M/WBE Program. Along with access to procurement opportunities, Ms. Austin will ensure that M/WBEs also have access to services to mitigate the impacts of COVID-19 as they recover from the pandemic.

Ms. Austin previously served as the Chief Diversity and Industry Relations Officer for the NYC Department of Design and Construction (DDC). She is an alumna of St. John's University and holds a Juris Doctor from Tulane University School of Law.

Emergency Relief Program for Survivors of Domestic and Gender-Based Violence

Mayor de Blasio this week announced a new emergency financial relief program for survivors of domestic and gender-based violence to provide funding for immediate safety, economic, and housing needs currently exacerbated by the COVID-19 pandemic.

In partnership with Sanctuary for Families, the Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV) will leverage its network of service providers to distribute funds to directly support survivors in need across the city. Funding for this program is provided by the Mayor's Fund to Advance New York City's COVID-19 Emergency Relief Fund.

The pilot program will deliver "micro-grants" ranging in value based on need and will follow evidence-based funding models.

Return of Half-Hour Staten Island Ferry Service During Morning and Evening Rush Hours, Effective Thursday, May 21st

As of Thursday, May 21st, the Department of Transportation's (DOT) Staten Island Ferry returned to 30-minute service frequency during the morning (5:00am – 9:00am) and evening (3:30pm – 7:30pm) rush hours.

On March 30, declining ridership led the City to reduce Staten Island Ferry service to hourly AM/PM rush hour service. Ridership has increased in recent weeks, averaging about 8,000 passengers per day.

Passengers must wear face coverings at all times while in the terminals and on board the ferryboats. Face coverings will be available for passengers who arrive to ferry terminals without one. The ferry should not be used for recreational or sightseeing purposes, according to Mayor Bill de Blasio.

What to Know About Absentee Voting for the June 23 Primary

(Source: [City and State](#), April 28, 2020, excerpted)

The COVID-19 pandemic has resulted in significant changes in the upcoming June 23rd primary. The State Board of Elections canceled the Democratic presidential primary now that former Vice President Joe Biden has become the presumptive nominee. The regularly scheduled state and federal primaries will still take place across New York, but Governor Andrew Cuomo has canceled nearly all special elections that were set for June 23. Polling places in districts with races on the ballot will be open, but Governor Cuomo also expanded absentee voting in order to minimize the number of people at polling sites for the safety of both voters and poll workers.

Do I need to apply for an absentee ballot?

In order to vote by mail, voters must still fill out and submit an application to receive an absentee ballot. This application will be sent to all registered voters by mail in accordance with an [April 24 executive order](#) which mandated that every registered voter in the state receive an absentee ballot application, with postage, to ensure that everyone who may wish to vote remotely has the opportunity. Voters would fill out the form, and mail it back to their local board of elections. Individuals may also print an application online or apply digitally by emailing the completed form to the local board of elections.

Aren't there specific criteria you have to meet in order to qualify for an absentee ballot?

Yes, and technically this is still true. However, Governor Cuomo through an [April 9 executive order](#) expanded the definition of a “temporary illness,” one of the reasons for which someone could request an absentee ballot, to include “the potential for contraction of the COVID-19 virus.” This effectively makes everyone in the state eligible for an absentee ballot. This executive order only applies to elections held on or before June 23, so a new order would be needed if the coronavirus pandemic is still an issue in November.

Will polling places still be open?

Yes, all polling sites in districts with elections will still open.

Coming Up

New York State

NYS Legislature will return next week to address legislation related to the COVID-19 pandemic. Committee meetings will be held on Tuesday, May 26th with session scheduled for the days following.

New York City

Tuesday, May 26

Committees on Environmental Protection, Resiliency and Waterfronts, Consumer Affairs and Business Licensing and Health, Remote Hearing, 10:30 a.m.

Oversight - Consolidated Edison's Summer Preparations and the City's Cooling Needs.

T2020-6197 A Local Law to amend the administrative code of the city of New York, in relation to annual reporting of heat vulnerability and heat-related deaths.

T2020-6198 A Local Law to amend the administrative code of the city of New York, in relation to a comprehensive cooling and communication plan.

Wednesday, May 27

Subcommittee on Landmarks, Public Sitings and Dispositions, Remote Hearing, 9:30 a.m.

Committee on Land Use, Remote Hearing, 10:30 a.m.

Committee on Education, Remote Hearing, 11 a.m.

Oversight - Remote Learning: The Impact of Coronavirus (COVID-19) on the City's Schools.

Thursday, May 28th

City Council Stated Meeting, Remote, 1:30 p.m.



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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