

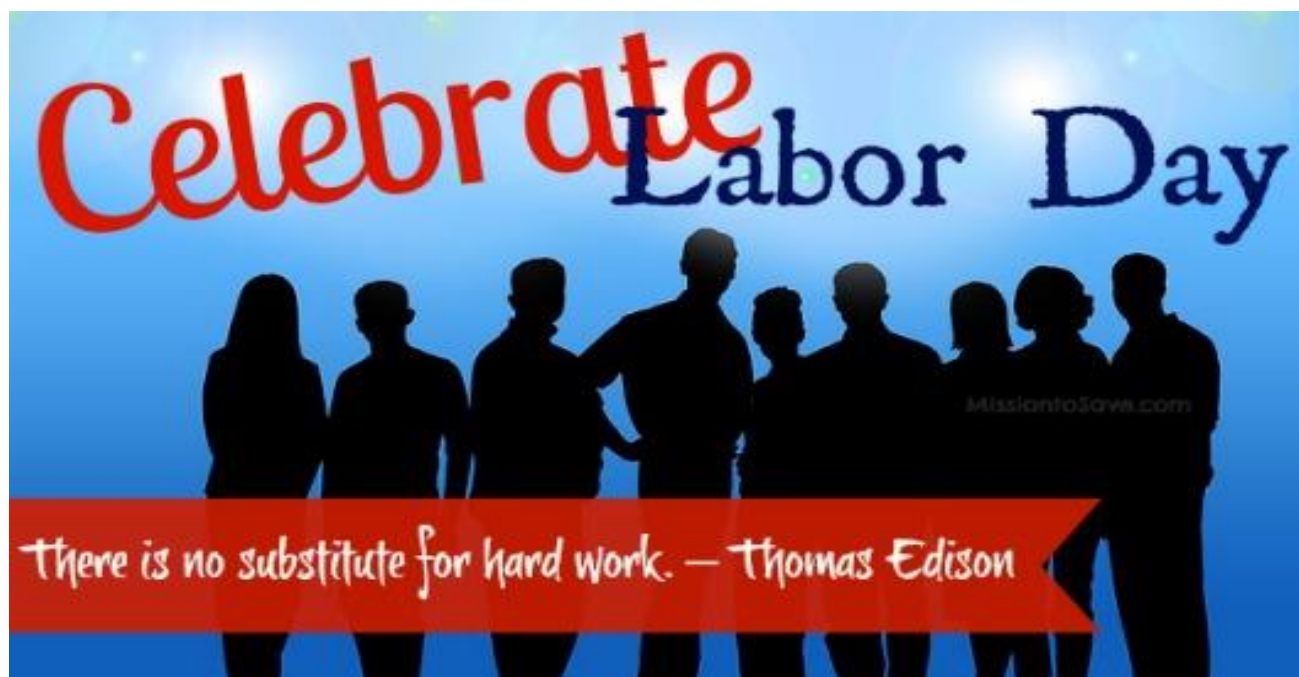


This Week in New York

Covering New York State and City Government

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In the News – New York State

NYS Department of Financial Services Releases 2018 Health Insurance Rates

New York State Financial Services Superintendent Maria Vullo recently announced the 2018 health insurance rates for New York's individual and small group markets, including rates for the NY State of Health, New York's official health plan marketplace.

On average, insurers for the individual market received an increase of 13.9 percent. Insurers in the small group market received an average rate increase of 9.3 percent.

According to DFS, underlying medical costs continue to be the main drivers of premium rate increases, reflecting a nationwide trend. For the 2018 individual rates announced today, drug costs account for the largest share (26 percent) of all medical costs, with specialty drug costs increasing about 49 percent. Inpatient hospital costs account for the second largest share of medical expenses (19 percent), followed by physician specialty services (12 percent) and diagnostic testing/lab/x-ray (10 percent).

Individual Market

Approximately 350,000 New Yorkers are enrolled in an individual commercial plan. DFS reduced insurers’ total weighted average increase requested for individuals from 17.7 percent to 13.9 percent.

Company	Requested 2018 Rate Actions	DFS Approved 2018 Rate Actions	DFS Modification	Marketshare¹
Care Connect (NorthShore)*	29.7%	23.1%	-6.6%	9.1%
CDPHP*	15.2%	14.9%	-0.3%	1.4%
Crystal Run Health	8.7%	6.8%	-1.9%	0.0%
Emblem (HIP)*	24.9%	21.1%	-3.8%	5.0%
Empire ² *				16.0%
Excellus*	5.1%	4.2%	-0.9%	7.0%
Fidelis*	10.9%	9.6%	-1.3%	21.3%
Healthfirst Ins Co, Inc.	13.0%	12.3%	-0.7%	0.0%
Healthfirst PHSP, Inc.*	22.1%	16.6%	-5.5%	9.0%
HealthNow*	47.3%	31.1%	-16.2%	3.2%
IHBC*	30.8%	22.3%	-8.5%	1.2%
MetroPlus*	7.9%	6.0%	-1.9%	2.5%
MVP Health Plan*	14.0%	13.3%	-0.7%	8.7%
Oscar*	14.1%	11.3%	-2.8%	13.5%
United Healthcare*	38.5%	19.5%	-19.0%	1.8%
All Companies	17.7%	13.9%	-3.8%	100.0%

1 Marketshare is based on percentage of total enrollment of the companies listed for the given market.

2 No increase is shown for Empire because it is offering new products.

3 Weighted Average.

** Indicates the Company offers products on the NY State of Health Marketplace.*

Small Group Market

More than one million New Yorkers are enrolled in small group plans. Insurers requested an average rate increase of 11.7 percent in the small group market. DFS cut the requested rate increases by 2.4 percent to 9.3 percent for 2018.

Company	Revised Requested 2018 Rate Actions	DFS Approved 2018 Rate Actions	DFS Modification	Marketshare ¹
Aetna	14.9%	9.1%	-5.8%	6.1%
Care Connect (NorthShore)*	19.3%	15.5%	-3.8%	7.3%
CDPHP	21.1%	20.4%	-0.7%	0.2%
CDPHP UBI	9.0%	9.0%	0.0%	3.2%
Crystal Run Health Ins	0.0%	-3.1%	-3.1%	0.3%
Crystal Run Health Plan	3.9%	0.8%	-3.0%	0.1%
Emblem (HIP)	8.5%	8.1%	-0.4%	0.9%
Empire Assurance	12.9%	9.8%	-3.2%	0.6%
Empire HMO	13.8%	13.3%	-0.5%	0.7%
Excellus*	8.9%	8.9%	0.0%	17.4%
Healthfirst Health Plan	10.0%	6.1%	-3.9%	0.0%
HealthFirst Ins Co	10.0%	4.9%	-5.1%	0.0%
HealthNow*	8.9%	8.6%	-0.4%	8.2%
IHBC*	14.5%	13.9%	-0.6%	4.2%
MetroPlus*	7.1%	6.0%	-1.1%	0.1%
MVP Health Plan*	9.5%	9.5%	0.0%	0.3%
MVP HSC	12.8%	12.6%	-0.2%	6.3%
Oscar	-3.2%	-3.2%	0.0%	0.0%
OHI	11.4%	8.1%	-3.2%	44.1%
United Health of NY	15.2%	8.1%	-7.2%	0.1%
All Companies²	11.7%	9.3%	-2.4%	100.0%

NYS AG Issues Consumer Alert On Charitable Giving To Hurricane Harvey

Attorney General Eric Schneiderman this week urged New Yorkers to support the charitable organizations assisting the victims of Hurricane Harvey, while also offering tips to ensure that their donations reach their intended recipients.

“The damage and destruction caused by Hurricane Harvey throughout Texas and the Gulf Coast is simply unfathomable. There will be tens of thousands of victims who will lose their homes because of this storm, and I encourage all New Yorkers to assist in the ongoing relief efforts,” said Attorney General Schneiderman. “Unfortunately, there are always some who attempt to take advantage of a tragedy to line their own pockets at the expense of those who are truly in need. New Yorkers who give to charitable organizations supporting the victims of this storm can review our tips to ensure their donation will be put to good use.”



The Attorney General offers the following tips for those contributing to the relief effort:

- **Take Time To Research The Organization.** Always ask for information in writing – be wary if an organization will not provide information about charitable programs and finances upon request. Check the Attorney General’s website – www.charitiesnys.com – to ensure that it is registered, and to learn more about its mission and finances.
- **Know Where Your Money Will Go.** Find out from the charity what it will do with your money.
 - Ask specifically how the charity plans to use your donation, including the services and organizations your donation will support.
 - Ask if the charity already has worked in the local area or has relationships with any local relief organizations.
 - Ask what the charity plans to do with any excess donations.
- **Give to Established Charities.** Donate to organizations you are familiar with, or have an experience assisting in disaster relief. Get information about charities that pop up solely in response to the hurricane or those with unfamiliar names.
- **Be Cautious With Telephone Solicitations.** Telephone calls asking for donations to charity are often made by a professional fundraiser who is required to register with the Charities Bureau. Ask whether the telemarketer is registered and how much of your donation will go to charity and how much the telemarketer is being paid. Many telemarketers receive most of the money they raise. Giving directly to a charity avoids those costs.

- **Check Before You Text A Contribution.** Check the charity's website or call the charity to confirm it has authorized contributions to be made via text message. One thing to keep in mind is that donations via text messaging may not reach the charity until after your phone bill is paid.
- **Check Before Donating to an Online Giving Site.** Make sure your contribution to campaigns set up by individuals on sites such as GoFundMe or CrowdRise will go to charity and not to the person raising the funds. Don't contribute unless you know that person.
- **Don't Respond to Unsolicited Spam Emails.** These formats are usually not associated with legitimate charities. Check the Department of Homeland Security's tips, such as Avoiding Social Engineering and Phishing Attacks that are posted at <http://www.us-cert.gov/ncas/tips/ST04-014>.
- **Never Give Cash.** Give your contribution by credit card or a check made payable to the charity.
- **Report Suspicious Organizations.** If you believe an organization is misrepresenting its work, or that a scam is taking place, please contact the Attorney General's Charities Bureau at charities.complaints@ag.NY.gov or 212-416-8401. The following additional websites contain helpful information to evaluate charities:
 - CharityWatch - charitywatch.org
 - Better Business Bureau Wise Giving Alliance - bbb.org
 - GuideStar – guidestar.org
 - Charity Navigator - charitynavigator.org.

In the News – New York City



Comptroller DiNapoli: NYC Construction Noise Complaints Soar

Construction noise complaints called into New York City's 311 system have more than doubled in recent years, rising from 14,259 in 2010 to 37,806 in 2015, according to an audit released this week by State Comptroller Thomas DiNapoli. At the same time, the number of after-hours work permits issued by the city's Department of Buildings (DOB) increased.

According to data in from the city's 311 system, created to provide the public with access to city government services and information, from Jan. 1, 2010 through Dec. 31, 2015, there were 141,125 complaints made about construction noise, the majority of which were about after-hours activity.

The city's noise code defines allowable construction hours are weekdays between 7 a.m. and 6 p.m. Construction activities outside those hours are in violation of the code, unless DOB issues a permit to allow such construction. These permits are referred to as after-hours variances (AHVs).

The city's Department of Environmental Protection (DEP) and DOB are the agencies primarily responsible for handling construction noise complaints. DEP is responsible for responding to 311 construction noise complaints. DOB reviews and approves building plans; conducts building inspections; and issues permits, including those for after-hours work. Auditors found there was minimal communication between DEP and DOB regarding noise complaints, and there was no formal process for sharing information about problematic construction sites, particularly those with a high number of noise complaints.

During the audit period of Jan. 1, 2014 and June 30, 2016, there were 90,861 construction-related noise complaints filed with the 311 system; 67,282, or 74 percent, of the complaints were for construction noise before or after permitted hours. Such complaints are assigned to one of DEP's eight senior inspectors to investigate.

Auditors selected a sample of noise complaints for 50 incident addresses (see Exhibit A in the audit for addresses), including the 30 locations with the highest number of construction noise complaints in the city (29 of these locations were in Manhattan) and an additional five locations with the most complaints in the Bronx, Brooklyn, Queens and Staten Island.

Comptroller DiNapoli's auditors found that 2,044 of the 2,683 construction noise complaints for the sampled locations were for construction before- or after-hours. During this same time frame, DOB issued 2,632 AHVs for these locations.

Bills Signed by the Mayor

Introduction 347-B- sponsored by Council Member Helen Rosenthal -- Allows Housing Court judges to award tenants damages.

Introduction 484 – sponsored by Council Member Vacca - Prohibits smoking and the use of electronic cigarettes in common areas in residential buildings with three or more units. These activities are already illegal in common areas in residential buildings with 10 or more units.

Introduction 918-A - sponsored by Council Member Margaret S. Chin - Requires the Department of Buildings (DOB) to audit 25% of professionally certified applications for rent-regulated buildings, affordable housing projects or multiple dwellings which are the subject of a rent overcharge application and which are at least 25% occupied, on a monthly basis. This bill would also prohibit professional certified applications where buildings are listed on the Department of Housing Preservation and Development's website as having been subject to a finding of harassment.

Introduction 924-A - sponsored by Council Member Rafael Espinal - Require the Department of Buildings (DOB) to include the date by which an owner must certify the correction of any and all violations along with a written vacate order.

Introduction 926-A - sponsored by Council Member Dan Garodnick - Creating a task force on construction work in occupied multiple dwellings.

Introduction 930-A - sponsored by Council Member Ben Kallos - Expands the definition of distressed to include buildings which are subject to Environmental Control Board (ECB) judgments as a result of building code violations in the amount of a lien to value ratio equal to or greater than 25%.

Introduction 931-B - sponsored by Council Member Ben Kallos - Allows the city to impose tax liens on buildings which contain 20 or more dwelling units where the total value of all such judgments against the building is \$60,000 or more, or a building which contains between 6 and 19 dwelling units, where the value of the judgments is \$30,000 or more.

Introduction 936-A - sponsored by Council Member Mark Levine - Amends the information that must be included in tenant protection plans and require that DOB perform inspections to ensure that sites are complying with their applicable tenant protection plans.

Introduction 938-A - sponsored by Council Member Reynoso - Requires increased oversight of construction contractors who have engaged in work without a required permit.

Introduction 939-A - sponsored by Council Member Reynoso - Increases the penalties for work without a permit on a one- or two-family dwelling from 4 times the amount of the fee for such permit to 6 times and for work without a permit on all other buildings from 14 times to 21 times.

Introduction 940-A - sponsored by Council Member Reynoso - Increase the penalties for violating a stop work order from \$5,000 to \$6,000 for the initial violation and from \$10,000 to \$12,000 for subsequent violations.

Introduction 944- sponsored by Council Member Rosenthal - Imposes additional penalties for performing construction work without a permit and increase oversight for buildings where such work has been performed. It would also require the posting of information concerning the occupancy status of a building subject to a permit.

Introduction 960-A - sponsored by Council Member Rosie Mendez - Rewqu that a “Safe Construction Bill of Rights” be posted for occupants of a dwelling when the owner seeks to conduct any construction work that requires a permit from the Department of Buildings.

Introduction 1131 – sponsored by Council Member Lander -- Prohibits pharmacies, or retail stores that contain pharmacies, from selling tobacco products, including cigarettes.

Introduction 1133 - sponsored by Council Member James Vacca - Requires the Department of Buildings to withhold permits when property owners owe more than \$25,000 in unpaid violations.

Introduction 1471- sponsored by Council Member Johnson - Raises the biennial fee for the new tobacco retail dealer license that includes all types of tobacco sales to \$200, from the \$110 currently charged for a cigarette retail dealer license.

Introduction 1523-A - sponsored by Council Member Helen Rosenthal - establish an Office of the Tenant Advocate within the Department of Buildings, whose duties would include but not be limited to: monitoring tenant protection plans to ensure compliance with the administrative code; establishing a system to receive comments, questions and complaints with respect to tenant protection plans; establishing a system to communicate with tenants who are affected by work in occupied multiple dwellings; monitoring sites where a tenant protection plan is required to ensure compliance with such plan; and publishing quarterly reports related to the responsibilities of the office.

Introduction 1530 - sponsored by Speaker Mark-Viverito- Partially shifts the harassment burden of proof to the landlord.

Introduction 1532 - sponsored by Council Member Cabrera - Prohibits pharmacies from selling e-cigarettes and requires retailers of e-cigarettes be issued a license, like cigarette retailers, and caps the number of these licenses.

Introduction 1548 - sponsored by Council Member Mark Levine - Expands the definition of harassment, to include repeated contact at unusual hours.

Introduction 1549 - sponsored by Council Member Carlos Menchaca - Allows tenants to sue landlords for harassment based on repeated disruption of essential services and landlord-initiated lawsuits against other tenants for frivolous reason in the same building.

Introduction 1556- sponsored by Council Member Williams - Increases minimum civil penalties for tenant harassment.

Introduction 1544 – sponsored by Council Member Johnson - Raises the minimum price of cigarettes and little cigars to \$13 a pack from \$10.50 and sets a first-ever price floor and tax for other tobacco products, such as cigars, smokeless tobacco, snus, loose tobacco and tobacco-containing shisha. The bill also imposes a tax of 10 percent of the minimum price on these other tobacco products for the first time, which is expected to generate revenue of \$1 million annually dedicated for public housing.

Introduction 1547 – sponsored by Council Member Lander - Reduces the number of stores that can sell tobacco products by capping the tobacco retail dealer licenses in each community district at 50 percent of the current number of licenses. No new tobacco retail dealer licenses will be issued in a community district until its total decreases through attrition below the cap. No current tobacco retail dealers will lose their license as a result of this proposal.

Introduction 1585 – sponsored by Council Member Torres - Requires owners of residential buildings to create a policy on smoking and disclose it to both current and prospective residents. All residential buildings with three or more units will be covered, including rentals, condominiums and cooperatives. Buildings would not be required to adopt no-smoking policies.

Briefs

New York Says Family Leave Benefits Will Be Taxable Income

Benefits provided to employees under a New York paid family leave law that takes effect in January will be treated as taxable nonwage income that must be included in federal gross income, according to New York State Department of Taxation and Finance.

In a noticed published August 25 (N-17-12), the Department indicated that the state family leave program has tax implications for New York employees, employers, and insurance carriers, including self-insured employers, employer plans, approved third-party insurers, and the state insurance fund.

The law covers private-sector and public employees. The benefits will be funded by payroll deductions.

Comptroller DiNapoli: Pension Contribution Rates for Employers Will Decrease for State Fiscal Year 2018-19

Employer contribution rates for the New York State and Local Retirement System (NYSLRS) in State Fiscal Year 2018-19 will decrease from State Fiscal Year 2017-18, New York State Comptroller Thomas DiNapoli announced this week.

The estimated average contribution rate for the Employees' Retirement System (ERS) will decrease from 15.3 percent of payroll to 14.9 percent of payroll. The estimated average contribution rate for the Police and Fire Retirement System (PFRS) will decrease from 24.4 percent to 23.5 percent of payroll.

"We've had strong recent investment returns that have helped keep rates stable," DiNapoli said. "Stable rates are very important to our employers and provide the predictability they need to plan for their future budgets. Prudent management helps keep New York State's pension fund one of the strongest and best funded in the country and allows our public workforce to retire with security."

The investment rate of return was 11.48 percent as of March 31, 2017, the end of the fiscal year for the state pension fund.

Employer rates are determined based on actuarial assumptions recommended by the Retirement System's Actuary and approved by Comptroller DiNapoli.

Coming Up

New York State

No Meetings Scheduled.

New York City

Tuesday, September 5th

Subcommittee on Zoning and Franchises, 250 Broadway - Committee Rm, 16th Fl., 9:30 a.m.

Subcommittee on Planning, Dispositions and Concessions, 250 Broadway - Committee Rm, 1 p.m.

Wednesday, September 6th

Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services, Council Chambers, 10:30 a.m.

Committee on General Welfare, 250 Broadway - Committee Rm, 14th Fl., 10:30 a.m.

Urging Congress to reject proposed reforms to cut funding to SNAP and to reject efforts to convert the program into a block grant.

Committee on Consumer Affairs, Committee Room – City Hall, 10:30 AM

Committees on Public Safety & Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services, Council Chambers - City Hall, 11 a.m.

Oversight - NYPD's Responses to Persons in Mental Health Crisis

Committee on Land Use, Committee Room, City Hall, 11 a.m.

Committee on Immigration, 250 Broadway - Committee Rm, 16th Fl., 1 p.m.

Committee on Parks and Recreation, 250 Broadway - Committee Rm, 16th Fl., 2 p.m.

Length of the season for city beaches and pools.

Thursday, September 7th

City Council Stated Meeting, Council Chambers - City Hall, 1:30 p.m.

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