



# This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

June 26, 2020 Edition

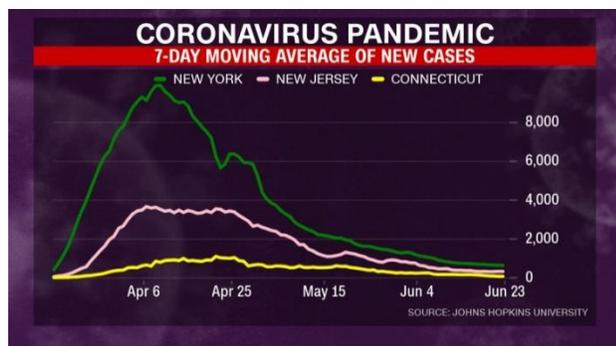


“Every record has been destroyed or falsified, every book rewritten, every picture has been repainted, every statue and street building has been renamed, every date has been altered.

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 – State*



## New York, New Jersey & Connecticut Impose 14-Day Quarantine Mandate

In a concerted effort to protect their states' COVID-19 recovery efforts, the governors of New York, New Jersey, and Connecticut this week imposed mandatory 14-day quarantines on outside travelers from states with high coronavirus infection rates.

Governor Andrew Cuomo of New York, Governor Phil Murphy of New Jersey, and Governor Ned Lamont of Connecticut said all travelers from states that meet specific health metrics must immediately enter a 14-day quarantine upon arrival in any of the three states. Governor Cuomo's signed [Executive Order 205](#).

“It's only for the simple reason that we worked very hard to get the viral transmission rate down,” Governor Cuomo said. “We don't want to see it go up, because a lot of people come into this region and they could literally bring the infection with them. It wouldn't be malicious or malevolent, but it would still be real.”

The restrictions went into effect on Thursday and apply to states with infection rates that exceed 10 people per 100,000 on a seven-day rolling average, or if 10 percent of the total population tests positive on a seven-day rolling average. On Wednesday that included Alabama, Arkansas, Arizona, Florida, North Carolina, South Carolina, Washington, Utah and Texas.

According to published reports, California's newly released daily case data would increase the state's seven-day average to 4,633 cases, which would qualify it for the states' quarantines.

Anyone found out of compliance of the 14-day quarantine will be subject to a judicial order and a mandatory quarantine. Fines can range from \$2,000 to \$10,000, depending on whether it is the first offense and if harm is caused.

Governor Cuomo indicated that the State would be reviewing flight lists into New York and will make random checks on people to enforce a 14-day quarantine on travelers coming from states that are infection hot spots. Details on the enforcement are still under development.

The New York State Department of Health has issued [interim guidance](#) on the 14-day quarantine mandate which includes provisions for essential workers traveling to (or back to) New York State depending on their expected length of stay. For those with intended stays greater than 36 hours, it requires testing within 24 hours and, provided the test is negative, symptom monitoring and other basic protective protocols (mask in public, social distancing, etc.), as well as avoidance of extended periods in public for 7 days.

Essential worker is defined in the guidance as “(1) any individual employed by an entity included on the Empire State Development (ESD) Essential Business list; or (2) any individual who meets the COVID-19 testing criteria, pursuant to their status as either an individual who is employed as a health care worker, first responder, or in any position within a nursing home, long-term care facility, or other congregate care setting, or an individual who is employed as an essential employee who directly interacts with the public while working.

The tri-state region, specifically New York, was the epicenter of the pandemic just a few months ago. The State has recorded 25,000 deaths due to the virus. New Jersey has recorded the second-most deaths in the country — nearly 13,000. Both New York and New Jersey have infection rates under 1%.

In May, Governor Cuomo threatened legal action when Rhode Island Governor Gina Raimondo tried to mandate quarantines for New Yorkers traveling to her state. Florida's 14-day out of state traveler quarantine is still in place.



## **Governor's Executive Orders**

### **New York State Executive Order 202.43 (June 19<sup>th</sup>)**

On and off premise alcoholic beverage licensees are required to inspect, monitor, and otherwise supervise the area within 100 feet of the licensed premises to ensure that any consumption of food or beverage comports with the applicable open container ordinances, as well as social distancing and face covering requirements.

[Executive Order 202.8](#) is modified to allow the Department of Motor Vehicles to allow for in-person transactions at county-operated Department of Motor Vehicles offices in phase three eligible regions, if such transactions are conducted by appointment only.

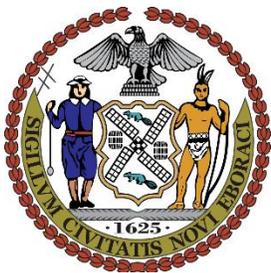
### **New York State Executive Order 202.44 (June 21<sup>st</sup>)**

Allows clinical labs to accept and examine specimens for COVID-19 testing from nursing home and adult care facilities personnel without a prescription or order and requires the facilities to report positives to the local department of health for treatment and isolation orders. Expands the authority of the Commissioner of Taxation and Finance to abate late filing and payment penalties for a period of up to 100 days for taxpayers who were required to file returns and remit sales and use taxes by March 20, 2020, for the sales tax quarterly period that ended February 29, 2020.

### **New York State Executive Order 205 (June 24<sup>th</sup>)**

The Executive Order requires all travelers entering New York from a state with a positive COVID-19 test rate higher than 10 per 100,000 residents, or higher than a 10% test positivity rate, over a seven-day rolling average to quarantine for a period of 14 days. The Executive Order went into effect at 12:01 a.m. on June 25, 2020, until rescinded by the Department of Health Commissioner. Currently, Alabama, Arizona, Arkansas, Florida, North Carolina, South Carolina, Texas, and Utah have infection rates above the maximum infection rate to travel unrestricted into New York, Connecticut and New Jersey. New York will track all other state's infection rates and make the restriction list available on the Department of Health's website. Any violation of a quarantine or isolation order issued to an individual by a local department of health or NYS Department of Health may be enforced and non-compliance may additionally be deemed a violation subject to a civil penalty of up to \$10,000.

## ***In the News – City***



## **Bills Approved by the City Council**

### **ARB NB DISCLOSURE**

#### ***Short-term rental platforms reporting requirements***

**Introduction No. 1976**, sponsored by Council Member Carlina Rivera, would amend Local Law 146 of 2018, which required online short-term rental platforms that provide booking services for a fee, such as Airbnb, to provide information about those transactions to the Mayor's Office of Special Enforcement. The amendments tailor the reporting requirements to listings for short-term rentals of an entire dwelling unit or housing accommodation and those for three or more persons.

## COVID-19

### **Creates an online database to track expenditures related to the COVID-19 pandemic**

**Proposed Introduction No. 1952-A**, sponsored by Council Member Vanessa L. Gibson, would require the City of New York to create an online, public database that would track expenditures of federal, state, and local funds for addressing COVID-19. The database would be required to be posted 90 days after the enactment of the local law and would include information on COVID-related expenditures regarding agency expense and capital funding, procurement contracts, and grants and loans.

### **Authorizes lower interest rates COVID-19 impacted property owners**

**Proposed Introduction No. 1964-A**, sponsored by Council Member Margaret Chin, would authorize the Council to pass a resolution setting a 7.5% interest rate for certain COVID-19 impacted small rent-regulated rental and commercial properties with assessed values over \$250,000 that are unable to pay their July 1, 2020 tax bills on time. The lowered interest rate would be applicable through October 15, 2020. Res 1349-2020.

**Proposed Introduction No. 1974-A**, sponsored by Public Advocate Jumaane D. Williams, would authorize the Council to pass a resolution setting a 0% interest rate for certain COVID-19 impacted homeowners who unable to pay their July 1, 2020 tax bills on time. Eligible properties are those with an assessed value of \$250,000 or less that are used by owners as a primary residence and where such owners have incomes below \$150,000 or who have already entered into a hardship installment agreement plan with the Department of Finance. The lowered interest rates would be applicable through September 30, 2020. Res 1350-2020.

## GOVERNMENTAL OPERATIONS

### **Requires the City to develop policies for the safe reopening and operation of City agencies**

**Proposed Introduction No. 1950-A**, sponsored by Council Member Laurie A. Cumbo, would require the Mayor to establish a task force for the purpose of recommending policies and protocols to facilitate the safe reopening and operation of city agencies in response to COVID-19. This bill would also require each city agency to develop a reopening plan and submit that plan to the task force for review. Agencies would be required to publish their final reopening plans online. In addition, the task force would be required to report to the Mayor and Council on how agencies have complied with their obligation to develop and submit reopening plans.

## OUTDOOR DINING

### **Creates an outdoor dining program**

**Proposed Introduction No. 1957-A**, sponsored by Council Member Antonio Reynoso, would create an outdoor dining program that would allow restaurants and bars that serve food to temporarily use outdoor spaces like sidewalks, curbs, and streets. These businesses would be allowed to self-certify that they are using sidewalk and curb space directly in front of their business. Under the program, which would be led by the Department of Transportation, the City could terminate or suspend an establishment's use of a temporary outdoor dining area based on non-compliance with program requirements, complaints, or health or safety needs.

## TRANSPORTATION

### **Eliminates prohibition on electric bicycles & electric scooters**

**Proposed Introduction No. 1264-A**, sponsored by Council Member Fernando Cabrera, would eliminate local prohibitions on the use of three classes of electric bicycles with top speeds under 25 miles per hour.

**Proposed Introduction No. 1250-A**, sponsored by Council Member Fernando Cabrera, would eliminate local restrictions on the operation of certain electric scooters with top speeds under 20 miles per hour.

### **Requires the creation of a year-long pilot program for shared electric scooters**

**Proposed Introduction No. 1266-A**, sponsored by Council Member Fernando Cabrera, would require the Department of Transportation (DOT) to create a year-long pilot program for the operation of shared electric scooters in New York City.

## Briefs

### **New York State Department of Health Announces Counties Across the State to Receive \$323 Million from Enhanced Medicaid Funds in Response to COVID-19 Pandemic**

The New York State Department of Health this week announced that New York counties will receive \$323 million in enhanced Medicaid matching funds from the Families First Coronavirus Response Act. The federal statute, for the duration of the COVID-19 pandemic period, increased Medicaid reimbursement by 6.2 percent.

The allocation amounts available [here](#) are estimates, and the final support for each county will be based spending levels and could be impacted by further changes to federal guidance.

### **Regions Reach the Final NYForward Stage**

Central New York, Mohawk Valley, North Country, Finger Lakes, and Southern Tier begin Phase 4 of NYForward today, the final phase in the State's COVID-19 reopening plan.

Phase 4 allows low-risk indoor and outdoor arts and entertainment, film and TV production, higher education, and professional sports without fans. In addition, social gatherings of up to 50 people will be allowed and indoor religious gatherings will be allowed at up to 33 percent of the indoor site's capacity. Guidance for Phase 4 of reopening is available [here](#).

Certain businesses remain closed, including gyms, movie theaters and malls. The state is still reviewing when and how to reopen those facilities, according to Governor Cuomo.

## **PEF Grievance Alleges State Employees Were Not Paid Overtime For COVID-19 Related Work**

The Public Employees Federation (PEF) has filed a class action overtime grievance against the New York State Department of Labor, the Department of Health, the Office of Temporary and Disability Assistance, and other state agencies for allegedly failing to pay its workers overtime for their work during the COVID-19 pandemic.

The grievance filed by PEF President Wayne Spence claimed that the Professional, Scientific and Technical Services Unit (PS&T) was not fairly compensated for their COVID-related overtime assignments that were mandated by the state. "...much of this work involved the DOL Unemployment Insurance Call Center and related UI data processing as well as the DOH COVID-19 hotline," according to the grievance.

The grievance alleges that the PS&T unit members were not told that they would be compensated for their overtime hours at a lower salary rate and it was only after they performed these overtime shifts that they were first notified that they would be paid at a lower rate.

"With respect to this class of PS&T unit members, the State has violated Articles 7, 32, and 45 of the PEF/State Agreement," according to the grievance.

PEF asks that workers be compensated for their overtime hours at their regular overtime rate of pay. The lawsuit can be viewed [here](#).

## **Budget Woes May Cause Governor to Reconsider \$750 Million Economic Development Grant Competition**

New York's growing budget shortfall, fueled by COVID-19 expenses, has put this year's \$750 million Regional Economic Development Council (REDC) competition on hold.

For the past nine years, the State's 10 REDCs -- comprised of local business executives, union leaders, nonprofit officials and educators--have vied for the State's economic development funding, utilizing Governor Andrew Cuomo "ground up" decision-making process in which local officials put forth projects to be funded. However, the economic realities of COVID-19 threatens this year's allocations.

"The reality is the state is contending with a 14% drop in revenue due entirely to the pandemic, and in the absence of federal funding to offset this loss, the state will have to reduce spending to balance the budget," said ESD spokeswoman Kristin Devoe, referring to a projected \$13.3 billion hole in the \$178 billion state spending plan for 2020-21, according to published reports. "The REDC program, like every other state-funded program, is under review as a result, and we will provide further information as soon as we are able. Any area where the state doesn't reduce spending will simply mean deeper cuts in another."

## **Governor to Extend Executive Order for Takeout Cocktails**

New York restaurants may continue to sell cocktails and wine for takeout and delivery for at least another 30 days under an Executive Order extension to be signed by Governor Andrew Cuomo.

“We understand the positive impact this has had for businesses during this trying time, and we intend to renew this option in an upcoming executive order,” Rich Azzopardi, senior adviser to the Governor told the *Times Union* on Thursday.

The allowance was put in plan on March 17<sup>th</sup> and is scheduled to expire on Saturday.

## **NYC Health Department Releases Revised Police Data**

A draft New York City Health Department accounting of police-related data released this week determined that 105 people were killed in interactions with police during the period of 2010 to 2015.

“More New Yorkers’ deaths are due to law enforcement than are captured by our official surveillance measures,” NYC Health Commissioner Oxiris Barbot said, according to published reports. “This is a draft, but we believe in transparency & accountability. We learned that our own system for recording these deaths — the same system applied by the federal government to all jurisdictions — is flawed.”

Over that period, the City had officially reported 46 deaths.

## **The MTA’s Budget Loss Tops \$10 Billion**

The Metropolitan Transportation Authority (MTA) is projecting a \$10.3 billion loss over the next two years in the wake of the Covid-19 pandemic, according to MTA Chief Financial Officer Bob Foran. The deficit figure includes the \$3.9 billion in federal stimulus money received earlier this year.

According to the MTA, without additional federal aid, service reductions, workforce reductions, and fare increases are being considered. In addition, \$54.8 billion capital project plan is on hold indefinitely.

“To be clear, this is a four-alarm fire,” said MTA Chairman and CEO Pat Foye.

# Coming Up

## New York State

*The Legislature is at the Call of the Respective Leaders.*

## New York City

### Monday, June 29<sup>th</sup>

*Committees on Housing and Buildings & Public Housing, Remote Hearing, 1 p.m.  
Oversight - Tenant Safety and Building Sanitation in the Time of COVID-19.*

---

**“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-**

---

**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