



## This Week in New York

**Covering New York State and City Government**

*A Publication of Pitta Bishop & Del Giorno LLC*

*July 2, 2020 Edition*



**Happy  
Independence Day!**

**“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*

# **Governor Signs Tenant Safe Harbor Act to Keep Residential Tenants in Their Homes During COVID-19 Pandemic**

Governor Andrew Cuomo this week signed the Tenant Safe Harbor Act which provides residential tenants protection by allowing only money judgements, not evictions, for unpaid rent during the COVID-19 pandemic. The legislation was sponsored by Senator Brad Hoylman and Assemblymember Jeffrey Dinowitz.

---

“Those who are financially suffering should rest assured that New York will continue to help those in need throughout the duration of this crisis,” Governor Cuomo said. “It [the legislation] provides safe harbor to anyone who has suffered economically during the COVID-19 pandemic.”



**Governor Cuomo**

---

The legislation: (1) prohibits courts from issuing a warrant of eviction or judgment of possession against a residential tenant or other lawful occupant that suffered financial hardship during the COVID-19 covered period for the nonpayment of rent that accrues or becomes due during the COVID-19 covered period; (2) allows tenants to raise financial hardship as an affirmative defense and provides factors a court may examine in determining hardship; and (3) allows courts to award a judgment for the rent due and owing to a landlord in a summary proceeding.

In his approval message, Governor Cuomo explained that the legislation does not allow a tenant who willfully withholds rent from their landlord or who has not faced a financial hardship during the COVID-19 from facing any appropriate legal actions. Also, a landlord may still receive a monetary judgment against any tenant for any rent due but not paid during this period.

He also addressed opponents of the bill who “claimed” this legislation applies indefinitely.

“The plain reading of the legislation does not provide for an indefinite moratorium on evictions,” Governor Cuomo asserted. “The restrictions apply only during the current period where places of business are required to be closed, or non-essential gatherings are required to be postponed or cancelled. Once the restrictions are lifted on a county-by-county basis and a region has reached Phase 4, and all other individual business entities that were separately closed by Executive Order have been permitted to reopen then such proceedings could commence.”

The bill took effect immediately upon signature on June 30<sup>th</sup>.



## Governor's Executive Orders

### **New York State Executive Order 202.45 (June 26<sup>th</sup>)**

Modifies the NYS COVID-19 Paid Sick Leave Act to clarify that employees who voluntarily travel to high-risk areas "shall not be eligible for paid sick leave benefits or any other paid benefits" if the travel was not taken as part of the employee's employment or at the direction of the employer. Also, previous Executive Orders are amended to allow gatherings of 50 or fewer individuals in regions of the State in Phase 4. If the gathering occurs indoors it may not exceed 50% of the maximum occupancy for the area.



## Attorney General James Helps Secure \$19 Million for Sexual Misconduct & Workplace Harassment for Survivors

### *Releases Women from NDAs & Confidentiality Agreements*

New York Attorney General Letitia James, as part of a class action lawsuit, has helped to secure approximately \$19 million for women who experienced sexual misconduct and workplace harassment by convicted rapist Harvey Weinstein.

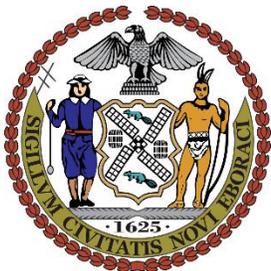
The payments, if approved by the bankruptcy and district courts, resolve the Office of the Attorney General's (OAG) February 2018 lawsuit against The Weinstein Company LLC (TWC), Harvey Weinstein, and Robert Weinstein, for maintaining a hostile work environment at the company. It also resolves a separately-filed putative class action lawsuit brought on behalf of women who were sexually harassed and assaulted by Harvey Weinstein.

The agreement creates a \$18,875,000 victims' compensation fund to ensure that women who experienced a hostile work environment, sexual harassment, and gender-based discrimination while working at The Weinstein Company, as well as sexual abuse by Harvey Weinstein, are entitled to obtain restitution.

As part of the agreement, the OAG has also ensured that women who had previously signed confidentiality, non-disclosure, or non-disparagement agreements with TWC or any of the former representatives of the company related to any sexual misconduct by Harvey Weinstein, will be released from those clauses.

The agreement must be approved by the district court that is presiding over the putative class action and the bankruptcy court that is presiding over TWC's petition for relief and proposed plan under Chapter 11 of the bankruptcy code. Upon approval, the court will provide information to women about how to participate in a confidential claims process.

## ***In the News – City***



### **New York City Officials Reach \$88.19 Billion Budget Agreement**

With eyes fixed squarely on the NYPD, Mayor Bill de Blasio and the NYC Council approved the City's \$88.19 billion spending plan highlighted by \$1 billion in cuts and cost shifts to the City's police force budget.

The FY2021 Adopted Budget includes over \$2 billion in agency savings, a commitment for \$1 billion in labor savings, and a shift from the City's Reserve Fund to close a \$9 billion gap created from March to June by COVID-19 pandemic expenses.

The de Blasio Administration will continue to advocate for support for borrowing authority from Albany and additional stimulus money from Washington. According to the Mayor, the City may furlough or fire workers in October if it does not get extra funding.

Prior to Tuesday's vote, the Mayor revised his initial proposed budget of \$95.3 billion to \$87 billion. The agreed-upon budget comes in \$1.1 billion over the Mayor's proposal.

The City Council restored \$700 million in program funding that was cut in the final de Blasio Administration budget, including \$100 million for Fair Student Funding, \$4.8 million for 38 social workers, \$20.2 million for cultural programs and cultural institutions groups, \$11.9 million for Alternatives to Incarceration, \$2.2 million for diversion programs, \$3.2 million for the Initiative to Combat Sexual Assault, and \$2.9 million for the Crisis Management System.

Of the NYPD reductions, \$115 million has been reprioritized for summer youth programming, \$116 million for education, and \$134 million for family and social services. The budget also shifts \$450 million in NYPD capital funding to the Parks Department and NYCHA for youth and recreation centers. Reductions to the NYPD include:

- Uniform and civilian overtime reduction.
- Move School Safety Agents from NYPD to DOE.
- Cancel July Police Academy class.
- Move School Crossing Guards from NYPD.
- Hiring freeze on non-safety positions.
- Move Homeless Engagement Unit from NYPD.
- Cancel NYPD FY21 cadet class.

The budget includes reductions to services provided by various city agencies, including the Sanitation Department's composting program, tree pruning by the Parks Department, and a \$65 million cut to the city's Fair Fares program.



## NYC Begins Work to End Solitary Confinement in Jails

*Department of Correction and Correctional Health Services implements new medical restrictions to preclude certain individuals from punitive segregation*

The de Blasio administrative this week announced the formation of a working group to eliminate punitive segregation in the New York City jail system.

The working group's recommendations will be incorporated into the City's Board of Correction's rule package on restrictive housing to be voted on in the fall. The Department of Correction and Correctional Health Services will also, effective immediately, implement new restrictions that will preclude individuals with certain medical conditions from restrictive housing.

Effective immediately, the Department of Correction will exclude individuals with several medical conditions from being placed into any form of restrictive housing while in custody. Conditions include individuals who are diabetic, individuals on asthma medication, on antiepileptic medications for seizures, on blood thinners, or have any history of organ transplant. Individuals who have a diagnosis of heart disease, lung disease, or kidney disease will also be exempt. A full list is available [here](#).

The working group to end punitive segregation will be led by Board Vice-Chair Stanley Richards and include Department of Correction Commissioner Cynthia Brann and Just Leadership USA President and CEO DeAnna Hoskins. According to the Mayor, representatives of the City's Corrections workforce have been invited to participate.

# Briefs

## Pay Raises for New York State Workers Deferred Another 90 Days

Pay raises for an estimated 80,000 state government employees are being deferred for at least another 90 days, through October 1<sup>st</sup>, according to the Civil Service Employees Association (CSEA).

The first deferral was announced at the end of March by the Cuomo Administration at the height of New York's first COVID-19 peak.

According to published reports, CSEA notified its members last week that the Governor's Office of Employee Relations indicated that the previously negotiated pay raises for state workers would be extended another three months.

"The Governor has said he is taking this measure in order to avoid the immediate need for layoffs or furloughs," CSEA wrote. "CSEA continues to support full retroactive payment of the wage increase for all state workers, but we also recognize the dire financial position the state is in and have no desire to see members laid off or furloughed. ... We will do all in our power to make sure you get your increases."

The union has filed a grievance challenging the deferrals.

## Infection Rates at Eight More States Trigger NY's Travel Advisory; Travelers from 16 States Must Quarantine

Governor Andrew Cuomo this week announced that eight additional states have met the infection metrics that trigger New York's 14-day quarantine travel advisory. Under the advisory, individuals who have traveled to New York from those states must quarantine for 14 days.

The updated list of states on the travel advisory is below:

- Alabama
- Arkansas
- Arizona
- California
- Florida
- Georgia
- Iowa
- Idaho
- Louisiana
- Mississippi
- North Carolina
- Nevada
- South Carolina
- Tennessee
- Texas
- Utah

In addition, Governor Cuomo on last Friday signed an executive order [Executive Order No. 202.45](#), which, among other things, modified the NYS COVID-19 Paid Sick Leave Act to clarify that employees who voluntarily travel to high-risk areas “shall not be eligible for paid sick leave benefits or any other paid benefits” if the travel was not taken as part of the employee’s employment or at the direction of the employer.

## **NYS Study Links Multisystem Inflammatory Syndrome in Children to COVID-19**

NYS researchers have identified a link between multisystem inflammatory syndrome (MIS-C) and COVID-19 in children in a study conducted by the New York State Department of Health (DOH). The study was published in the *New England Journal of Medicine* this week.

In collaboration with the University at Albany School of Public Health and the federal Centers for Disease Control and Prevention (CDC), the DOH study described 99 cases of multisystem MIS-C and concluded the emergence of the condition in New York State followed widespread COVID-19 transmission and often is associated with cardiac dysfunction.

Of the 99 patients, all under age 21 years, 36 had a pre-existing condition, the most common being obesity. The peak in the number of MIS-C cases followed the peak in the number of laboratory-confirmed pediatric Covid-19 cases by 31 days.

The study also collected data on the race and ethnicity of the subjects. Of the 78 patients with data on race, 37% were white, 40% black, 5% Asian, and 18% other race. Among 85 patients with data on ethnicity, 36% were Hispanic. Study authors suggest that the higher incidence of MIS-C among black and Hispanic children may be a reflection of the documented elevated incidence of COVID-19 infection among black and Hispanic communities.

## **Megna Named Interim SUNY Head**

Robert Megna this week was named Officer in Charge of the State University of New York SUNY. As Senior Vice Chancellor and Chief Operating Officer, Mr. Megna will lead the University system until a new Chancellor is named to replace former Chancellor Kristina Johnson who left to head The Ohio State University.

Mr. Megna is a long-time public servant, having served as New York State Budget Director, Commissioner for NYS Taxation and Finance, and Executive Director of the NYS Thruway Authority and NYS Canal Corporation. Prior to joining SUNY Administration, he was senior Vice President for Finance and Administration for Stony Brook University.

## **Study Uncovers Most Effective Non-Medical Face Mask for Protecting Against Coronavirus**

Researchers at Florida Atlantic University have found that the best type of non-medical face mask to protect against COVID-19 is a stitched mask made from two layers of quilting fabric.

Using a mannequin head, a manual pump, and a smoke generator to approximate a human sneeze, researchers mapped the paths of droplets to see how they were altered by various kinds of masks. According to the study, droplets from an uncovered cough could travel over 8 feet. With various kinds of masks, that distance was much more limited. A comparison of the mask types follows:

1. Stitched-quilting fabric mask: 2.5 inches
2. Cone-style mask: 8 inches
3. Folded cotton handkerchief: 1.25 feet
4. Bandana: 3 feet

## **JFK Opens First COVID-19 Testing Site for Employees at a US Airport**

Terminal employees, airline employees, and airport workers at JFK International Airport can now get tested for the coronavirus on-site, the Port Authority of New York & New Jersey (Port Authority) announced this week.

The Port Authority, JFKIAT, the operator of Terminal 4 at John F. Kennedy International Airport, and XpresSpa's new brand XpresCheck launched the first COVID-19 screening and testing location in a U.S. airport. The new XpresCheck has the capacity to screen up to 500 employees per day and will ensure that JFK workers have convenient access to testing at the airport. The XpresCheck at JFK is a modular site constructed in the Arrivals Hall at Terminal 4.

The site holds nine separate testing rooms and provides the ability to conduct both COVID-19 testing as well as antibody testing. These services will be available to all airport employees, including airline employees, contractors and workers, concessionaires and their employees, TSA officers, and U.S. Customs and Border Protection agents. Both antibody testing and polymerase chain reaction (PCR) testing are available on-site, and the tests are sent to outside laboratories. All insurance plans are accepted outside of network and all information will remain private and HIPAA compliant.

# Coming Up

## New York State

*Legislative Houses are at the Call of the Respective Leaders.*

## New York City

*No meetings scheduled.*

---

**“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