



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

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“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 – New York State



Governor Hochul Announces Settlement of NYSER Vs. NYS Case to Fully Fund Foundation Aid in New York’s Schools

***Agreement Requires New York State to Advance Funding Foundation Aid This Year
and
Fully Fund it in the FY 2024 Budget***

Governor Kathy Hochul this week announced that New York State has reached an agreement to settle and discontinue the *New Yorkers for Students' Educational Rights v. New York State* case, following through on the State's commitment to fully fund the current Foundation Aid formula to New York's school districts.

"This settlement closes a long chapter of inequity and demonstrates my administration's commitment to wiping the slate clean and fully funding public education using a responsive model that takes districts' unique needs into account," Governor Hochul said. "Actions are more important than words, and while the settlement is the first step, we're following through with funding in the state's budget. The future of our state depends on our ability to properly educate each child, and Foundation Aid will apply a critical lens to address inequities and ensure schools in need receive the funding they deserve."

The litigation, which has been ongoing since 2014, sought to require New York State to fully fund the Foundation Aid formula that was put into place following the Campaign for Fiscal Equity cases, and had been previously opposed by the State. Foundation Aid was created in 2007 and takes school district wealth and student need into account to create an equitable distribution of state funding to schools.

The new settlement requires New York State to phase-in full funding of Foundation Aid by the FY 2024 budget. In the FY 2022 Enacted State Budget approved in April, the Executive and Legislature agreed to fully fund Foundation Aid by the FY 2024 budget.

A breakdown of currently anticipated Foundation Aid funding is available below:

- FY 2022: \$19.8 billion, covering 30% of the existing shortfall
- FY 2023: Approximately \$21.3 billion, covering 50% of the anticipated shortfall
- FY 2024: Approximately \$23.2 billion, funding the full amount of Foundation Aid for all school districts.



Chapters of the Laws of 2021

Chapter 441 -- Sponsored by M of A Dinowitz/Senator Sanders -- Relates to the publication of nursing home ratings.

Chapter 443 -- Sponsored by M of A Barrett/Senator Kennedy -- Relates to veterans' services for post-traumatic stress disorder and traumatic brain injury.

Chapter 448 -- Sponsored by M of A Dickens/Senator Parker -- Directs the Office of Temporary and Disability Assistance to inform, both orally and in writing, applicants for either public assistance that they may be liable to reimburse the state for benefits received.

Chapter 449 -- Sponsored by M of A Williams/Senator Persaud -- Requiring counselors to have certain courses of study or equivalent on-the-job experience including on providing trauma-informed, patient-centered care, appropriate treatments for co-occurring disorders, and sensitivity training.

Chapter 450 -- Sponsored by M of A Pretlow/Senator Addabbo -- Relates to health insurance for New York trainers at franchised corporation race tracks.

Chapter 451 -- Sponsored by M of A Magnarelli/Senator Reichlin-Melnick -- Increases penalties for purposefully obstructed license plates.

Chapter 458 -- Sponsored by Senator Mayer/M of A Bronson -- Requires the department of labor to provide information to employers about shared work program eligibility and benefits.

Chapter 459 -- Sponsored by Senator Kaminsky/M of A Paulin -- Encourages towns and villages to consider certain alternative energy sources when designing zoning and planning regulations.

Chapter 465 -- Sponsored by Senator Stavisky/M of A Glick -- Relates to the requirements for a license as a professional engineer.

Chapter 473 -- Sponsored by Senator Gaughran/M of A Solages -- Requires charter buses to have commercial global positioning system technology.

Chapter 474 -- Sponsored by Senator Bailey/M of A Meeks -- Prohibits the use of handcuffs, chains, and other restraints on children under the age of 21 appearing before family court.

Chapter 480 -- Sponsored by Senator Ryan/M of A Abinati -- Relates to write-in ballots.

In the News – City



Comptroller DiNapoli: NYC Office Market Will Take Years to Recover From Pandemic

More Than \$850 Million in Property Taxes Lost in FY 2022

The COVID-19 pandemic wiped out years of growth in New York City's office sector, erasing nearly \$28.6 billion in market value and more than \$850 million in property taxes in City Fiscal Year (FY) 2022, according to a [report released this week](#) by State Comptroller Thomas DiNapoli.

"Midtown and the Financial District are two of the largest business districts in the world. Demand for space led citywide office sector property values to more than double in the decade before the pandemic," Comptroller DiNapoli explained. "When the pandemic hit, companies shifted office workers to remote work, rents fell, and vacancies rose. I am optimistic for the sector's recovery but it's short-term future remains uncertain as employers assess future use of the space. The city should closely monitor trends in the sector and consider the future impact on tax revenues."

According to the Comptroller, pre-pandemic job growth drove demand for space. New York City's office sector reached a total of 1.6 million jobs in 2019, the highest level on record. Office sector employment makes up about a third of all jobs in the City. In 2019, the sector contributed \$705 billion to the City's gross product, accounting for 66% of the City's output.

With the onset of the pandemic, in 2020, office employment fell 5.7% while total employment dropped 11.1%. Many office workers shifted to remote work, with just 5% on-site in April 2020.

The office sector began experiencing measurable changes in demand in the second quarter of 2020 when Manhattan new leasing fell to 2.5 million square feet, 75% below the level one year earlier. Renewal activity fared better at 7.2 million square feet, a decrease of 15% from 2019.

The full market value of New York City office buildings, estimated at \$172 billion in FY 2021, fell 16.6% in the FY 2022 final assessment roll, the first decline in total office property market values since at least FY 2000. The City had 463 million square feet of inventory as of the second quarter of 2021.

Reduced demand for office space contributed to a 5.2% decline in overall billable values in FY 2022. Some of the City's most expensive office properties dropped significantly. For example, the market price of the World Trade Center complex dropped by 23.1%.

The City collected \$1 billion in transfer taxes and \$816 million in mortgage taxes in FY 2021, the second year of declines as a result of pandemic impacts. Comptroller DiNapoli estimates that \$216 million of these taxes were generated by office properties, less than half of the \$461 million generated in FY 2020.

According to the report, office employment has remained steadier than overall employment and is expected to continue to grow, which is likely to support future demand for space. Multiyear leases extending into 2023 and healthier balance sheets of property owners have also provided some short-term stability in the office real estate market.

Comptroller DiNapoli noted that the City's tentative assessment roll for FY 2023, to be released in January 2022, will provide further insight on the potential duration and magnitude of the impact on City finances.



Mayor de Blasio Urges Albany to Allow 24/7 Operation of Speed Camera Zones

City DOT Report Finds Nearly 30% of All Roadway Fatalities Occur in Speed Camera Zones During Night and Weekend “Off” Periods

Armed with a New York City Department of Transportation (DOT) report citing that the speed camera program has curbed speeding by over 70%, Mayor Bill de Blasio called for 24/7 operation of the zones in New York City.

The DOT's annual Automated Speed Enforcement Program report, which covers data from the speed camera program's inception in 2014 through December 2020, highlights the programs continued success. However, analysis of 2020 fatalities showed that nearly 30% of all fatalities occur in speed camera zones during the hours they are not allowed to operate: overnight and on weekends.

In 2019, NYC DOT received State authorization to expand its speed camera program and operate cameras in 750 school speed zones, on all weekdays between 6 a.m. and 10 p.m., and at any location within a quarter-mile radius of the school building. The program currently has 1,647 cameras in all 750 school speed zones. DOT will install an average of 60 new cameras per month, with the aim of reaching a total of 2,220 cameras in 2022.

Highlights from this year's DOT report include:

- A total of 4,397,375 Notice of Liabilities (NOLs) issued in 2020.
- Average weekly violations in newly installed school speed zones declined by about 45% from a camera's first week to its 18th week.
- Average daily speed violations declined between 81% and 89% in school speed zones along Grand Concourse, Union Turnpike, Hylan Boulevard, and Fourth Avenue (Brooklyn).

Since the speed camera program began, just under half of vehicles receiving a NOL have not received a second. In 2020, 52% of vehicles received only one violation, even as the number of cameras increased due to the program's expansion.

Legislation sponsored by Senator Gounardes and Assembly Member Deborah Glick, S5602/A6681, would allow speed camera operation 24 hours, 7 day a week, and allows for escalating fines with subsequent notices of liability for drivers who are repeat violators. New York City calls for the enactment of this legislation.

Briefs

State and City Agree to Transfer Incarcerated Women and Trans Individuals Out of Rikers

More than 200 Women and Trans-Identified Incarcerated Individuals to be Transferred from Rikers Island to State Facilities

Governor Kathy Hochul, in partnership with Mayor Bill de Blasio, announced an agreement between the State and City of New York to transfer nearly all of women- and trans-identified individuals currently incarcerated on Rikers Island to two State-run facilities in Bedford Hills, Westchester County.

The agreement will temporarily transfer approximately 230 individuals to the Bedford Hills Correctional Facility (Bedford) and the Taconic Correctional Facility (Taconic), both operated by the New York State Department of Corrections and Community Supervision (DOCCS).

The New York City Department of Corrections (DOC) will begin to transfer incarcerated individuals to the two facilities starting the week of October 18. The transfers will occur twice per week, starting with 10 to 20 individuals being transferred during each transfer. No current detainees with any pending immigration-related matters will be transferred. DOC will provide daily transportation from New York City to the facilities for family members and loved ones of detainees, beginning Friday, October 22.

AirTrain to LaGuardia on Hold

The plan to build an AirTrain to LaGuardia Airport has been paused indefinitely, Port Authority of New York and New Jersey officials announced this week. Governor Kathy Hochul last week requested the Port Authority seek "alternatives" to the project.

"At Gov. Hochul's request, the Port Authority is undertaking a thorough review of potential alternative mass transit options to LaGuardia Airport," the Port Authority posted on its website. "During the review, the Port Authority will pause further action with respect to the LaGuardia AirTrain project."

Commission Submits Recommendations to Replace NYS Court of Appeals Judge Eugene Fahey

The New York Commission on Judicial Nomination submitted seven candidates to Governor Kathy Hochul to fill the impending vacancy on the Court of Appeals. Judge Eugene Fahey will reach the mandatory retirement age at the end of the year.

The recommendations are:

- Hon. Francesca Connolly, Associate Justice, Appellate Divisions, Second Department.
- Timothy Murphy, Esq., Assistant Federal Public Defender in the Appeals Unit of the Federal Public Defenders’ Office for the Western District of New York.
- Hon. Erin Peradotto, Associate Justice, Appellate Division, Fourth Department.
- Hon. Stan Pritzker, Associate Justice, Appellate Division, Third Department.
- Corey Stoughton, Esq., Attorney-in-Charge, Special Litigation and Law Reform, The Legal Aid Society.
- Hon. Shirley Troutman, Associate Justice, Appellate Division, Fourth Department.
- Hon. Joanne Winslow, Associate Justice, Appellate Division, Fourth Department.

Comptroller DiNapoli Releases Dashboard Tracking Federal Covid Funding and State Relief Programs

New York State Comptroller Thomas DiNapoli this week launched a new [online tool](#) to monitor spending of federal recovery aid and COVID-19 relief programs in the state, including funds for excluded workers, childcare providers, emergency rental and homeowner assistance, and small business recovery.

Tracking COVID-19 Relief Programs			
	Funds Expected	Funds Received	Funds Spent
Elementary and Secondary School Emergency Relief	\$14.7 billion	\$924,541,007	\$937,057,746
State and Local Fiscal Recovery Fund	\$13.5 billion	\$13,132,106,036	\$387,090,087
Coronavirus Relief Fund	\$5.1 billion	\$5,135,624,853	\$3,924,644,701
Child Care Services	\$2.5 billion	\$143,171,458	\$151,526,419
Emergency Rental Assistance	\$2.85 billion	\$1,689,668,547	\$696,440,498
Homeowners Assistance Fund	\$539.5 million	\$53,945,851	\$50,000,000
		State Funds Available	Funds Spent
Excluded Workers Fund	\$2.1 billion	\$2,100,000,000	\$968,471,301
Small Business Recovery	\$1.6 billion	\$1,600,000,000	\$207,600,000
As of September 30, 2021			

The dashboard explains each federal and state program, and how much has been received and spent to date. The data will be updated monthly and expanded to include additional programs and spending details as new information becomes available.

NYS DOL Releases FAQ on Adult Use Cannabis in the Workplace

The New York State Department of Labor has released an [FAQ](#) intended to address some of the most common situations or questions in the workplace related to adult-use cannabis and the Marijuana Regulation and Taxation Act (“MRTA”).

Included topics are permitted employer actions in relation to employee cannabis use, a discussion of articulable symptoms of impairment, employer prohibitions of use at work or during working hours, and drug testing. The FAQ does not address the medical use of cannabis.

Feds Open Canadian and Mexico Borders

The United States will lift restrictions at its land borders with Canada and Mexico for fully vaccinated foreign nationals in early November.

United States Homeland Security Secretary Alejandro Mayorkas said in a statement the administration next month "will begin allowing travelers from Mexico and Canada who are fully vaccinated for COVID-19 to enter the United States for non-essential purposes, including to visit friends and family or for tourism, via land and ferry border crossings.”

City Cleanup Corps Reaches Cleaning Benchmarks & Seeks Additional Recruits

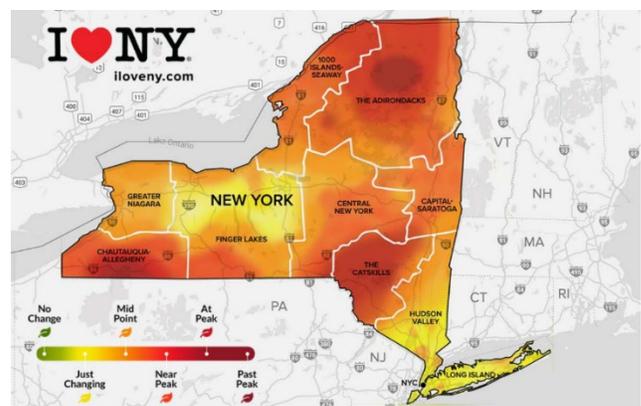
City Cleanup Corps, New York City’s New Deal-inspired economic recovery program, has hand-swept over 50,000 blocks, removed 600,000 bags of trash, repainted 900 defaced properties, and cleaned 25,000 rain gardens across the five boroughs since launching in April.

According to the de Blasio Administration, jobs with flexible hours and competitive hourly rates are still available. Information may be accessed at <https://nyc.gov/ccc>.

Colorful Peak Foliage Expected Throughout Catskills this Weekend

Beautiful peak foliage will be found in most areas of the Catskills region this weekend, along with areas of the Adirondacks, Thousand Islands-Seaway, Chautauqua-Allegheny, and Central New York regions, according to volunteer observers for Empire State Development’s (ESD) I LOVE NY program.

Reports on specific areas at ESD’s [Fall Foliage Report](#).



Coming Up

New York State

Wednesday, October 20th

Employment Opportunities for People with Disabilities

Assembly Standing Committee on People with Disabilities and Labor

Assembly Subcommittee on Employment Opportunities for People with Disabilities

Hamilton Hearing Room B, Legislative Office Building 2nd Floor, Albany, 10 a.m.

Non-MTA Public Transit System and Service

Assembly Standing Committee on Transportation

Roosevelt Hearing Room, Legislative Office Building 2nd Floor, Albany, 10 a.m.

Thursday, October 21st

Restructuring the New York State Division of Veterans' Services (NYS DVS)

Assembly Committee on Veterans' Affairs & Assembly Subcommittee on Women Veterans

Roosevelt Hearing Room C, Legislative Office Building 2nd Floor, Albany, 10:30 a.m.

New York City

Monday, October 18th

Committee on Women & Gender Equity & Public Safety, Remote Hearing Rm – Virtual Rm 1, 10 a.m.

Oversight – NYPD Special Victims Division Update

Committee on Aging, Remote Hearing Room - Virtual Room 2, 11 a.m.

Oversight – The Community Care Plan

Tuesday, October 19th

Committee on Government Operations, Remote Hearing Room –Virtual Room 1, 10 a.m.

Wednesday, October 20th

Subcommittee on Capital Budget, Remote Hearing Room –Virtual Room 5, 10 a.m.

Subcommittee on Zoning and Franchises, Remote Hearing Room –Virtual Room 1, 10 a.m.

Committee on Resiliency and Waterfronts, Environmental Protection, & Parks and Recreation,

Remote Hearing Room –Virtual Room 4, 2 p.m.

Thursday, October 21st

Committee on Land Use, Council Chambers – City Hall, 11 a.m.

City Council, Council Chambers – City Hall, 1:30 p.m.

Friday, October 22nd

Committee on Consumer Affairs and Business Licensing, Remote Hearing Rm – Virtual Rm 2, 10 a.m.

Committee on Criminal Justice, Remote Hearing Room – Virtual Room 1, 10 a.m.

Oversight – Update on the Local Conditional Release Commission

“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-

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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.

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