



# This Week in New York

**Covering New York State and City Government**  
*A Publication of Pitta Bishop & Del Giorno LLC*  
 January 14, 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-

***Martin Luther King Jr. Day***  
***Monday, January 17<sup>th</sup>***



## ***In the News – New York State***

### **Judge Shirley Troutman Joins the NYS Court of Appeals**

On January 12, 2022, the New York State Senate confirmed Governor Kathy Hochul’s nomination of the Honorable Shirley Troutman to the New York State Court of Appeals

“During her confirmation hearings, Justice Troutman showed New Yorkers why she is well-suited to join our state's highest court: her extraordinary qualifications, her superlative legal mind, her fair-minded judicial philosophy, and her commitment to equity and justice for all New Yorkers,” Governor Hochul said.



**Court of Appeals Justice Shirley Troutman**

Prior to her confirmation, Justice Troutman served as an Associate Justice of the Appellate Division of the New York State Supreme Court's Fourth Judicial Department since 2016. From 2010 to 2016, she served as a Justice of the Supreme Court, 8th Judicial District and before that served as a Judge in Erie County Court from 2003 to 2009. She began her career on the bench in 1994, elected as a Judge on the Buffalo City Court.

Justice Troutman received her law degree from Albany Law School and her undergraduate degree from the State University at Buffalo. She is a longtime resident of Western New York.



## New York's Prison Population Continues to Decline, But Share of Older Adults Keeps Rising

The state's prison population declined by half from March 2008 to March 2021, but the population of individuals aged 50 and above grew, according to a [follow-up report](#) by New York State Comptroller Thomas P. DiNapoli. No age segment under the age of 50 showed an increase.

The number of older incarcerated individuals has grown from 7,511 in March 2008 to 7,586 in March 2021. As a percentage of the state's shrinking prison population, however, the older population has doubled. Nearly 1-in-4 (24.3%) of the state's 31,262 incarcerated individuals were 50 and above in March 2021. Thirteen years earlier, just 12% of the then prison population of 62,597 were 50 and over. The share who are at least 60 years old nearly tripled from 2.7% in March 2008 to 7.9% in March 2021.

According to the Comptroller, at least two trends may explain the net gain in older prisoners: one is the rise in the number of admissions of older individuals to Department of Corrections and Community Supervision (DOCCS) prisons for a new offense or parole violation, which increased by an average of 3.5% per year from 2008 to 2020. The average age of incarcerated individuals under custody in New York state prisons was 40.3 years in March 2021, an increase of 4.1 years, or 11.4%, since March 2008. The number and the percentage of older individuals released from prisons to parole supervision under DOCCS jurisdiction also rose.

The state's prison population has been trending downward for years. The decline has resulted from various factors such as reduced admissions and releases to parole supervision, early release of certain individuals during the COVID pandemic and reforms to the Rockefeller Drug Laws in 2009. The most recent state report on the impact of the 2009 reforms shows significant declines in felony drug arrests (-41.7%), indictments (-42.6%) and prison time (-32.9%) from 2010 to 2019.

In addition, Raise the Age legislation enacted in 2017 and fully implemented in 2020 removed all individuals under the age of 18 from DOCCS prisons to facilities operated by the state Office of Children and Family Services. State prisons housed over 200 16- and-17-year-olds in March of 2008, but only 26 in March 2020.



## State Senate Passes Voting Reform Measures

The Senate Democratic Majority this week advanced legislation to reform New York State's electoral system including expanding voting on college campuses and continuing to protect voters at the polls amidst the ongoing pandemic.

“At the start of every session we pay homage to the voters of this state and take action to ensure their votes are respected and protected,” Senate Majority Leader Andrea Stewart-Cousins said. “As states around the country have rolled back voting reforms, here in New York, we have made it clear that elections matter, voting matters, and leadership matters...”

The voting reforms include:

- **COVID Absentee Voting For School District Elections:** [S.7619](#), sponsored by Senator Shelley Mayer, allows voters who are concerned about voting in-person due to an epidemic to request an absentee ballot for school district elections in 2022.
- **COVID Absentee Voting for General Elections:** [S.7565B](#), sponsored by Senator Alessandra Biaggi, extends legislation allowing COVID as an excuse for absentee voting.
- **Voter Registration at Second Residence:** [S.6214](#), sponsored by Senator Zellnor Myrie, codifies the right of voters to register at a second residence.
- **Democracy Preservation Act:** [S.1126A](#), sponsored by Deputy Majority Leader Michael Gianaris, prohibits corporate contributions from companies owned by foreign entities.
- **Polling Place On College Campuses:** [S.4658](#), sponsored by Senator Kevin Parker, designates polling places for voting on college campuses under certain circumstances.
- **Candidate Order on Ballots:** [S.1283](#), sponsored by Senator Todd Kaminsky, adjusts the candidate order on ballots to prevent voter dropoff.
- **Portable Polling Locations for Early Voting:** [S.557](#), sponsored by Senator Rachel May, amends the election law to allow counties the option to establish two or more locations for portable polling places for early voting.

- **Absentee Ballot Drop-off Box Locations:** [S.492](#), sponsored by Senator Brad Hoylman, allows local Board of Elections to establish absentee ballot drop-off locations to provide voters with a convenient alternative option to submit their absentee ballots.
- **Validation of Ballots:** [S.253](#), sponsored by Senator Zellnor Myrie, requires the canvassing of paper ballots when the express intentions of the voter are unambiguous.
- **Counting of Affidavit Ballots:** [S.284A](#), sponsored by Senator Zellnor Myrie, requires counting affidavit ballots of eligible voters if a voter appears at a polling place in the correct county but in the incorrect election district.
- **Reduction of Time for Mailing and Receipty of Registration to Constitutional Minimum:** [S.2951](#), sponsored by Senator Brian Kavanagh, reduces the time to register to vote to the Constitutional minimum, ten days before an election for primary and general elections.

## *In the News – City*



### **Mayor Adams Announces Ingrid Lewis-Martin as Chief Advisor to the Mayor**

Mayor Eric Adams announced Chaplain Ingrid Lewis-Martin as Chief Advisor to the Mayor. Chaplain Lewis-Martin most recently served as Deputy Brooklyn Borough President. Prior to her role as Deputy Brooklyn Borough President, she served for more than five years as then-State Senator Adams' Senior Advisor and for seven years as his Chief of Staff.

Chaplain Lewis-Martin's political career started in 1983, first volunteering on the re-election campaign for the late Representative Major R. Owens and later serving as deputy campaign manager.

After receiving her license from the New York City Board of Education, Chaplain Lewis-Martin was hired as a middle school teacher in English and social studies at I.S. 320 Jackie Robinson. She taught at the school from 1984 to 1992, also serving as dean of students, graduation coordinator, as well as a teacher of modern and African dance in the after-school programs. Chaplain Lewis-Martin was later hired by Medgar Evers College first to work as an instructor in one of its programs geared at assisting women on welfare earn their high school diploma and college degree, and subsequently to be director of their Progressive Adolescent Vocational Exploration (PAVE) program. She has also served as a part-time staffer for former Assembly Member Roger Green.

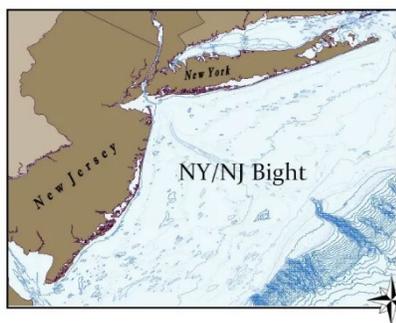
# Briefs

## Changes to State Senate Committee Chairmanships

Senate Majority Leader Andrea Stewart-Cousins this week announced a number of new chairmanship appointments to the Senate Standing Committees due to departure of Lieutenant Governor Brian Benjamin. The new chairs are:

- Budget and Revenue, chaired by Senator Andrew Gounardes (D-Brooklyn).
- Civil Service and Pensions, chaired by Senator Robert Jackson (D-Manhattan).
- “Cities 1” committee (New York City government), chaired by Sen. Luis Sepulveda (D-Bronx).
- Women’s Issues, chaired by Senator Cordell Cleare (D-Manhattan).

## Wind Energy Auction to be Held for New York and New Jersey Coast Area



Governor Kathy Hochul this week announced that the Bureau of Ocean Energy Management (BOEM) will be holding a wind auction on February 23 for an area consisting of 488,000 acres located in the New York Bight, a triangular area that extends northeasterly from Cape May Inlet in New Jersey to Montauk Point on the eastern tip of Long Island.

The announcement was made in conjunction with United States Secretary of the Interior Deb Haaland, New Jersey Governor Phil Murphy and AFL-CIO President Liz Shuler.

In addition, the leaders released a plan for a coordinated offshore wind supply chain effort between New York, New Jersey and BOEM, titled "A Shared Vision on the Development of an Offshore Wind Supply Chain."

The Feb. 23 auction will allow offshore wind developers to bid on six lease areas. Leases offered in this sale could result in 5.6 to 7 gigawatts of offshore wind energy. The New York Bight offshore wind auction will include several lease stipulations designed to promote the development of a domestic U.S. supply chain for offshore wind. The stipulations will also advance flexibility in transmission planning and make use of project labor agreements throughout the construction of offshore wind projects. Stipulations include incentives to source major components domestically - such as blades, turbines, and foundations - and to enter into project labor agreements to ensure projects are union-built.

## **Attorney General James Secures \$1.85 Billion From Student Loan Servicer Navient**

New York Attorney General Letitia James this week announced a \$1.85 billion agreement with Navient, one of the nation's largest student loan servicers. A bipartisan coalition of 39 attorneys general negotiated the multistate agreement that cancels \$1.7 billion in private student loan debt and recovers \$95 million in restitution for thousands of students nationwide.

New York will receive a total of about \$6.8 million in restitution payments for more than 25,000 federal loan borrowers. Additionally, about 4,300 New York borrowers will receive over \$110 million in private loan debt cancellation. New York state will also receive almost \$1.2 million in cash.

A multistate investigation Navient found that, since 2009, the company has been steering student loan borrowers into long-term forbearances instead of income-driven repayment plans. The interest that accrued because of Navient's practices was added to the borrowers' loan balances, increasing student debt. The investigation found that Navient also provided predatory, subprime, private loans to students attending for-profit schools and colleges with low graduation rates. Navient allegedly made these loans as "an inducement to get schools to use Navient as a preferred lender" for highly profitable federal and "prime" private loans.

## **Biden-Harris Administration Requires Insurance Companies and Group Health Plans to Cover the Cost of At-Home COVID-19 Tests, Increasing Access to Free Tests**

Beginning January 15<sup>th</sup>, the Biden-Harris Administration is requiring insurance companies and group health plans to cover the cost of over-the-counter, at-home COVID-19 tests.

Individuals with private health insurance coverage or covered by a group health plan who purchase an over-the-counter COVID-19 diagnostic test authorized, cleared, or approved by the U.S. Food and Drug Administration (FDA) will be able to have those test costs covered by their plan or insurance. Insurance companies and health plans are required to cover 8 free over-the-counter at-home tests per covered individual per month. There is no limit on the number of tests, including at-home tests, that are covered if ordered or administered by a health care provider following an individualized clinical assessment, including for those who may need them due to underlying medical conditions.

Over-the-counter test purchases will be covered in the commercial market without the need for a health care provider's order or individualized clinical assessment, and without any cost-sharing requirements such as deductibles, co-payments or coinsurance, prior authorization, or other medical management requirements.

## US Supreme Court Blocks President Biden's Workplace Vaccine Mandate

The US Supreme Court yesterday ruled that the Biden Administration must stop enforcing a rule requiring workers at large companies to be vaccinated or masked and tested weekly, citing that the mandate exceeded the Administration's authority.

In a separate matter, the Court ruled that a more limited vaccine mandate could stand for staff at government-funded healthcare facilities.

“Today’s decision by the Supreme Court to uphold the requirement for health care workers will save lives: the lives of patients who seek care in medical facilities, as well as the lives of doctors, nurses, and others who work there. It will cover 10.4 million health care workers at 76,000 medical facilities. We will enforce it,” according to a statement released by President Joe Biden. “At the same time, I am disappointed that the Supreme Court has chosen to block common-sense life-saving requirements for employees at large businesses that were grounded squarely in both science and the law. This emergency standard allowed employers to require vaccinations or to permit workers to refuse to be vaccinated, so long as they were tested once a week and wore a mask at work: a very modest burden.”

## Coming Up

### New York State

#### ***Tuesday, January 18<sup>th</sup>***

*Assembly Session*, Remote, 2 p.m.

*Senate Session*, Remote, 3 p.m.

#### ***Wednesday, January 19<sup>th</sup>***

*Assembly Session*, Remote, time to be announced.

*Senate Session*, Remote, 3 p.m.

#### ***Thursday, January 20<sup>th</sup>***

*Assembly Session*, Remote, time to be announced.

*Senate Session*, Remote, 11 a.m.

### New York City

#### ***Thursday, January 20<sup>th</sup>***

*Committee on Rules, Privileges and Elections*, Hybrid Hearing, Council Chambers, 11 a.m.

*Membership and chairs of the Standing Committees and Subcommittees of the Council.*

*City Council Stated Meeting*, Hybrid Hearing, Council Chambers, 1 p.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-**

**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

**1220 19<sup>th</sup> Street NW  
Washington, D.C. 20036**  
Telephone (202) 964-475  
Facsimile (202) 964-5754