



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

June 19, 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

Governor Ends Daily COVID-19 Briefings

With all of the regions of the State successfully moving through the NYForward reopening phases, Governor Andrew Cuomo is winding down his daily COVID-19 briefings. He held his last briefing today, ending over three months of press conferences in which he gave updates seven days a week on the pandemic and New York’s plan to fight it.



**Governor Holds Last Daily
COVID-19 Address.**

"When this started we had more cases per capita than any state in the country, or any nation on the globe. But today we have done a full 180, from worst to first," he said. "We are controlling the virus better than any state in the country and any nation on the globe."

According to the Governor, the state hit a weekly low with less than 1% of New York residents infected with the virus. A link to the Governor’s final COVID-19 daily press conference can be found [here](#).

In addition, Governor Andrew Cuomo today announced global public health experts have cleared New York City to enter Phase Two of reopening on Monday. Business guidance for Phase Two of the State's reopening plan is available [here](#).

This week Governor Cuomo also took care of some house cleaning, signing most of the remaining pieces of the State Legislature’s COVID-19 relief and police reform agendas. In May, the Senate and Assembly launched a virtual/in-person hybrid session to pass a wide range of COVID-19 bills related to unemployment insurance benefits, rent assistance, school district funding, and contract tracers. The Legislature again returned in June to address police reform following the murder of George Floyd.

Last week, Governor Cuomo approved bills to criminalize false 911 calls, ban choke holds, create the Office of Special Investigation within the Attorney General's office, and repeal 50-a. Legislation, sponsored by Senator Brad Hoylman and M. of A. Jeffrey Dinowitz, prohibiting the eviction of residential tenants who have suffered financial hardship during the COVID-19 covered period was delivered to the Governor yesterday and had not been acted upon by time of publication.

Bills signed this week include:

COVID-19 Relief Agenda

Chapter 97 Sponsored by Senator Martinez/M of A L. Rosenthal -- Relates to suspending the forfeiture of unemployment benefits during the COVID-19 state of emergency.

Chapter 99 Sponsored by Senator/Rules Committee (M of A Aubry) -- Requires the department of health to conduct a study on the health impacts of COVID-19 on minorities in New York State.

Chapter 107 Sponsored by Senator Carlucci/M of A Ortiz -- Provides that school districts, including the city school district of the city of New York, are entitled to an apportionment of state aid for the closure of schools due in response to the novel coronavirus.

Chapter 108 Sponsored by Senator Parker/ Rules Committee (M of A Mosley) -- Relates to issuing a moratorium on utility termination of services during periods of pandemics and/or state of emergencies.

Chapter 109 Sponsored by Senator May/M of A Stirpe -- Establishes a state disaster emergency loan program.

Chapter 110 Sponsored by Senator Hoylman/Rules Committee (M of A Paulin) -- Relates to authorizing licensed pharmacists to administer an approved vaccine for COVID-19.

Chapter 111 Sponsored by Senator Gaughen/M of A McDonald -- Authorizes local code enforcement officers to issue blanket orders extending the expiration date for all active building permits for a period of up to 120 days.

Chapter 112 Sponsored by Senator Kavanagh/M of A Rozic -- Requires New York-regulated institutions to grant 90 days of forbearance to residential mortgagors who can demonstrate financial hardship as a result of the COVID-19 pandemic.

Chapter 113 Sponsored by Senator Kaminsky/ Rules Committee (M of A Thiele) -- Relates to the determination of points for service award programs for volunteer firefighters and volunteer ambulance workers during a state disaster emergency.

Chapter 114 Sponsored by Senator Salazar/ M of A Lentol -- Relates to requiring residential health care facilities to prepare an annual pandemic emergency plan to the commissioner of health.

Chapter 115 Sponsored by Senator Serrano/Rules Committee (M of A Joyner) -- Requires that COVID-19 contact tracers be representative of the cultural and linguistic diversity of the communities in which they serve to the greatest extent possible.

Chapter 116 *Sponsored by Senator Harckham/Rules Committee (M of A L. Rosenthal)* -- Includes the commissioner of addiction services and supports as a member of the disaster preparedness commission.

Chapter 117 *Sponsored by Senator Savino/M of A Reyes* -- Relates to prohibiting health care employers from penalizing employees because of complaints of employer violations.

Chapter 118 *Sponsored by Senator Benjamin/M of A Braunstein* -- Relates to the establishment by the city of New York of a revenue stabilization fund and variations from generally accepted accounting principles.

Chapter 119 *Sponsored by Senator Comrie/M of A Paulin* -- Relates to utilizing technology in cemetery lot sales.

Chapter 120 *Sponsored by Senator Mayer/Rules Committee (M of A Ryan)* -- Provides public libraries with an additional 12 months to complete capital projects where such projects commenced between July 1, 2017 and July 1, 2019 and libraries were unable to complete projects within the three-year statutory time limit due to COVID-19.

Chapter 121 *Sponsored by Senator Jackson/Rules Committee (M of A Jackson)* -- Decouples certain New York City's taxes from the amendments made by the CARES Act.

Chapter 122 *Sponsored by Senator Benjamin/Rules Committee (M of A Paulin)* -- Allows not-for-profit corporations, religious institutions, and cooperatives to hold meetings of shareholders, members, and trustees through remote communications per Board approval.

Chapter 123 *Sponsored by Senator Bailey/Rules Committee (M of A Lentol)* -- Provides for audio-visual appearances for hearings on felony complaints during the COVID-19 disaster emergency.

Chapter 124 *Sponsored by Senator Metzger/M of L. Rosenthal* -- Includes audio-only and video-only telehealth and telemedicine services in those telehealth and telemedicine services eligible for reimbursement.

Chapter 125 *Sponsored by Senator Kavanagh/ Rules Committee (M of A Cymbrowitz)* -- Enacts the "emergency rent relief act of 2020" to establish an interim residential rent relief program.

Chapter 126 *Sponsored by Senator Hoylman/M of A Dinowitz* -- Prohibiting the eviction of residential tenants who have suffered financial hardship during the COVID-19 covered period.

Police Reform Agenda

Chapter 98 *Sponsored by Senator/Rules Committee (M of A Quart)* -- Repeal prohibitions on wearing a mask or possessing gambling paraphernalia in public.

Chapter 100 *Sponsored by Senator/M of A Perry* -- Affirms the right of New Yorkers to record law enforcement law enforcement activities.

Chapter 101 Sponsored by Rules Committee (M of A Perry) -- Requires a law enforcement officer or peace officer who discharges his or her weapon under circumstances where a person could be struck by a bullet to immediately report the incident.

Chapter 102 Sponsored by Rules Committee (M of A Lentol) -- Requires the Chief Administrator of the Courts to compile data on misdemeanor offenses and violations.

Chapter 103 Sponsored by Senator Bailey/M of A Fernandez -- Affirms the duty of police officers, peace officers, and other law enforcement representatives and entities to provide attention to medical and mental health needs of persons in custody.

Chapter 104 Sponsored by Senator Parker/M of A Taylor -- Establishes the Law Enforcement Misconduct Investigative Office within the Department of Law.

Chapter 105 Sponsored by Senator Parker/M of A Walker -- Requires the State Police provide all officers with body cameras.

Senator Robert Ortt to Lead NYS Senate Republicans

Senator Robert Ortt has been chosen by his Republican colleagues as Leader, replacing Senator John Flanagan who is stepping down at the end of this month.

Senator Ortt has represented Western New York's 62nd District since 2015. Prior to his election to the Senate, he served as Mayor of North Tonawanda, as well as City Treasurer and Clerk-Treasurer of North Tonawanda.

Senator Ortt enlisted in NY Army National Guard in October 2001 in direct response to the attacks on September 11th. He is a veteran of Operation Enduring Freedom in Afghanistan. He is the recipient of the Bronze Star, the Army Commendation Medal, the Afghan Campaign Medal and the Combat Infantryman's Badge in recognition of his service.



Senate Republican Leader Ortt



Governor's Executive Orders

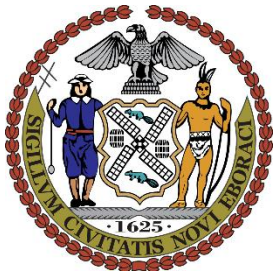
New York State Executive Order 202.42 (June 15th)

Allows 25 or fewer individuals to gather, for any lawful purpose or reason, in regions eligible for phase three, with social distancing and cleaning protocols as required by the Department of Health. Regions not yet eligible for phase three reopening remain limited to gatherings of ten or fewer individuals.

New York State Executive Order 204 (June 17th)

Declaring Juneteenth a holiday for New York State Employees.

In the News – City



City Announces New Reforms to NYPD's Disciplinary System

Mayor Bill de Blasio this week announced new reforms to the NYPD's disciplinary system to expedite the investigation of and discipline for incidents involving substantial bodily injury to a member of the public, and provide greater transparency on disciplinary records and decisions.

"These measures build on the vigorous reform agenda the NYPD took up in 2014," said Police Commissioner Dermot Shea. "They reinforce our commitment to transparency as well as safety and accountability for our officers who work tirelessly to serve and protect the public."

Expediated Review:

For incidents involving substantial bodily injury, the Police Commissioner will make an initial determination on whether to place the officer on modified duty or suspension within 48 hours of the incident. NYPD will conclude the investigation into such incidents within two weeks, unless there are evidentiary delays caused by circumstances beyond the control of the NYPD or where there is significant risk of interference with a criminal investigation.

Currently, the Internal Affairs Bureau must file charges within 18 months for administrative violations and there is no time limit to file disciplinary charges for criminal conduct.

Decision Availability:

The NYPD will publish all trial decisions or settlements reached going forward, effective immediately. NYPD will also post information for the approximately 1100 pending cases for which charges have been served. This information will include names, charges, hearing dates and resolutions when available. This information will be posted by mid-July. The NYPD will also make comprehensive disciplinary records fully transparent online. The records of the pending cases will be prioritized for release.

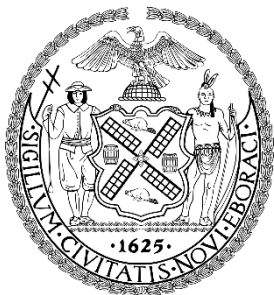
Body Camera Footage Policy:

Mayor de Blasio announced new body camera footage release policy to promote transparency and accountability. All video and audio footage must be released within 30 days when: an officer discharges a firearm that hits or could hit someone; an officer discharges a Taser in a way that results in death or substantial bodily harm; or an officer's use of force results in death or great bodily harm. This new policy will apply retroactively to all audio and video footage from older cases that fit criteria. All footage will be publicly available online.

Civilians involved or family will have a chance to view the footage before release. Footage will be publicly available online. The City has deployed 24,000 cameras are currently patrolmen and detectives.

According to published reports, the changes do not affect the timeline for holding an internal NYPD disciplinary trial, which is required before a final decision on firing or otherwise punishing an officer.

New York City Police Benevolent Association President Pat Lynch criticized the Mayor's actions. "Mayor de Blasio has just proved our point about the dangers of repealing Civil Rights Law Section 50-A. By superseding the city's FOIL process to release police officers' records, Mayor de Blasio has shown that FOIL does absolutely nothing to 'protect' police officers. It allows employers to release whatever they want, whenever and however they want," he said.



Bills Approved by the City Council

Introduction No. 487-A, sponsored by Council Member Vanessa L. Gibson, would require the reporting and evaluation of surveillance technologies used by the New York City Police Department (NYPD).

Introduction No. 536-B, sponsored by Council Member Rory I. Lancman, would criminalize the use of restraints that restrict the flow of air or blood by compressing another individual's windpipe or arteries on the neck, or by putting pressure on the back or chest, by police officer making an arrest.

Introduction No. 721-B, sponsored by Public Advocate Jumaane D. Williams, would affirm the right to film police activities generally, and establish a cause of action enabling individuals to sue in state court for any violation of this right.

Introduction No. 760-B, sponsored by Council Member Vanessa L. Gibson, would require the New York City Police Department (NYPD) to expand the categories of information included in its Early Intervention System (EIS) to include information like certain types of arrests made, incidents of excessive force, and ongoing disciplinary proceedings. The NYPD would also be required to increase transparency around its system by regularly reporting on the information included and how it's utilized.

Introduction No. 1962-2020-A, sponsored by Council Member Alicka Ampry-Samuel, would require officers to display their shield number or rank designation at all times when the officer is performing their duties. This bill would also create a private right of action for individuals who are subject to refusal of officers to display a shield number or rank designation.

Introduction No. 1309-B, sponsored by Council Member Donovan J. Richards, would require the NYPD to develop a "disciplinary matrix," which gives a recommended range of penalties for each type of violation. The NYPD Commissioner would retain the ultimate discretion to override the recommendation of the matrix, but the Department would be required to report on how often the Commissioner deviated from the matrix. The bill would also require public reporting on the development of the matrix, including the factors that were considered.

Introduction No. 1354-A, sponsored by Council Member Robert F. Holden, would require all concrete mixer trucks driving through the city of New York to be equipped with chute closure devices during the transport of liquid concrete by June 30, 2021.

Briefs

Governor Cuomo Issues Executive Order Strengthening State Enforcement During Phased Reopening to Protect New Yorkers and Ensure Business Compliance

Governor Andrew Cuomo this week announced that he will issue an Executive Order strengthening state enforcement during the phased reopening to protect New Yorkers and ensure business compliance. Businesses that violate the reopening rules and guidelines are subject to immediate loss of their liquor licenses and shutdown orders.

In addition, the Governor will issue a second Executive Order to expand the enforcement areas of the State Liquor Authority by giving bars responsibility for the area immediately outside their locations.

Comptroller DiNapoli: State Tax Revenues Down \$767 Million in May

State tax receipts in May were down \$766.9 million or 19.7% from the previous year, [according to the monthly state cash](#) report released this week by State Comptroller Thomas DiNapoli.

Other items of note in the report:

- Personal income tax withholding revenues were \$291.8 million below May 2019, a decline of more than 9 percent reflecting both depressed economic activity and timing factors.
- Local assistance spending through May totaled \$17.9 billion, \$1.4 billion less than the state Division of Budget (DOB) projected in the Enacted Budget Financial Plan. In addition, spending for capital projects totaled \$915.8 million through May, \$412.2 million lower than projected.
- The Department of Education made \$4 billion in general aid payments to school districts.
- The General Fund ended the month with a balance of \$7.3 billion, \$1.1 billion higher than the latest projection by DOB.

City of New York and Airbnb Reach Settlement Agreement

Airbnb and the City of New York have reached a settlement agreement, establishing a new framework for the City's local law that requires short-term rental platforms to share information about their listings. Under this agreement, Airbnb will dismiss its federal lawsuit against the City of New York and the New York City Council will introduce an updated local law (Introduction 1976-2020 introduced June 17).

Under this updated local law, short-term rental platforms would share information with the City on a quarterly basis. The report would include all listings that generate five or more nights of bookings per quarter, so long as the listing offers an entire home or allows three or more guests to stay at one time. Information will not be provided for private or shared room listings with two or fewer guest capacity; for listings that are rented for less than five nights per quarter; or for listings that are in qualifying traditional hospitality locations, based on a list the City will publish.

For all eligible listings, reports provided to the City would be required to include:

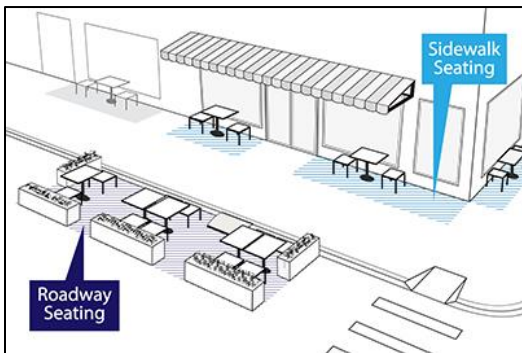
- Physical address of the listing;
- Host information (name, physical address, phone number, and e-mail address);
- The name, number and URL of the listing;
- Whether the short-term rental is for an entire unit or part of a unit;
- The total number of days booked;
- The amount received by the host for each transaction, as well as the account name and anonymized account identifier relating to those payments.

The City Council is expected to vote on the bill at its June 25th meeting, according to published reports.

Board Votes to Freeze Rent for Rent-Controlled Apartments in NYC Amid COVID-19

The Rent Guidelines Board voted 6-3 Wednesday night to freeze rents for one-year leases and for the first year of two-year leases. During the second year of two-year agreements, landlords can increase rent by 1 percent. The Board also approved a freeze on stabilized hotel units.

Open Restaurants: As New York City Prepares for Phase 2 of Reopening, Mayor de Blasio Announces Outdoor Dining Guidance for Restaurants



Mayor Bill de Blasio announced guidance for the City's Open Restaurants program, which allows qualifying restaurants and bars to expand outdoor seating on sidewalks, curb lanes, backyards, patios, plazas, and Open Streets as New York City begins Phase 2 of reopening.

The City has established an expedited approval processes by allowing restaurants and bars to self-certify their eligibility for curb lane and sidewalk seating using a new, streamlined application process at NYC.Gov, which will be available starting Friday, June 19th. The mayor codified the guidance by signing Executive Order 126.

Open Restaurants gives dining establishments five new options. Beginning in Phase 2, restaurants can implement seating in curb lanes and sidewalks. Phase 2 allows reopening and use of as of right outdoor space in backyard and patios. Restaurants can also work with their local Business Improvement Districts (BIDs) to establish seating in plazas. Beginning in July, restaurants can offer seating on [Open Streets](#) on nights and weekends.

Sidewalk seating will be in effect until the end of October. Curb lane seating will last through Labor Day. DOT will work with community groups and partner agencies to identify additional seating within full streets closures in July. Restaurants can work with their local BID and DOT to request additional seating in plazas by emailing Plazas@dot.nyc.gov.

Election Day is June 23th for State & Federal Primaries (source: NYC Board of Elections)

*Early Voting Period Continues Through June 21st
Absentee Voting Continues through June 23rd*

Absentee Ballots

You can vote even if you cannot get to the polling place on Election Day.

Under the Governor's Executive Orders: To help prevent the community spread of COVID-19, all registered, eligible voters may apply to vote by Absentee ballot for the June 23, 2020 elections. Voters affected by COVID-19 including the risk of contracting the virus, should check the box "Temporary Illness" as the reason for requesting an Absentee Ballot.

In-Person Absentee Voting

Absentee voting in person begins as soon as the ballots are available and ends on Election Day.

Absentee ballots can be cast at the [Board of Elections](#) office in your borough from 10:00 AM - 4:00PM, Monday through Friday. For the upcoming June Primary elections,

Extended Voting in Office Hours will occur in every borough office on:

- Saturday, June 20, 2020 9:00 AM to 5:00 PM
- Sunday, June 21, 2020 10:00AM to 4:00 PM

All borough offices are equipped with Ballot Marking Devices (BMDs) available for voters. For more information, please visit <https://vote.nyc/page/accessibility>

On Election Day, absentee ballots can be cast until 9:00 PM.

Polling Places are Open

Yes, all polling sites in districts with elections will still be open and early voting continues through June 21st.

Coming Up

New York State

Senate and Assembly are at the Call of the Respective Legislative Leaders

The Federal Response to the Impact of the COVID-19 Pandemic on Small Businesses in NY
Assembly Committee on Small Business, Ways and Means, Agriculture, Banks; Office of State-Federal Relations; & Task Force on Food, Farm & Nutrition Policy, Remote Hearing

- June 22nd & June 24th: New York City, 10 a.m.

New York City

Monday, June 22nd

Committee on Cultural Affairs, Libraries and International Intergroup Relations, Remote Hearing, 10 a.m.

Oversight - DCLA, COVID-19 and Cultural Organizations in New York City.

Int 1967-2020 - Requires the Department of Cultural Affairs (DCLA) to create a report related to New York City-based art and cultural institutions' plans for reopening, post-COVID-19 closures.

Committee on Ethics & Standards, Remote Hearing, 11 a.m.

Committee on Cultural Affairs, Libraries and International Intergroup Relations, Remote Hearing, 11 a.m.

Committee on Governmental Operations, Remote Hearing, 11 a.m.

Tuesday, June 23rd

Committees on Contracts, Youth Services, and Aging, Remote Hearing, Noon.
Oversight - Youth and Senior Services Nonprofit Contracting during a Pandemic.

Wednesday, June 24th

Committee on Hospitals, Remote Hearing, 9:30 a.m.
Oversight - New York City Hospitals' Reopening Plans.

Committee on Economic Development, Remote Hearing, Noon
Oversight - NYCEDC's Relief Efforts During the COVID-19 Crisis.

Thursday, June 25th

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

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