



# This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

July 1, 2022 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 – New York State*

### **Governor Hochul Releases Extraordinary Session Gun Control Bill**

Governor Kathy Hochul has unveiled her [Extraordinary Session Gun Control Program bill](#), providing substance to New York’s response to last week’s US Supreme Court ruling that struck down a 100-year law requiring applicants for conceal carry gun permits to show "proper cause".

According to a [memo in support](#) of the Governor's Program bill, the proposed legislation changes the concealed carry permitting process and adds specific eligibility requirements, including taking and passing of firearm training courses and providing a list of former and current social media accounts from the past three years. In addition, it will:

- Enable the State to regulate and standardize training for license applicants.
- Identify sensitive locations where it is prohibited to carry a concealed weapon and
- establishes that private property owners must expressly allow a person to possess a firearm, rifle, or shotgun on their property.
- Provide those individuals who carry concealed weapons in sensitive locations or in contravention of the authority of an owner of private property will face criminal penalties.
- Give the State oversight over background checks for firearms, run regular checks on license holders for criminal convictions, and
- Create a statewide license and ammunition database.

In addition, the Governor's program legislation details the definition of "secure locations" in which it is a criminal offense to possess a firearm, rifle, or shotgun. These locations include, but are not limited to: Federal, state, local government buildings; health and medical facilities; daycares; parks; zoos; playgrounds; public transportation include subways and buses; polling places; educational institutions; homeless and other human services shelters; establishments with on-premise consumption of alcohol or cannabis; any location used for the performance of art, entertainment, gaming, or sporting events; any public sidewalk restricted from general access for a limited time or event that has been issued a permit; any gathering of individuals to collectively express their constitutional right to protest or assemble; and the area known as Times Square.

The legislation clarifies the law relating to the sale of body armor and the safe storage of firearms. The bill will take effect on September 1, 2022. An appeals board will be created for those applicants whose license is denied, which will take effect on April 1, 2023.

Governor Hochul called the Legislature into session on Thursday, June 30<sup>th</sup> to address the legislation. Today, she released a proclamation adding a State constitutional amendment to "enshrine" abortion access to the Extraordinary session agenda.

At time of publication, both the Senate and Assembly were considering the gun control legislation (S50001/A40001-sponsored by Senate Majority Leader Stewart Cousins/Assembly Speaker Heastie) and the abortion access Constitutional Amendment.



## Chapters of the Laws of 2022

**Chapter 230--Sponsored by Senator Brouk/AM Bronson--**Extends a diagnostic authority privilege to mental health counselors, marriage and family therapists, and psychoanalysts who meet the necessary standards.

**Chapter 231--Sponsored by AM Gonzalez-Rojas/Senator--**Includes individuals who do not identify exclusively as a binary gender in eligibility for party positions.

**Chapter 232--Sponsored by Senator Hoylman/AM Cruz--**Enacts the Lorena Borjas transgender and gender non-binary (TGNB) wellness and equity fund.

**Chapter 233--Sponsored by Rules (AM Cook)/Senator Comrie--**Includes station customer assistants, ticket or revenue collections on trains or bus, maintainers, repairer, cleaners, and their supervisors employed by a transit agency, as well as their assigned duties, in the existing 2nd degree assault provisions.

**Chapter 234--Sponsored by AM Fall/Senator Gounardes--**Extends the provisions providing paid leave time for COVID vaccination to December 31, 2023.

**Chapter 235--Sponsored by Senator Gaughran/AM Jean-Pierre--**Extends the deadline for tax exemption applications for tax assessments for certain improved properties affected by Superstorm Sandy to March 1, 2024.

**Chapter 236--Sponsored by AM Fall/Senator Thomas--**Expands what documents can be used to show identity theft relation to debt collection.

**Chapter 237--Sponsored by AM Wallace/Senator Salazar--**Expands the eligibility of victims of unlawful dissemination or publication of an intimate image, also known as "Revenge Porn."

**Chapter 238—Sponsored by Senator Salazar/AM Rajkumar--**Expands the eligibility of victims of the Crimes of reckless endangerment in the second and First Degree.

**Chapter 239--Sponsored by Senator Skoufis/AM O'Donnell--**Bans hidden fees in ticketing practices for live events. In addition, the bill expands the penalties for use of scalper bots and ticket purchasing software, outlaws the sale of free tickets, and prohibits delivery fees on tickets that are delivered electronically or printed at home.

**Chapter 355--Sponsored by Senator Kavanagh/AM Noui--**Allows the State Liquor Authority to issue a license to a restaurant located at 123 Greenwich Street with the entrance located on Trinity Place.

**Chapter 364--Sponsored by Senator Liu/Rules (AM Benedetto)--**Updates the composition and requirements of the Panel for Educational Policy (PEP), codifies District 75, increases input by the Community Education Council (CEC) and the Citywide Councils, creates a parent coordinator position in every school, and extends mayoral control and accountability for two years.

**Chapter 365--Sponsored by Senator Hoylman/Rules (AM Lavine)--**Increases the number of Supreme Court justices across the State and Family Court judges in New York City and the counties of Nassau and Saratoga.

# *In the News – New York City*



## **Governor Hochul Signs Legislation Extending Mayoral Control over NYC Schools for Two Years**

Governor Kathy Hochul last night signed legislation (Chapter 364 of the Laws of 2022) providing a two-year extension of mayoral control over New York City public schools.

“This system has shown its success, with expanded educational options for students and parents, and improved academic outcomes,” Governor Hochul said in a memo released with her signature. “...Mayor Adams has proposed to improve the system, and he should be given the same opportunity as his predecessors to do so.”

Governor Hochul also noted the need for “technical edits” to the legislation.

“The bill as drafted required technical edits to ensure that the City has sufficient time to properly effectuate this expanded and inclusive governance model through the new Panel on Education Policy,” Governor Hochul explained.

The edits, according to published reports, include delaying the expansion of the Panel on Education Policy from 15 to 23 members until Jan. 15, 2023.

In addition to extending Mayoral Control and increasing the Panel on Education Policy, the legislation, sponsored by Senator John Liu and Assemblyman Michael Benedetto, codifies the Citywide Council on District 75, increases input by the Community Education Council (CEC) and the Citywide Councils, and creates a parent coordinator position in every school.

Governor Hochul has not acted upon a separate bill dealing with class size.



## **Staten Island Supreme Court Judge Overturns NYC’s Non-Citizen Voting Law**

Richmond County Supreme Court Judge Ralph Porzio this week struck down New York City’s law, *Our City Our Vote*, allowing legal non-citizens to vote in municipal elections, ruling it violates the State Constitution.

“The New York State Constitution expressly states that citizens meeting the age and residency requirements are entitled to register and vote in elections,” Judge Porzio’s said in his ruling.

The judge asserted that the State’s Election Law says this right is only granted to citizens and New York City was exceeding its authority as a municipality.

*Our City, Our Vote*, passed by the City Council at the end of last year, granted the City’s approximately 800,000 legal permanent residents and those on work visas for more than 30 days the right to vote in municipal elections.

The lawsuit was brought by Staten Island elected officials, led by Borough President Vito Fossella, including Congress Member Nicole Malliotakis, Council Minority Leader Joe Borelli, and Council Member David Carr.

“I stand with the vast majority of New Yorkers who are pleased to see the court strike down Democrats’ shameful attempt to dilute the voices of American citizens by allowing non-citizens to vote,” U.S. Representative Malliotakis said. “The government should be working to create more trust in our elections, not less.”

## Briefs

### Justice Jackson Joins the U.S. Supreme Court

Ketanji Brown Jackson was sworn into the United States Supreme Court on Thursday, becoming the court’s 116<sup>th</sup> justice and the first black woman. She replaced Justice Stephen Breyer, whose retirement was effective at noon.



“With a full heart, I accept the solemn responsibility of supporting and defending the Constitution of the United States and administering justice without fear or favor, so help me God,” Justice Jackson said. “I am truly grateful to be part of the promise of our great Nation. I extend my sincerest thanks to all of my new colleagues for their warm and gracious welcome.”

### New York State Department of Environmental Conservation Denies Title V Permit Renewal for Greenidge Generation, LLC

#### *Cites Level of Emissions Since Facility Switch to Crypto Mining Operations*

The New York State Department of Environmental Conservation (DEC) this week announced its denial of the Title V air permit renewal for the Greenidge Generation, LLC, facility located in the town of Torrey, Yates County. DEC determined the permit renewal application does not demonstrate compliance with the requirements of the State’s Climate Leadership and Community Protection Act in relation to statewide greenhouse gas emission limits.

According to DEC, among the factors considered was the dramatic increase in greenhouse gas emissions from the facility since the passage of the Climate Act, driven by the change in the primary purpose of its operations. The power plant now primarily provides energy behind-the-meter to support the demands of Greenidge's proof of work cryptocurrency mining operations.

## **New York State's First Chief Cyber Officer**

Governor Kathy Hochul this week announced the appointment of Colin Ahern as New York's first Chief Cyber Officer.

Former First Deputy Director of New York City Cyber Command, Ahern will oversee all cyber threat assessment, mitigation, and response efforts—working with executive management at every state agency to manage cyber risks and prevent attacks. Ahern will also lead the recently-announced Joint Security Operations Center.

Ahern started his career as a U.S. Army Officer, after enlisting in the Army Reserves following the September 11th terrorist attacks and serving two year-long tours in Afghanistan. He concluded his Army career as a company commander at the U.S. Army Cyber Brigade, where he oversaw the creation of a specialized cyberspace operations organization.

He currently serves as an adjunct Associate Professor at the Columbia University School of International and Public Affairs and a Guest Lecturer at the George C. Marshall European Center for Security Studies. Ahern received a Bachelor's Degree from Tulane University and an MBA from the New York University's Stern School of Business.

## **Small Businesses: Check Eligibility for \$250 Million COVID-19 Capital Costs Tax Credit Program**

Empire State Development has launched an initial intake tool to help small businesses determine their eligibility for the [COVID-19 Capital Costs Tax Credit Program](#). The \$250 million COVID-19 Capital Costs Tax Credit Program will support small businesses that made investments to comply with emergency orders and regulations or to increase public safety in response to COVID-19. If deemed eligible by the screening tool, a link to the application will be provided when the program application opens.

Eligible COVID-19-related costs include, but are not limited to:

- Supplies to disinfect or protect against COVID-19 transmission.
- Costs associated with expanding or defining space to accommodate social distancing.
- HVAC equipment.
- Expenses related to increased outdoor activity and outdoor space expansions.
- Machinery and equipment to facilitate contactless sales.

Tax credits will cover 50 percent of eligible costs, up to \$50,000, for a maximum tax credit award of \$25,000, and credits will be awarded on a first come first serve basis until program funds are depleted. Eligible businesses must operate a location in New York State, have 100 or fewer employees, \$2.5 million or less of gross receipts in the 2021 tax year, and at least \$2,000 in eligible costs between January 1, 2021 and December 31, 2022.

## **Attorney General James Sues National Gun Distributors for Fueling Gun Violence Crisis and Endangering New Yorkers**

New York Attorney General Letitia James this week filed a [lawsuit](#) against 10 gun distributors that sold tens of thousands of illegal, unfinished frames and receivers to New Yorkers that were then converted into unserialized, untraceable handguns and assault-style weapons, known as ghost guns. These gun distributors violated several laws, including New York's licensing laws, by selling weapons to felons and others without a background check, according to the Attorney General.

The businesses named in Attorney General James' lawsuit are among the nation's leading gun distributors. They include Brownells, Inc. (Brownells), Blackhawk Manufacturing Group (80 Percent Arms), Salvo Technologies, Inc. (80 P Builder or 80P Freedom Co), G.S. Performance, LLC (Glockstore), Indie Guns, LLC (Indie Guns), Primary Arms, LLC (Primary Arms), Arm or Ally, LLC (Arm or Ally), Rainier Arms, LLC (Rainier Arms), KM Tactical LLC, and Rock Slide USA, LLC (Rock Slide).

New York City Mayor Eric Adams simultaneously filed a lawsuit against five of these gun distributors, Arm or Ally, 80P Builder, Rockslide USA, Rainier Arms, and Indie Guns, in federal court.

## **NYC Launches Nation's First Mobile "Test to Treat" Program Providing Immediate Access to Anti-viral COVID-19 Medications at Mobile Testing Locations**

The country's first-ever mobile-based "Test to Treat" program began Thursday in New York City. Mobile COVID-19 testing units were deployed with a clinician on their team to provide instant access to prescriptions for no-cost, antiviral medications for eligible New Yorkers who test positive at these sites.

The Test to Treat mobile program is starting with three mobile testing units, paired with local pharmacies, and will expand to more than 30 units through the month of July. In the initial phase, New Yorkers who test positive for COVID-19 will receive a prescription from a clinician at the mobile site and be able to pick up the medication at the co-located pharmacy or through the city's free home delivery program.

Units will be partnered and deployed at the following locations: Inwood Pharmacy, 4915 Broadway, New York, New York 10034; Burke Avenue Pharmacy, 759 Burke Avenue, Bronx, New York 10467; Rex Pharmacy 119-01 Rockaway Boulevard, South Ozone Park, New York 114120.

As the program expands, New Yorkers who test positive at a participating mobile testing unit will be offered the chance to engage with an onsite clinician and, if eligible, provided with a free course of Paxlovid anti-viral medication.

## **New York City's Speed Cameras Begin 24/7 on August 1<sup>st</sup>**

New York City's speed cameras will begin operating 24/7 on August 1st, following a month-long public awareness campaign to prepare drivers and all New Yorkers for the change.

The city's 2,000 automated speed cameras were previously authorized by the state to operate only on weekdays, between 6 a.m. and 10 p.m. The City estimates that the limited operation missed 59 percent of traffic fatalities that occurred. Governor Kathy Hochul last week signed legislation to allow the cameras to operate 24 hours a day, seven days a week.

## **New York Judge Strikes Down Albany's "Good Cause" Eviction Law**

A New York State Supreme Court judge has [struck down](#) Albany's "good cause" eviction law, citing that the provisions are in "direct conflict" with State law.

Supreme Court Justice Christina Ryba ruled that the Sections 30-27 (Necessity for Good Cause) and Section 30-328 (Grounds for Removal of Tenant) of Local Law F are "deemed null and void as they are in direct conflict with State Law and thereby preempted."

The legislation was approved by the Common Council and signed by Albany Mayor Kathy Sheehan last year. It requires landlords to demonstrate "good cause" to evict tenants and prohibits annual rent increases of more than five percent, when such a hike could be interpreted as being implemented to circumvent eviction laws.

# ***Coming Up***

## ***New York State***

***No Scheduled Hearings***

## ***New York City***

***Thursday, July 7<sup>th</sup>***

***Committee on Rules, Privileges and Elections, Council Chambers - City Hall, 11 a.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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