



# This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

October 29, 2021 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 – New York State*



### Governor Hochul Follows Through With Transparency Initiatives

Governor Kathy Hochul yesterday announced transparency improvements to increase access to State data and information. Specifically, Governor Hochul revamped the process for fulfilling Freedom of Information Law (FOIL) requests, published new transparency plans from more than 70 executive agencies and public authorities, and released the full recusal policies that she is abiding by, as well as recusal policies for the Lieutenant Governor and the Secretary to the Governor.

Under Governor Hochul’s new FOIL process, agencies will no longer be required to send FOIL responses to the Executive Chamber for review. Agencies will process FOIL requests directly through their General Counsels. In addition, the Office of Information Technology Services will seek statewide technology solutions that can accelerate FOIL responses. The Executive Chamber will review agency requests to fill FOIL staffing and software capacity needs.

The Governor’s Office also launched a website hosting the new transparency plans that State agencies recently provided to the Governor’s office. In these plans, agencies outlined ways to increase transparency such as overhauling their websites, conducting statewide listening tours, expanding language access, and making better use of Project Sunlight and OpenData. All agency transparency plans can be viewed [here](#). The Governor’s office will work with agencies to implement these plans and continue to promote transparency and accountability.

Governor Hochul [released](#) the full recusal agreement she is abiding by to avoid conflicts of interests, as well as the recusal agreements in place for the Lieutenant Governor and Secretary to the Governor. In the agreement, Governor Hochul commits to recusing herself from any and all matters relating to Delaware North and pledges not to use her position to benefit that company’s interests. These full recusal documents, along with those related to the Lieutenant Governor and Secretary to the Governor, have been publicly released [here](#).

Finally, fulfilling her commitment to overhaul ethics and sexual harassment training, Governor Hochul signed an [Executive Order](#) to require all state employees to take a live ethics training course upon hiring, as well as a refresher course once every three years; employees of the Executive Chamber will be required to take this refresher course once every two years.



## Chapters of the Laws of 2021

**Chapter 486 -- Sponsored by M of A Fall/Senator Myrie** -- Removes the prohibition on individuals convicted of a felony that prevents them from being appointed fiduciary of an estate.

**Chapter 488 -- Sponsored by M of A Frontus/Senator Comrie** -- Mandates NYS Transit Authority to produce annual reports concerning actions to reduce noise.

**Chapter 492 -- Sponsored by Senator Bailey/M of A Joyner** -- Relates to work related labor protests not being considered a parole violation.

**Chapter 493 -- Sponsored by Senator Mayer/M of A Bronson** -- Authorizes employees to petition an employer to apply to participate in a shared work program to avoid a reduction in workforce or for re-hiring.

**Chapter 499 -- Sponsored by M of A Barnwell/Senator Comrie** -- Relates to requiring contractors and subcontractors to disclose the existence of property and casualty insurance.

**Chapter 509 -- Sponsored by Senator Skoufis/M of A Glick** -- Relates to requiring the best interest of a companion animal to be considered when awarding possession in a divorce.

**Chapter 515 -- Sponsored by Senator Addabbo/M of A Pheffer-Amato** -- Prohibits the sale of whipped cream chargers to persons under the age of twenty-one.

**Chapter 519 -- Sponsored by Senator Kaplan/M of a Lavine** -- Establishes the crimes of criminal sale of an unfinished frame or receiver in the first and second degrees as class D and E felonies, respectively.

**Chapter 520 -- Sponsored by Senator Hoylman/M of A Rosenthal** -- Criminalizes the sale of ghost guns and requires gunsmiths to register and serialize firearms, rifles, shotguns, and unfinished frames or receivers they assemble.

**Chapter 522 -- Sponsored by Senator Ramos/M of A Benedetto** -- Provides protection to employees and former employees from retaliatory actions by employers for the reporting of illegal or dangerous business activities.

**S7152\*** -- *Sponsored by Senator Brooks/M of A Stern* -- Amends the definition of a "disguised gun" to include a weapon or device capable of being concealed on a person from which a shot can be discharged through the energy of an explosive which is designed and intended to appear to be a toy gun.

(\*) Chapter number not available at time of publication.

## Bills Vetoed by the Governor

**Veto #47** -- *Sponsored by M of A Buttenschon/Senator Mannion* -- Establishes the office of the independent intellectual and developmental disability ombudsman program.

**Veto #50** -- *Sponsored by M of A Pheffer Amato/Senator Cooney* -- Authorizes the retention of federal funds for special education programs for preschool children that are subject to tuition rate reconciliation.

**Veto #49** -- *Sponsored by M of A Woerner/Senator Addabbo* -- Ends the mandatory coupling of entries in a race in which married jockeys ride.

## Bills Under Consideration of the Governor

**A430** -- *Sponsored by M of A Rosenthal L/Senator Sanders* -- Requires prior written notice upon hiring and once annually to all employees, informing them of the types of electronic monitoring which may occur.

**A2530** -- *Sponsored by M of A Barron/Senator Parker* -- Establishes a commission on prison education to study and develop a plan for improving education in state prisons.

**S2928-A** -- *Sponsored by Senator Addabbo/Senator M of A Galef* -- Adds siblings to the definition of family member for the purposes of paid family leave.

**S661** -- *Sponsored by Senator Sander/M of A Bichotte Hermelyn* -- Provides a claim-filing opportunity for the widows and dependents of workers who died as a result of cancer caused by exposure to diesel exhaust.

**S5527** -- *Sponsored by Senator Brooks/M of A Griffin* -- Establishes the South Nassau water authority.

**S6707** -- *Sponsored by Senator Gaughran/M of A Lavine* -- Creates the water authority of the North Shore district.



## Governor Hochul Announces Administration Appointments, Nominations, and Recommendations

**Kevin Law will be nominated as Director of the Urban Development Corporation and will be designated Chair of the UDC.** He is a Partner and Executive Vice President at Tritec Real Estate Development Company. Previously, Law was President and CEO of the Long Island Association (LIA), President and CEO of the Long Island Power Authority (LIPA), and Chief Deputy County Executive for Suffolk County. He serves on the board of the Metropolitan Transportation Authority (MTA) and is Chairman of the Long Island Housing Partnership and Chairman of Accelerate Long Island.

Law holds an AA degree from Suffolk County Community College, a B.A. from SUNY, Stony Brook University, an M.S. from the Graduate School of Urban Affairs and Planning at CUNY, Hunter College and a J.D. from St. John's University School of Law. Mr. Law will assume the role of Chair upon confirmation by the Senate.

**Hope Knight will be nominated as Commissioner of the Department of Economic Development and President and CEO of Empire State Development (ESD).** Knight has served as President & CEO of Greater Jamaica Development Corporation (GJDC) since 2015. Prior to leading GJDC, she was Chief Operating Officer of the Upper Manhattan Empowerment Zone. She also served as Vice President at Morgan Stanley in the Institutional Equities Division, U.S. and as Vice President of Strategic Planning and E-Commerce, Morgan Stanley, Japan. Knight also serves as a Commissioner of the New York City Planning Commission.

She holds a BA from Marymount Manhattan College and an MBA from the Graduate School of Business of the University of Chicago. Knight will serve as Acting Commissioner, President and CEO until confirmation by the Senate.

## *In the News – City*



### Mayor's Capital Project to Protect Manhattan Seaport from Flooding

Mayor Bill de Blasio, New York City Economic Development Corporation (NYCEDC), and the Mayor's Office of Climate Resiliency (MOCR) announced this week that the City will allocate \$110 million to a new capital project to help address sea-level rise and storm surge that pose a serious threat to Lower Manhattan.

“Changing weather patterns and sea levels have made protecting the South Street Seaport a near-term and non-negotiable necessity,” said Deputy Mayor of Housing and Economic Development Vicki Been.”

According to the New York City Panel on Climate Change, without action, the Seaport waterfront could be flooded monthly within the next 25 years due to sea-level rise. Sea level is expected to rise approximately 2.5 feet by the 2050s, resulting in regular and repeated inundations during high tides.

In response, the City plans to use the \$110 million to begin coastal resiliency work in the historic Seaport District, which is especially vulnerable due to its low elevation. The proposed project, which will be subject to appropriate review, will rebuild and raise the existing bulkhead and improve drainage in the area from approximately the Brooklyn Bridge to Pier 17.

According to the Mayor, these efforts will protect about 15 acres of historic Lower Manhattan and will prevent up to \$400 million dollars in damages and the long-term erosion of the district anticipated as a result of chronic flooding.

Additionally, the project will continue to help improve access to the waterfront for New Yorkers and will help position the City to apply for federal funding needed to safeguard all of Lower Manhattan.

## *Briefs*

### **Governor Hochul Signs Legislative Package to Fight Gun Violence**

Governor Kathy Hochul this week signed a package of legislation to combat gun violence and to address the scourge of ghost guns in New York communities.

- **Chapter 519 -- Sponsored by Senator Kaplan/M of a Lavine** -- Prohibits the possession and sale of unfinished frames or receivers by anyone other than a licensed gunsmith or dealer in firearms. It also prohibits the possession and sale of unserialized finished frames and receivers by anyone other than a licensed gunsmith or dealer in firearms.
- **Chapter 520 – Sponsored by Senator Hoylman/M of A Rosenthal** -- Prohibits the sale of ghost guns and requires gunsmiths and dealers in firearms to register firearms in their possession.
- **Legislation S.7152/A.6522\*** -- **Sponsored by Senator Brooks/M of A Stern** -- Adds firearms capable of being concealed and designed to resemble toys to the definition of a 'disguised gun' and prohibits their manufacture, design, or sale.

(\*) Chapter number not available at time of publication.



## **Comptroller DiNapoli: Local Sales Tax Collections Up 20% in Third Quarter**

Local sales tax collections totaled \$5.2 billion in the third quarter (July-September of 2021), up \$861 million (20%) from the same period last year and continuing the trend of exceeding pre-pandemic levels, according to a report released this week from State Comptroller Thomas DiNapoli.

Statewide, every region saw solid growth in sales tax collections during the third quarter compared to the same period last year, the Comptroller said. Outside of New York City, the July-September period marked the fifth quarter in a row that county and city sales tax receipts met or exceeded 2019 pre-pandemic levels for the same period. Some of the regions with the strongest third quarter growth include Mid-Hudson (16.5%), Long Island (16.3%), and the Capital District (15.4%).

Sales tax receipts for New York City totaled \$2.1 billion in the third quarter, an increase of nearly 28% compared to the same period in 2020. Overall, the City's collections have been recovering at a slower pace than the rest of the state since April 2020, but its sales tax revenue has nearly reached pre-pandemic levels.

Statewide local sales tax collections in the third quarter of 2021 grew 8.6% (\$409 million) over the pre-pandemic third quarter of 2019.

Year-to-date (January-September) collections in 2021 were nearly \$14.4 billion, up 19.2%, or \$2.3 billion, over the same period in 2020, and 6.1%, or \$825 million, higher than the first three quarters of 2019.

## **Governor Hochul Signs Legislation Protecting Employees from Retaliation**

Governor Kathy Hochul yesterday signed legislation (Chapter 522 of the Laws of 2021) that protects employees from retaliatory actions by their employers in the case of reporting illegal or dangerous business activities.

Under the new law, the definition of employee is expanded to include former employees, protecting those who may have been retaliated against post-employment. This legislation widens the definition of retaliatory action, which will now include actions or threats to take actions that would adversely impact a former employee's current or future employment and contacting or threats to contact immigration authorities. With the addition of former employees being covered under this law, the statute of limitations was also extended to two years.

Employees will be protected whether or not they were acting within the scope of their job duties. This legislation also ensures employees only must prove that they reasonably believe there is a violation of the law or that there is substantial or specific danger

The bill was sponsored by Senator Jessica Ramos and M of A Michael Benedetto.

## **New York Divests \$111M in Pension Funds from Ben & Jerry's Over Boycott of Israel-Occupied Territories**

New York State Common Retirement Fund will divest \$111 million in investments in parent company Unilever because Ben & Jerry's boycott of Israel's occupied territories violates the State Comptroller's policy against the boycott, divestment and sanction (BDS) movement, according to published reports.

"After a thorough review, the New York State Common Retirement Fund will divest its equity holdings in Unilever PLC. Our review of the activities of the company, and its subsidiary Ben & Jerry's, found they engaged in BDS activities under our pension fund's policy," according to the Comptroller's Office.

The State Comptroller's policy, established in June 2016, said BDS activities are intended to inflict economic harm against Israel and as a result, the state pension fund's investments in the Jewish state.

## **Mayor Names Tom Foley as Acting Design & Construction Commissioner**

Mayor Bill de Blasio this week appointed Tom Foley as the Acting Commissioner of New York City Department of Design and Construction (DDC). Foley, a 23-year veteran of DDC, has served as the agency's Deputy Commissioner for Public Buildings since 2017.

Outgoing Commissioner Jamie Torres-Springer departs the agency to become the President of Construction and Development at the MTA. He will depart the agency on November 12th.

Foley received his B.S. in Civil Engineering from Manhattan College and is a licensed professional engineer. He is also a Certified Construction Manager (CCM) and an Envision Sustainability Professional (ENV SP). Foley has held a variety of roles at the agency, including Deputy Director, Director, and Assistant Commissioner in the agency's Division of Infrastructure.

## **NYC's New Domestic & Gender-Based Violence Workplace Policy**

Mayor Bill de Blasio this week signed Executive Order 85 to enhance trauma-informed support for City employees experiencing domestic and gender-based violence (DV/GBV).

The Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV) will develop the "Domestic and Gender-Based Violence Workplace Policy" and related trainings, with the support of Workplaces Respond to Domestic and Sexual Violence, a national resource center operated by Futures Without Violence.

The Workplace Policy will be adopted by all agencies and will standardize survivor-centered and trauma-informed responses for employees experiencing domestic and gender-based violence in the workplace or in their personal lives. The policy provides employees with a point of contact at every agency who can provide confidential support and direct connection to ENDGBV and the City's resources for survivors.

## Breaking Ground Workers Officially Unionize & Join District 37

Over 250 Breaking Ground workers officially joined District Council 37 this week, following voluntary recognition from management. It is the first agreement under Labor Peace legislation (Local Law 87 of 2021) requiring City human services contractors to enter into labor peace agreements with labor organizations that was enacted earlier this year.

Breaking Ground employees began their campaign this summer and filed for a union with DC 37 on August 27th. Following voluntary employer recognition and union card verification, the following Breaking Ground titles will become part of District Council 37: 311 Dispatchers; Case Managers; Engineers; Harm Reduction Specialists; Housekeepers; Housing Advocates; Housing Reporting Specialists; Housing Specialists; Maintenance Workers; Office Managers; Outreach Case Managers; Painters; Porters; Rent Administrators; and Residential Aides. Breaking Ground employees, in partnership with District Council 37, will now begin negotiating with Breaking Ground management.

Breaking Ground is New York's largest nonprofit developer and operator of supportive housing, with over 4,400 units of transitional and permanent housing under management. The agency also runs street homeless outreach programs in Brooklyn, Queens, and Midtown Manhattan.

## Mayor de Blasio Appoints Dawn Pinnock as Acting Commissioner of the Department of Citywide Administrative Services

Mayor Bill de Blasio this week appointed Dawn Pinnock as Acting Commissioner of the Department of Citywide Administrative Services (DCAS). Commissioner Lisette Camilo's last day will be November 12<sup>th</sup>.

Prior to this appointment, Pinnock served as the Executive Deputy Commissioner at DCAS. She was also recently appointed by the Mayor to serve on the Pay Equity Cabinet to address race and gender-based pay disparities in New York City. She holds a MS in Urban Policy Analysis and Management from The New School for Social Research and a BBA from Baruch College.

# Election Day 2021: November 2<sup>nd</sup>

**Early Voting: Continues through Sunday, October 31<sup>st</sup>**



[My Poll Site/View Sample Ballot](#)

### Understanding the Ballot

- See a sample ballot.
- Find your poll site.
- Look up which districts you are in.



[Voter Registration & Poll Search](#)

**Early Voting & Election Day polling locations may be different from one another.**



## ***Ballot Constitutional Amendments***

November's ballot includes consideration of five constitutional amendments involving the State's redistricting process, environmental issues, voter registration requirements, absentee ballot authorization, and the jurisdiction of New York City's Civil Court. The propositions, as they appear on the ballot, are found below. Additional information for each proposal is available [here](#).

### **Ballot Propositions (Vote Yes or No)**

#### **Proposal 1 (Amending the Apportionment and Redistricting Process)**

This proposed constitutional amendment would freeze the number of state senators at 63, amend the process for the counting of the state's population, delete certain provisions that violate the United States Constitution, repeal and amend certain requirements for the appointment of the co-executive directors of the redistricting commission and amend the manner of drawing district lines for congressional and state legislative offices. Shall the proposed amendment be approved?

#### **Proposal 2 (Right to Clean Air, Clean Water, and a Healthful Environment)**

The proposed amendment to Article 1 of the New York Constitution would establish the right of each person to clean air and water and a healthful environment. Shall the proposed amendment be approved?

#### **Proposal 3 (Eliminating Ten-Day-Advance Voter Registration Requirement)**

The proposed amendment would delete the current requirement in Article 2, § 5 that a citizen be registered to vote at least ten days before an election and would allow the Legislature to enact laws permitting a citizen to register to vote less than ten days before the election. Shall the proposed amendment be approved?

#### **Proposal 4 (Authorizing No-Excuse Absentee Ballot Voting)**

The proposed amendment would delete from the current provision on absentee ballots the requirement that an absentee voter must be unable to appear at the polls by reason of absence from the county or illness or physical disability. Shall the proposed amendment be approved?

#### **Proposal 5 (Increasing the Jurisdiction of the New York City Civil Court)**

The proposed amendment would increase the New York City Civil Court's jurisdiction by allowing it to hear and decide claims for up to \$50,000 instead of the current jurisdictional limit of \$25,000. Shall the proposed amendment be approved?

# Coming Up

## *New York State*

**Monday, November 1<sup>st</sup>**

**Medicaid Program Efficacy and Sustainability**

Assembly Standing Committee on Health

Assembly Hearing Room, 250 Broadway, Room 1923, 19<sup>th</sup> Floor, New York, 10 a.m.

## *New York City*

**Monday, November 1<sup>st</sup>**

**Committee on Fire and Emergency Management**, Remote Hearing Room – Virtual Room 1, 10 a.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) 964-4753

Facsimile (202) 964-5754