



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

September 25, 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-

America Mourns the Death of Justice Ruth Bader Ginsburg



“[She] embodied for me the possibility and the courage and the strength of trying to shoot for the stars as an attorney, substantively and with impact, but also to have a life, to be a kind person and to be a mother,” Chief Legal Officer, Fortune 500 Company.

As Chief Justice John Roberts eulogized: “Our nation has lost a jurist of historic stature ... a tireless and resolute champion of justice.”

Justice Ruth Bader Ginsburg, born in Brooklyn in 1933, graduated at the top of her class from Columbia University Law School in 1959. After 13 years on the District of Columbia Circuit Court of Appeals, Justice Ginsburg became the second woman to serve on the U.S. Supreme Court in August 1993.

A/k/a “The Notorious RBG,” Justice Ginsburg won fame as a steadfast advocate for human rights while working at the American Civil Liberties Union and whether writing for the majority or in one of her powerful dissents on the U.S. Supreme Court. The New York bar knew Justice Ginsburg as its Circuit Justice for the Second Circuit. America knew her as an embodiment of feminism and its cause.

The final quote is therefore hers: “Women belong in all places where decisions are being made.”

Justice Ginsburg is there now. May her memory be a blessing.

In the News – State



NYS to Create COVID-19 Vaccine Task Forces

Clinical Advisory Task Force Comprised of Medical and Science Experts To Review Every Vaccine Authorized by Federal Government for Distribution

Vaccine Distribution and Implementation Task Force Charged With Preparing for Administration Of Approved COVID-19 Vaccine In New York State

Governor Andrew Cuomo this week announced that New York State will form an independent Clinical Advisory Task Force comprised of scientists, doctors, and health experts who will review every COVID-19 vaccine authorized by the federal government, and will advise New York State on the vaccine's safety and effectiveness in fighting the virus.

"The federal government's response to COVID and the White House's dispute with the FDA raises serious questions about whether or not the vaccine has become politicized," Governor Cuomo said. "Frankly, I'm not going to trust the federal government's opinion and I wouldn't recommend to New Yorkers based on the federal government's opinion. We're going to put together our own review committee headed by the Department of Health to review the vaccine, and I'm appointing a committee that is going to come up with a vaccine distribution and implementation plan on how we will do it. New York's response to COVID has been a model for this country, and we should also be the model vaccination program for the country."

In addition, the Governor established a Vaccine Distribution and Implementation Task Force that is charged with designing the best COVID-19 vaccination administration program in the nation. The Vaccine Distribution and Implementation Task Force is comprised of experts in public health, immunizations, government operations, data, and other fields relevant to vaccine distribution and administration. It is charged with developing a plan for vaccine administration that will include:

- Prioritization of vaccine recipients based solely on clinical guidance.
- Distribution network capable of providing two doses of vaccine to all New Yorkers.
- Qualified professionals and organizations to administer the vaccine.
- Data and IT infrastructure for scheduling appointments and tracking program metrics.
- Public education regarding vaccination program.
- Procurement of necessary supplies and equipment.

Members of the task force include:

- Howard Zucker, Commissioner, NYS Department of Health
- Robert Mujica, NYS Budget Director
- Jim Malatras, Chancellor of the State University of New York
- Patrick Murphy, NYS Director of Emergency Management
- Rajiv Rao, New York State Chief Technology Officer
- Kenneth Raske, Greater New York Hospital Association
- Michael Dowling, chief executive officer of Northwell Health
- George Gresham, President of 1199SEIU United Healthcare Workers East
- Bea Grouse, President of the Healthcare Association of New York State
- Sarah Ravenhall, Executive Director at New York State Association of County Health Officials
- Bonnie Litvack MD, President, The Medical Society of the State of New York
- Michael Duteau, President, Chain Pharmacy Association of New York State
- Deanna Ennello-Butler, Executive Director at Pharmacists Society of the State of New York
- Rose Duhan, President, Community Health Care Association for New York State
- Alicia Quellette, President, Albany Law School
- Mantosh Dewan, MD, Interim President, SUNY Upstate Medical

In the News – City



NYC's Recovery Agenda

Vision for City's recovery centers on public health and social justice

Mayor Bill de Blasio this week released New York City's recovery agenda, focusing on public health and social justice. The agenda includes continuing the fight against COVID-19, making the City a hub for public health research, creating "high-quality" jobs, and building upon efforts to make NY the "fairest city" in America.

"New York City is about to enter a transformational era," said Mayor de Blasio. "We know that our recovery begins and ends with healthcare, and we will again be a beacon to the rest of the world, rise to the challenge of setting forth a recovery that everyone can look to, and set forth a recovery plan that will work for everyone."

This announcement will kick off a series of policy proposals, which are focused on four principles to make New York City stronger, healthier, and fairer:

- **Continue the City's momentum in fighting back COVID-19:** The City will continue to work with the private sector to expand lab capacity and deploy rapid, safe, and inexpensive testing. Last week, the City and its partners announced the opening of the Pandemic Response Lab. The City will be prepared to lead in the distribution of vaccines and treatments as medical advances become available.

- **Make the City a hub for public health research:** The Administration will work to make New York City a center of innovation for public health research, design, and practice. It will build new research and development facilities and forge collaboration among doctors and nurses, academic researchers, industry innovators, health nonprofits and economic development community organizations. The City will create a Public Health Corps, a team of community health workers in the City's hardest hit neighborhoods.
- **Create high-quality jobs:** The Administration will encourage the creation of new, high-quality jobs that also help improve the City's health.
- **Continue making New York the fairest city in America:** The Administration will center service and action in neighborhoods that have carried the heaviest burden of economic and health inequities. The plan will include policy proposals around better use of public spaces, a more equitable transit system, and small business recovery.

Mayor de Blasio also announced a competition to accelerate the development and deployment of rapid COVID tests. Submissions from participants will be evaluated based on their performance and how well they meet the following criteria: ease of use; the delivery of quick and accurate results; scalability and cost; and clarity of communication with patients and health agencies. The City hopes to have Rapid Tests identified via the competition in the next several months. More information can be found at <http://edc.nyc/rapidtesting>.



Bills Approved by the City Council

Covid-19 Relief Package for Restaurants and Small Business

Caps fees that third-party food delivery platforms may charge

Proposed Introduction No. 1908-B, sponsored by Council Member Francisco P. Moya, would restrict the fees that third-party food delivery services may charge restaurants during states of emergency when restaurants are prohibited from offering food for consumption on-premises. These third-party delivery services would be prohibited from charging more than a 15% fee per order for providing delivery services to a restaurant, and more than a 5% fee per order for all other types of charges.

Violations of the prohibitions in this bill would be subject to civil penalties of up to \$1,000 per restaurant per day. This bill would remain in effect for the duration of any state of emergency and an additional 90 days thereafter.

Prevents third-party delivery platforms from charging restaurants for telephone orders that did not result in a transaction

Proposed Introduction No. 1898-A, sponsored by Council Member Mark Gjonaj, would prohibit third-party delivery platforms for charging for telephone orders in which a transaction did not take place. This bill would remain in effect for the duration of any state of emergency and an additional 90 days thereafter. Violations of the prohibitions in this bill would be subject to civil penalties of up to \$500 per day per restaurant unlawfully charged.

Suspends sidewalk cafe fees

Proposed Introduction No. 1916-A, sponsored by Council Member Andrew Cohen, would require the City of New York to waive and/or refund all revocable consent fees for unenclosed sidewalk cafes due between March 1, 2020 and February 28, 2021. Enclosed sidewalk café consent fees would be waived for the duration of the Mayor’s Emergency Executive Order No. 105 published on April 4, 2020.

Provides additional protections against commercial tenant harassment

Proposed Introduction No. 1914-A, sponsored by Council Member Adrienne E. Adams and Speaker Corey Johnson, would make threatening a commercial tenant based on their status as a COVID-19 impacted business or person a form of harassment punishable by a civil penalty of \$10,000 to \$50,000. This bill would not impact a tenant’s obligation to pay rent or a landlord’s ability to enforce the terms of the lease, including lawful termination.

Protects COVID-impacted businesses by suspending personal liability provisions in leases

Proposed Introduction No. 1932-A, sponsored by Council Member Carlina Rivera and Speaker Corey Johnson, would suspend personal liability provisions for certain businesses. These provisions, which are common in small business leases, allow a landlord to hold a business owner personally liable if they are unable to pay rent. To avoid the seizure of an owner’s personal assets or property, they must turn in the keys to the property, effectively ending their lease.

The bill would suspend these provisions for businesses that were impacted by mandated closures or service limitations, including: (1) businesses that were required to stop serving food or beverages on-premises (restaurants and bars); (2) businesses that were required to cease operations altogether (gyms, fitness centers, movie theaters); (3) retail businesses that were required to close and/or subject to in-person restrictions; and (4) businesses that were required to close to the public (barbershops, hair salons, tattoo or piercing parlors and related personal care services).

Housing & Buildings

Amends the definition of harassment to include threats based on a person having been impacted by COVID-19

Proposed Introduction No. 1936-A, sponsored by Council Member Ritchie J. Torres and Speaker Corey Johnson, would expand the definition of harassment to include threats against an individual based on their status as a COVID-19 impacted person, their status as an essential employee, or their receipt of a rental concession or forbearance. Violations of this legislation would be punishable by a civil penalty of \$2,000 to \$10,000.

Briefs

NYS Announces FDA Approval for COVID-19 Saliva Swab Test

Governor Andrew Cuomo and State University of New York Chancellor Jim Malatras this week announced that the individual saliva swab diagnostic test for COVID-19 developed by SUNY Upstate Medical University and Quadrant Biosciences has been granted emergency use authorization by the U.S. Food and Drug Administration (FDA).

The FDA-authorized saliva test for individuals complements Upstate Medical's and Quadrant's innovative pool testing, which allows for about 10 to 25 people to be screened in one COVID-19 test. The test's approval by the FDA means it can be brought to scale across New York State as well as used nationwide.

The approved tests can be conducted using saliva swabs rather than swabs inserted in a person's nose. Individuals administer the tests themselves, swabbing their mouths, and provide the saliva samples, which are currently processed at SUNY Upstate Medical Center's laboratory.

In August, the New York State Department of Health granted approval for the test to be used by SUNY Upstate for surveillance testing purposes in the SUNY student body. With today's FDA authorization, this new test will now be available for use throughout the State of New York and the U.S. by high-complexity clinical laboratories serving patients at physicians' offices, urgent care clinics and hospitals.

Governor Cuomo Announces Executive Order Extending Moratorium On COVID-Related Commercial Evictions Until October 20

Governor Andrew Cuomo this week announced an Executive Order extending the state's moratorium on COVID-related commercial evictions and foreclosures an additional month, until October 20th.

This measure extends protections already in place for commercial tenants and mortgagors in recognition of the financial toll the pandemic has taken on business owners, including retail establishments and restaurants.



I LOVE NY Foliage Report

Fall foliage will reach the midpoint of change in portions of the Adirondacks and Thousand Islands-Seaway regions this weekend, while steady color progression continues in the other New York upstate regions, according to volunteer observers for the Empire State Development Division of Tourism's I LOVE NY program.

I LOVE NY urges travelers to follow all public health and safety guidelines, including wearing a face covering and maintaining appropriate social distancing.

Mayor de Blasio Extends Executive Order 148 & Announces Alternate Celebrations for Signature Events

Mayor de Blasio this week extended Executive Order 148, which sets limitations on event permits through December 31, 2020. The Executive Order limits the types of outdoor events permitted by the Department of Parks and Recreation, the Police Department, and the Street Activity Permit Office in order to minimize crowding, facilitate COVID testing and treatment sites, and to allow for use of streets and parks for recreation, learning and dining. Currently, there are over 475 outdoor learning sites in city parks and streets, in addition to 10,200 Open Restaurants and 79 miles of Open Streets.

Safe, creative arrangements will be made for community celebrations, performances, and activations to continue in the city, according to Mayor de Blasio. Planned events include alternate celebrations for signature events, including the [Macy's Thanksgiving Day Parade](#) and [New Year's Eve in Times Square](#), in addition to a spooky walk through the West Village for Halloween, and a ceremonial motorcycle procession for Veteran's Day.

Applicants can apply for street permits at nyc.gov/SAPO and parks permits at nyceventpermits.nyc.gov/parks. Frequently asked questions about the about Executive Order 148 can be found [here](#).

NYC Indoor Pools to Open at 33 Percent Capacity

Indoor pools in New York City will be allowed to reopen on September 30th, subject to strict occupancy limits at 33 percent of capacity. Standard Department of Health and Mental Hygiene inspections will continue to promote compliance with all New York State regulations.

New Yorkers who see crowding or other unsafe conditions in indoor swimming pools are urged to report to 311.

Mayor de Blasio Announces Expanded Furloughs for City Employees

Mayor Bill de Blasio this week announced the City will expand furloughs to all managerial and non-represented City employees. This announcement expands on the announcement made last week of a week of furloughs for Mayor's Office employees between October and March. These expanded furloughs will impact 9,000 employees and save \$21 million.

The City is facing a \$9 billion deficit and has already cut \$7 billion from the budget between February and the Fiscal Year 2021 Adopted Budget announced in June. The Administration continues to work with labor groups to find savings and prevent layoffs.

Election Day, November 3rd

[New York State Voter Registration](#)

(Applications must be submitted no later than October 9, 2020).

[Electronic Request for an Absentee Ballot](#)

(Online request must be made by October 27, 2020. Please be advised that despite this deadline, the Post Office has advised they cannot guarantee timely delivery of ballots applied for less than 15 days before an election).

Coming Up

New York State

No public hearings/meetings scheduled.

New York City

Tuesday, September 29th

Committees on Health & Education, Remote Hearing, 10 a.m.

Committee on Land Use, Remote Hearing, 11 a.m.

Wednesday, September 30th

Committees on Health & Hospitals, Remote Hearing, 10 a.m.

Committee on Consumer Affairs and Business Licensing & Transportation, Remote Hearing, Noon.



**“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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This Week in New York is a publication of Pitta Bishop & Del Giorno LLC.

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