



This Week in New York

Covering New York State and City Government

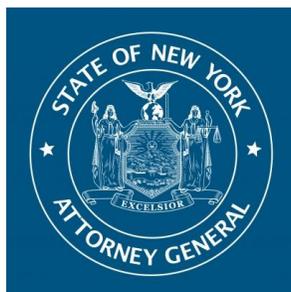
A Publication of Pitta Bishop & Del Giorno LLC

August 7, 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



Attorney General James Files Lawsuit to Dissolve NRA

Attorney General Letitia James filed a lawsuit seeking to dissolve the National Rifle Association (NRA). Attorney General James charged the organization with illegal conduct alleging the diversion of millions of dollars away from the charitable mission of the organization for personal use by senior leadership, awarding contracts to the financial gain of close associates and family, and appearing to dole out lucrative no-show contracts to former employees in order to buy their silence and continued loyalty.

The NRA has operated as a New York-registered 501(c)(4) not-for-profit, charitable corporation since 1871. Under state law not-for-profit, charitable corporations are required to register and file annual financial reports with the Charities Bureau in the Office of the Attorney General (OAG). The assets are required to be used in a way that serves the interests of NRA membership and that advance the organization’s charitable mission.

Attorney General James alleges in her complaint that the NRA violated multiple laws, including the laws governing the NRA’s charitable status, false reporting on annual filings with the IRS and with the OAG’s Charities Bureau, improper expense documentation, improper wage reporting, improper income tax withholding, failure to make required excise tax reporting and payments, payments in excess of reasonable compensation to disqualified persons, and waste of NRA assets; in direct violation of New York law. The illegal nature of the four individual defendants’ action also violated multiple rules of the NRA’s bylaws, the NRA’s employee handbook, and the NRA’s policy manual.

The failure of the NRA to comply with multiple fiduciary responsibilities and state and federal laws resulted in the NRA seeing substantial losses on its balance sheet: going from a surplus of \$27,802,714

in 2015 to a net deficit of \$36,276,779 in 2018 — contributing to a total loss of more than \$64 million in just three years.



NYS Covid-19 Actions

Law Curbing Evictions Highlighted

Secretary to the Governor Melissa DeRosa tweets that Gov. Cuomo signed a law superseding the relevant Executive Order that states: "No court shall issue a warrant of eviction or judgement of possession against a residential tenant or other lawful occupant that has suffered a financial hardship during the COVID-19 covered period for the non-payment of rent that accrues or becomes due during the COVID-19 period. In signing Chapter 127 on June 30, the Governor stated: "Since the beginning of the pandemic, I have issued two Executive Orders to ensure that no one is evicted because they cannot pay rent due to the COVID-19 public health emergency. I have also signed into law a rental assistance package for vulnerable New Yorkers, as well as legislation extending mortgage relief. In signing this legislation, I am taking one more step to ensure that New Yorkers who need help are protected." In addition, the Governor has issued Executive Order No. 202.55 which specifically extends the expiration date to September 4, 2020.

Gyms & Fitness Centers = Risk to Health

"On gyms, these have been the nationally identified sources of increased infection. We have some data here. We have some experience here. We know gyms are highly problematic. Not from our experience because we haven't opened them, but we know from the other states, they've been highly problematic," said Cuomo. "We know from the other states. They opened them, and they had to close them. That's a fact. Well, 'I want to go to my gym.' I understand. I understand, but we also know that is a dangerous activity. We are poised here delicately, this island of New York State, with the sea of spread all around us. So we know we have this storm of spread all around us. And we have to be very, very careful right?" (as quoted by WGRZ).

Cuomo also stated that from other states' experience, gyms are problematic and show a link to a spread of COVID-10. The governor did not give a date or deadline to make a decision on the reopening of gyms.

Chapters of the Laws of 2020

Chapter 130 Sponsored by Senator Hoylman/M of A Rosenthal -- Extends the time in which to file a claim relating to certain child sexual abuse cases.

Chapter 131 Sponsored by Senator Gaughran/M of A Jean-Pierre -- Relates to the power to revoke or suspend the license of a real estate broker or salesman.

Chapter 132 Sponsored by Senator May/M of A Lupardo -- Authorizes the manufacture and sale of ice cream and other frozen desserts made with liquor.

Chapter 133 Sponsored by M of A Englebright/Senator May -- Relates to the uniform treatment of waste from the exploration, development, extraction, or production of crude oil or natural gas.

Chapter 134 Sponsored by Senator Sepulveda/Rules Committee (M of A Kim) -- Relates to amending provisions regarding health care facilities and professionals during the COVID-19 emergency.

In the News – City



Dr. Dave A. Chokshi appointed Commissioner of the Department of Health and Mental Hygiene

Mayor de Blasio announced the appointment of Dr. Dave A. Chokshi as Commissioner of the City's Department of Health and Mental Hygiene. Dr. Chokshi served at the NYC Health + Hospitals, as Chief Population Health Officer, where his team was charged with healthcare delivery to over one million New Yorkers. Most recently, he served as a key leader in the City's COVID-19 response.

"Dr. Chokshi has spent his career fighting for those too often left behind," said Mayor Bill de Blasio. "Never has that been more true than during the COVID-19 pandemic, where he has helped lead our City's public health system under unprecedented challenges. I know he's ready to lead the charge forward in our fight for a fairer and healthier city for all."

"I couldn't be prouder of our City's response in the face of a once-in-a-lifetime public health crisis," said Department of Health and Mental Hygiene Commissioner Dr. Dave A. Chokshi. "I'm honored to serve the people of New York City with the extraordinary team at the Department of Health and Mental Hygiene. Together, we will emerge from this pandemic as a stronger, fairer, and healthier city."

Dr. Chokshi was raised in Baton Rouge, served at the Louisiana Department of Health, was a Rhodes Scholar, earning an MSc in global public health from the University of Oxford, a White House Fellow in the Obama Administration and was the principal health advisor to the Secretary of Veterans Affairs. In 2016, President Obama appointed him to the Advisory Group on Prevention, Health Promotion, and Integrative and Public Health.

Dr. Chokshi trained at the University of Pennsylvania Medical School and Brigham & Women's Hospital/Harvard Medical School. Dr. Chokshi did clinical work in Guatemala, Peru, Botswana, Ghana, and India. He served on the FEMA delegation to New York City after Hurricane Sandy in 2012, coordinating with the Department of Health and Mental Hygiene on a door knocking initiative to bring food and medication to stranded seniors in high rises across hard-hit areas of the city. As Special Advisor to New York City Health Commissioner Tom Farley, Dr. Chokshi lives in Jackson Heights, —just a few blocks from Elmhurst Hospital—with his wife, an educator in New York City public schools, and 14-month-old daughter.

"I've known Dave for a decade, first in Washington when we both served our nation's veterans, and now serving New Yorkers through the COVID-19 crisis," said Deputy Mayor for Health and Human Services Raul Perea- Henze. "In every situation, he has been a leader who brings people together and believes in scientific driven solutions. I'm happy and proud to welcome him to be part of the health team that will keep New York safe for years to come."



Comptroller Stringer Releases Analysis of New York City's Fiscal Year 2021 Adopted Budget

New York City Comptroller Scott M. Stringer released a report on New York City's Fiscal Year 2021 Adopted Budget. The Comptroller's report found an overreliance on one-time actions in the adopted budget to close the \$8.33 billion shortfall brought about by the economic crisis caused by the COVID-19 pandemic. With significant budget gaps looming next year and beyond, and numerous risks and unknowns to contend with, Comptroller Stringer urged the Administration to begin now to take steps to bring the City's budget into sustainable balance.

"New York City is the epicenter of the unique economic, social and health crises we face in these challenging times. The COVID-19 pandemic is ravaging the City's tax revenues, small businesses are sustaining massive losses, and skyrocketing unemployment is disproportionately harming young people and communities of color," said **Comptroller Stringer**. "We must act swiftly to get the City's revenues and spending back on track. Every City agency must examine its spending to determine what is working and what is not and target our resources toward people and communities most in need of our help. The federal government must step up and deliver real relief to the nation's economic engine, and we should look to those with the most to contribute more for our economic recovery. As our country and our city look toward reopening, we need urgent action to bring our budget into balance to protect our social safety net and the programs that serve the most vulnerable New Yorkers."

Comptroller Stringer's report shows:

- The Fiscal Year (FY) 2021 Adopted Budget totals \$88.19 billion, which is \$9.57 billion less than the modified FY 2020 budget, a drop of almost 10 percent.
- Revenues are \$7.1 billion less than forecasted in the Preliminary Budget released in January, which, along with State budget actions, City Council initiatives, and additional agency expenditures, opened an \$8.33 billion shortfall in the FY 2021 budget.
- To bridge the shortfall, the City put forward \$2.83 billion in savings proposals, less than half of which have recurring outyear value.
- Non-recurring initiatives for FY 2021 include savings from closed or cancelled programs due to COVID-19 restrictions; non-recurring savings such as the \$328 million reduction in NYPD overtime; and one-time revenues such as a \$137 million rental payment from the Water Board.
- The City is drawing down \$2.75 billion of reserves to close the FY 2021 gap. The City will draw down \$1.6 billion from the Retiree Health Benefits Trust (RHBT) to partially pay for FY 2021 retiree health benefits, and reduced budgeted reserves by \$1.15 billion — leaving just \$100 million in budgeted reserves for the year, the statutory minimum.
- The City is also relying on yet-to-be-determined labor savings of \$1 billion annually starting this fiscal year, as well as assuming no increases in the first two years of the next round of labor contracts.
- The Comptroller's Office's analysis of the Budget and Financial Plan shows a budget risk of \$543 million in FY 2021 and larger gaps in FY 2022 through FY 2024.

Comptroller Stringer also warned that there are additional risks to the adopted budget, including a failure by the Federal Government to provide adequate fiscal relief to state and local governments that could upend the State budget — and by extension, the City's. New York State has warned that aid to localities could be cut by as much as 20 percent if Congress does not appropriate additional, unrestricted aid to state and local governments. Additionally, another surge of the COVID-19 virus could lead to more business shutdowns and stay-at-home orders that would negatively impact the City's revenues.

Comptroller Stringer urges that with these risks, and a gap of as much as \$4.8 billion in FY 2022, the City must act promptly to bring the City's revenues and spending into sustainable balance.

Briefs

DFS Takes Action to Protect Patients From PPE Fees

New York's Health Insurance Industry Will Work with Healthcare Providers to Ensure PPE Fees are Refunded to Patients

Governor Andrew M. Cuomo today announced the New York State Department of Financial Services has issued new guidance to New York health insurers to ensure that patients are not charged personal protective equipment fees by healthcare providers that participate in their insurer's network.

DFS has received consumer complaints that participating healthcare providers, particularly dental providers, are improperly charging their patients fees for PPE or other charges related to increased costs due to COVID-19, which fees are being passed to their insurers and go beyond the insured patient's applicable cost-sharing.

A participating provider should not charge a patient fees or other charges in addition to the patient's financial responsibility for covered services and insurers should not cover these charges. In addition, DFS does not approve policy or contract provisions that hold the insured patient responsible for the cost of a participating provider's PPE.

Superintendent of Financial Services Linda A. Lacewell said, "DFS' circular letter reminds insurers in New York State that they should ensure that consumers are not charged PPE fees. Consumers are not liable for fees that go beyond their financial responsibility in the insurance policies or contracts. It is essential that healthcare providers and insurers collaborate so that consumers receive the care they need during this uncertain time, without extra fees."

DFS' circular letter advises insurers to:

- Immediately notify their participating providers not to charge PPE fees and that insureds should be held harmless for these charges;
- Instruct providers to refund PPE fees to insureds;
- Notify insureds that they should not be charged for PPE fees and provide insureds with insurers' contact information to submit related complaints;
- Work with their providers to resolve issues relating to increased costs due to COVID-19, including PPE fees, so insureds are held harmless for these fees, which may require that insurers request information from providers about whether insureds were charged improper fees; and
- Work with their providers to ensure that refunds are provided to insureds; and
- Within 90 days of the circular letter, report to DFS the amount of PPE fees charged to insureds, the number of insureds impacted, and a description of how refunds will be provided.

New York City Launches No-Penalty Inspections

The de Blasio Administration announced the start of a new No-Penalty Business Accessory Sign Inspection Program and the return of the annual No-Penalty Deck and Porch and Retaining Wall Inspection Programs. These initiatives allow small business owners and homeowners to obtain free inspections of the relevant structures, without risk of penalty, to determine if they comply with City safety regulations. Rather than penalize small businesses and homeowners, these initiatives will help New Yorkers comply with the regulations and proactively maintain their properties, saving them time and money by fixing potential problems before they occur.

No-Penalty Business Accessory Sign Inspection Program

Beginning July 31st until September 15th, 2020, the Department of Buildings will start accepting business accessory sign inspection requests from small business owners. For the first time, DOB is offering to inspect business signage at no cost and without penalty. During the inspection, DOB's team will come out and verify that business accessory signs comply with City regulations and are safely installed. Small business owners can take advantage of these no penalty inspections and avoid issues later by bringing their signs up to code if any deficiencies are found. Those interested in the No-Penalty Business Accessory Sign Inspection Program can contact 311 to set up an appointment.

As part of a moratorium from February 9, 2019 until February 9, 2021, the Department will not issue violations for business signs that existed on or before February 9, 2019, unless the sign is not eligible for the moratorium for reasons such as being an imminent threat to public health or safety. Businesses are encouraged to contact 311 to have their signs inspected to determine whether they comply with applicable regulations before the end of this moratorium to potentially avoid receiving future violations for signs that are not in compliance. DOB will continue to respond to 311 complaints about signs to determine whether a business' sign is compliant or eligible for this moratorium. More information is available at the DOB website. [Business Accessory Sign Moratorium](#)

No-Penalty Deck and Porch and Retaining Wall Inspection Programs

Beginning July 31st, and also ending September 15th, homeowners and property owners can also contact 311 to request a free DOB inspection of their decks, porches, or retaining walls as part of the annual No-Penalty Deck and Porch and Retaining Wall inspection initiatives. By law, homeowners must properly maintain any deck, porch, or retaining wall on their property, and ensure that these structures comply with City regulations. Over time, weather and shifting soil can cause these household structures to deteriorate, and periodic maintenance of these structures is critical to preventing accidents. During the scheduled inspection, a Buildings inspector will look for potential dangers, such as cracking, rotting, bulging, leaning, and conditions that could lead to structural failure.

The Department first launched the No-Penalty Retaining Wall Inspection Program in 2005 and later added the No-Penalty Deck and Porch Inspection Program in 2010. Since the start of these initiatives, the City has dealt with over 1100 properties across the five boroughs, helping to prevent structural failures and saving money for homeowners. New Yorkers concerned about the safety and stability of any of these structures in their neighborhood are also urged to contact 311 to report any unsafe conditions.

Coming Up

New York State

Residential health care facilities and COVID-19 – Upstate New York

New York State Senate and Assembly Health and Aging Committees, Senate Committee on Investigations & Government Operations, and the Assembly Committee on Oversight, Analysis & Investigation. Remote Hearing, August 10, 10 a.m.

Hospitals and COVID-19

New York State Senate and Assembly Health and Aging Committees, Senate Committee on Investigations & Government Operations, and the Assembly Committee on Oversight, Analysis & Investigation. Remote Hearing, August 12, 10 a.m.

**“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-

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