



This Week in New York

Covering New York State and City Government

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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 – State



Mother Cabrini Memorial Unveiled in Battery Park

Italian Missionary is Patron Saint of Immigrants

On Columbus Day, Governor Andrew Cuomo unveiled New York State's Mother Cabrini Memorial located in Battery Park City. Born in Lombardy, Italy, Mother Cabrini emigrated to New York at the direction of Pope Leo XIII to promote Italian-Americans. She founded 67 schools, hospitals and orphanages--an entire hospital education and social service system for the poor--including the eventual Cabrini Medical Center in Manhattan.

“...Today the lesson of Mother Cabrini is even more vital because of the difficulties that we are facing,” Governor Cuomo explained. “Saints are often forged in the crucible of adversity.”

Mother Cabrini was tested by seemingly insurmountable challenges. She was trying to help new immigrants who had no skills, no money and couldn't speak the language. She came to New York at the time of small pox, typhoid and tuberculosis - all deadly diseases for which there was no cure and there was little healthcare and there was stifling poverty. And she was in a new country - a woman, a nun and it was 1889. Women were not empowered, the traditional role of the nun was to serve the priests, and on top of it all, Italians were victims of intended discrimination.”

According Governor Cuomo, Mother Cabrini was sent to New York City by Pope Leo the XIII to help deal with the "Italian problem,"--rampant discrimination against Italians--including the 1891 New Orleans lynching of 11 Italians following their acquittal by trial.

“In this maelstrom that Mother Cabrini confronted...she broke the norm and she achieved great things. She overcame. Mother Cabrini said and I quote, ‘The world is poisoned with erroneous theories and needs to be taught sane doctrines. But it is difficult to strengthen what has become crooked.’ So true,” Governor Cuomo said.

Mother Cabrini was the youngest of 13 children, born in Lombardy in 1850, and before migrating to the United States, she took vows and founded the Missionary Sisters of the Sacred Heart, an order that served and schooled orphans. While in New York, Mother Cabrini taught at St. Joachim's parish, the Church of Our Lady of Pompeii, and the Transfiguration Catholic Church, as well as St. Rita of Cascia in The Bronx and the Church of St. Stephen in Brooklyn. She also founded the Columbus Hospital, which was eventually renamed the Cabrini Medical Center and was housed in Manhattan until 2008.

In 1946, nearly 30 years after her death, Mother Cabrini became the first naturalized U.S. citizen to be canonized. She is recognized as the patron saint of immigrants.

The Memorial was unveiled one year after the Governor first announced plans for its creation on Columbus Day of last year.



Independent Review of Court System Brings Recommendations to Advance Equal Justice in New York Courts

The Office of Court Administration this week released the results of an independent review of New York State Courts' policies, practices, rules and programs in relation to racial and other bias. In his role as Special Adviser on Equal Justice in the Courts, former U.S. Secretary of Homeland Security Jeh Johnson presented a set of recommendations aimed at advancing diversity and inclusion within the court system and ensuring equal justice under the law.

Chief Justice Janet DiFiore, who commissioned the review, accepted the recommendations including the assignment of an independent monitor to evaluate and report on the court system's implementation of the recommendations. She appointed Alphonso David, former counsel to Governor Andrew Cuomo, to take on that role. Mr. David is currently President of the Human Rights Campaign.

The recommendations presented by Secretary Johnson center on operational issues within the court system's authority including:

- Calling on the courts' leadership to embrace a robust "zero tolerance" discrimination policy that specifically addresses racial bias, supported by enhanced efforts to raise awareness about the courts' discrimination policy among court employees, court users and the public.
- Developing and mandating comprehensive bias training—with a strong focus on implicit bias, racial bias and cultural sensitivity—for judges and non-judicial employees alike.
- Incorporating a segment on implicit bias in the orientation video shown to jurors; creating and implementing new rules to allow for the questioning of prospective jurors about implicit bias; and developing and adopting jury instructions that explain the concept of implicit bias and remind jurors to be aware of their own implicit biases.

- Implementing a policy that provides clear restrictions regarding employees' use of social media—whether in an official or personal capacity—for racially or culturally offensive remarks that reflect poorly on the court system and undermine public trust in the Judiciary.
- Initiating best practices to strengthen the court system's mechanisms for making bias complaints, and raising awareness among court employees, litigants and other court users about the procedures in place to lodge a bias complaint.
- Evaluating proposed legislation, regulations and rules pertaining to the New York State Judiciary for any potential bias or disparate impact on people of color.
- Continuing to advance the courts' interpretation and translation services.
- Enhancing human resources practices to improve diversity and inclusion within the court system workforce.

The recommendations issued by Secretary Johnson were based on several hundred interviews with current and former New York State judges, court clerks, court officers, court attorneys and administrative personnel, as well as private legal practitioners, public defenders and prosecutors, and court observers. Secretary Johnson and his team also consulted numerous judicial associations, bar associations, court employee unions, court reform organizations and affinity groups.

Former Secretary Johnson, a partner at Paul, Weiss, Rifkind, Wharton & Garrison, LLP, was assisted in this effort by colleagues at his law firm, as well as Professor Harold Goldstein, an industrial psychologist at Baruch College. The full report is available [here](#).

In the News – City



New York City Releases Winter Outdoor Dining Guidance

Mayor Bill de Blasio joined the Department of Buildings (DOB), Department of Transportation (DOT), and the Fire Department of New York (FDNY) this week to release guidance for city restaurants planning to stay open and serve customers outdoors with heating devices this fall and winter. The Mayor indicated that each agency has focused on streamlining the permitting processes to make installing outdoor heating options as easy as possible for businesses, while ensuring strict adherence to safety protocols.

Participants in the Open Restaurants program interested in providing comfort heating for their customers in outdoor dining areas have three options:

- **Electric radiant heaters** will be allowed in sidewalk and roadway seating setups. Full guidance from the Department of Buildings may be found [here](#).
- **Natural gas radiant heaters** will be allowed on the sidewalk only. Full guidance from the Department of Buildings may be found [here](#). Natural gas radiant heaters must also comply with the Fire Code.

- **Portable heaters fueled by propane** will be allowed on the sidewalk only. Propane heating will be regulated by the Fire Department, with requirements for safe handling, use and storage. Full guidance from the Fire Department may be found [here](#).

According to the Mayor, food service establishments with private outdoor dining spaces may use heating devices subject to the applicable guidance from FDNY and/or DOB.

In September, Mayor de Blasio announced the City's [Open Restaurants](#) program will be extended year-round and made permanent. The program has enrolled more than 10,500 establishments since its inception in June. All restaurants must abide by state restrictions on operating in COVID hotspots. Business owners should consult www.NYC.Gov/CovidZone for more information.



Comptroller DiNapoli: MTA Faces Worst Financial Crisis in History

The Metropolitan Transportation Authority (MTA) is facing the greatest crisis in its long history, with few viable options to avoid cuts in service and staff, additional fare hikes and long-lasting damage that could impair regional transit for decades, according to New York State Comptroller Thomas DiNapoli's [annual report on the MTA's finances](#).

“The MTA’s financial condition is dire,” DiNapoli said. “With ridership down, debt burden rising and no additional help likely from New York state or New York City, the MTA desperately needs an influx of federal funds or unheard of service cuts and workforce reductions will happen. Failure to fund the MTA now could disrupt maintenance and repairs and increase the MTA’s debt to suffocating levels that could take multiple generations to recover from. More than a reliable subway or commuter train ride is at stake...”

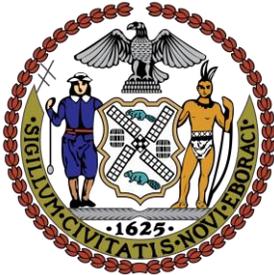
According to the Comptroller, the MTA was already in difficult financial straits before the COVID-19 pandemic struck. According to the MTA’s [July Financial Plan](#) the authority projects deficits of: \$3.4 billion in 2020, \$6.3 billion in 2021, \$3.8 billion in 2022, \$2.8 billion in 2023 and \$3.1 billion in 2024. The 2021 budget gap is more than half (53 percent) of the MTA’s annual projected revenue.

Even after implementation of the MTA’s gap-closing program, which includes significant staffing reductions through attrition in its transformation plan, the gaps total more than \$12 billion over the next four years.

If there is no additional federal support, the MTA may have to turn to even more borrowing, which DiNapoli said should be a desperate choice of last resort. The state has given permission for the agency to issue \$10 billion in debt to cover revenue shortfalls and pay for costs due to the pandemic. If

the MTA borrowed \$10 billion as allowed by the state, debt service could rise by \$675 million annually starting in 2023, bringing it to more than a quarter of every dollar of revenue.

The MTA's \$54.8 billion capital plan for 2020-2024 – along with the revenue it would generate for suppliers and the construction industry – remain at risk with the plan halted and capital funding being reallocated to cover operations.



Bills Approved by the City Council

Int. No. 1608-A, sponsored by Council Member Ydanis Rodriguez, would require the NYC Taxi and Limousine Commission (TLC) to evaluate the character, honesty and integrity of taxicab brokers, agents and licensees when they submit a new license application or when they submit an application to renew an existing license. The commission would be authorized to refuse to issue or renew a license upon a finding that an applicant lacks good character, honesty and integrity. This bill would go into effect 180 days after becoming law.

Int. No. 1610-A, sponsored by Council Member Ritchie J. Torres, would require the creation of an Office of Financial Stability within the NYC Taxi and Limousine Commission (TLC). This bill would go into effect 120 days after becoming law.

Int. No. 1584-A, sponsored by Council Member Adrienne E. Adams, would require any person with an interest in a taxi license to make annual financial disclosures to the Taxi and Limousine Commission (TLC). Required disclosures would include information about income from and expenses related to each taxi license, any loans secured by a taxi license and any other interests the person filing the disclosure has in any taxi, livery, or for-hire vehicle business. This bill would go into effect 120 days after becoming law.

Int. No. 2127-A, sponsored by Council Member Antonio Reynoso, would extend the expiration of the City's current outdoor dining program until September 30, 2021. That program would then be replaced by a permanent program to allow for the use of roadway seating as outdoor dining areas. The bill would permanently also allow the use of portable propane heaters in outdoor dining areas, subject to guidelines issued by the New York City Fire Department (FDNY).

Int. No. 2030, sponsored by Council Member Margaret Chin, would increase the maximum income threshold for eligibility in both the Senior Citizen Rent Increase Exemption and the Disability Rent Increase Exemption programs. The bill is retroactive and would extend the current qualifying maximum level of income through June 30, 2022.

Int. No. 2093, sponsored by Council Member Robert E. Cornegy Jr., would amend the expiration date of the New York City Rent Stabilization Law to provide for a housing and vacancy survey (HVS) conducted in partnership with the United States Census Bureau. This bill would go into effect immediately.

Briefs

Federal Court Considers the Diocese of Brooklyn’s COVID-19 Cluster Lawsuit Against Governor Cuomo

Federal Judge Nicholas Garaufis granted the Roman Catholic Diocese of Brooklyn’s request for an expedited hearing of its request for a preliminary injunction against Governor Andrew Cuomo’s new restrictions on religious gatherings. The Judge began hearing arguments yesterday in the case which seeks to re-open 28 Brooklyn and Queens churches located in the COVID-19 red and orange zones.

At Thursday’s hearing, Judge Garaufis heard arguments detailing the COVID-19 safety protocols employed by the Diocese, as well as the adverse impacts that the earlier closure had on the Diocese and its parishes. Testimony included experts affirming that there have been no known cases of COVID-19 stemming from the diocese.

Judge Garaufis directed representatives of the State to submit a declaration today which addresses the issue of how the State will revise the limitation on religious worship in the zone if the COVID-19 condition of the area improves. Representatives of the Diocese may then submit a brief in response.

On Friday, the State submitted additional documents to the court, including a declaration from State Health Commissioner Dr. Howard Zucker. According to Dr. Zucker, “With respect any easing of restrictions in the Red Zone, the Department, the Governor’s team, and the Task Force will continue to monitor and assess the current decreasing trend in that zone to ensure that it sustained downward trend. Upon this review, if the operation is successful, the designation of a Red Zone may be modified or lifted all together.”

At today’s COVID-19 briefing, Governor released the below information with respect to the Brooklyn Red Zone:

FOCUS ZONE	9/27-10/3 % Positive	10/4-10/10 % Positive	Week to Date (10/11 - 10/15) % Positive	Day Prior (10/14) % Positive	Yesterday (10/15) % Positive
Brooklyn red-zone focus area % positive	6.69%	5.86%	5.47%	4.75%	5.47%

The decision by Governor Cuomo to reduce capacity at churches in the red and orange zones was announced last week without prior notification. The Diocese of Brooklyn immediately filed a lawsuit against this Executive Order on the grounds of religious freedom. The Diocese has also highlighted the safety protocols established since churches reopened on July 4th weekend which have effectively prevented the spread of the Coronavirus in their parishes.

At time of publication, no ruling had been made by the court.

New York Wins Border Crossing Suit Against DHS

A federal court this week ruled in favor of New York State in relation to the Trump administration's prohibition on New Yorkers enrolling in expedited border crossing programs.

The Department of Homeland Security imposed the prohibition in February, saying that New York's new law allowing undocumented immigrants to obtain driver's licenses made it impossible to properly vet applicants to the programs. The ban was rescinded in July.

In the opinion released on Tuesday, Southern District of New York Judge Jesse Furman wrote that the federal decision was "unlawful" from the get-go and that it should be vacated to "ensure that it cannot be reinstated."

"The decision was plainly arbitrary and capricious," he wrote. "As Defendants belatedly acknowledged ... 'several states, the District of Columbia, and a territory . . . do not currently provide access to driving history information, including driving-related criminal histories ... Nevertheless, [Customs and Border Protection] has continued to accept, vet, and, where appropriate, approve [Trusted Traveller Program] applications from these states and territories.'"

"Making matters worse, when forced by Plaintiffs to defend their decision in court, Defendants initially did so by repeating their misleading, if not false, representations, in some instances under oath," he added.

Judge Furman also gave the state and federal governments a week to "confer and submit a joint letter addressing whether there is a need or basis for other remedies and, if there is a disagreement on the issue, proposing a procedure to resolve it."

New York Designates Juneteenth as an Official Public Holiday

Governor Andrew Cuomo this week signed into law legislation (S.8598/A.10628) designating Juneteenth as an official public holiday in New York State.

Juneteenth commemorates June 19, 1865, when the news of liberation came to Texas more than two years after President Abraham Lincoln's Emancipation Proclamation went into effect on January 1, 1863. African Americans across the state were made aware of their right to freedom on this day when Major General Gordon Granger arrived in Galveston with federal troops to read General Order No. 3 announcing the end of the Civil War and that all enslaved were now free. Earlier this year, Governor Cuomo issued an Executive Order recognizing Juneteenth as a holiday for New York State employees.

Governor to Withhold Aid from Localities That Do Not Enforce COVID-19 Restrictions

Governor Andrew Cuomo this week announced that New York State will withhold funds for localities and schools in COVID-19 cluster zones that fail to enforce public health laws. The New York State Department of Health will send a letter warning local governments in cluster zones that they will lose state funding if they fail to enforce state limits on gatherings and the closure of schools. The letter will be sent to New York City, Orange County, Rockland County, the Town of Ramapo and the Village of Spring Valley.

Governor Cuomo also announced that DOH will send an additional letter warning public and private schools in cluster zones that they will lose state funding if they do not comply with state requirements on closure and testing.

Comptroller DiNapoli Audit Shows Lapse in State Oversight of School Bus Safety

The State Education Department must do more to ensure that school districts hire qualified transportation staff and school bus drivers, and that transportation employees receive required safety training, according to an audit released by state Comptroller Thomas DiNapoli's office.

The audit, which covered July 2016 to June 2019, found a significant amount of missing documentation regarding required training for safety as well as discrimination and harassment. The report indicated that a lack of communication among state education officials, the Pupil Transportation Safety Institute (PTSI), which provides the training courses, and school districts and busing contractors resulted in an unclear understanding of state requirements.

According to Education Department officials, the department was already in the process of taking some of the steps recommended by DiNapoli's office when the review was being conducted, but education officials are looking at ways to improve outreach to districts and bus contractors on these issues.

NYS Department of Financial Services Calls for Regulation of Social Media After Twitter Hack Investigation

The New York State Department of Financial Services (DFS) this week called for the regulation of social media following an investigation into the July 15, 2020 hack into the Twitter accounts of cryptocurrency firms and well-known public figures. DFS found that Twitter lacked adequate cybersecurity protections and, at the time of the attack, did not have a chief information security officer. The report recommends a new cybersecurity regulatory framework for giant social media companies.

DFS noted that its regulated cryptocurrency companies, Coinbase, Square, Gemini Trust Company, and Bitstamp responded quickly to block attempted transfers to the Bitcoin addresses the fraudsters used. The report can be accessed [here](#).

Empire State Plaza Ice Rink Will Not Open Due to COVID-19

New York State Office of General Services (OGS) Commissioner RoAnn Destito this week announced that the Empire State Plaza ice skating season and annual holiday tree-lighting and fireworks will not be held this year due to the ongoing COVID-19 pandemic.

The Commissioner also announced that the State is seeking two New York State spruce trees to be displayed in front of the Capitol this holiday season. The tree should be a spruce between 35 and 55 feet tall, easily accessible on the property, and clear of power lines. Proximity to the Capital Region is ideal. Please contact Kevin Ciampi at OGS at (518) 474-8860 or emailing Kevin.Ciampi@ogs.ny.gov and include your name, address where the tree is located, and a contact phone number.

Chirlane McCray Will Not Run for Brooklyn President

New York City first lady Chirlane McCray will not run for Brooklyn Borough President, indicating she will spend the remainder of de Blasio's mayoral term helping New Yorkers recover from the COVID-19 pandemic.

"My priority is to see this thing through," Ms. McCray said. "My focus is on the work I'm doing right now"

Candidates now seeking to become borough president include Council Members Robert Cornegy and Antonio Reynoso and Assemblywoman Joann Simon.



I ♥ NY. Foliage

Beautiful fall colors continue to appear across New York State, with gorgeous peak leaves expected in most upstate regions this weekend, according to volunteer observers for Empire State Development's I LOVE NY program.

Election Day, November 3rd

[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

Wednesday, October 21st

Giving the arts and cultural community the opportunity to highlight the important contributions that cultural organizations make to New York's economy and how those contributions have been impacted by the Covid-19 pandemic

Senator Cultural Affairs, Tourism and Parks & Recreation Committee, Remote Hearing, 10 a.m.

Friday, October 23rd

New York State Department of Transportation Capital Program in Upstate New York

Assembly Transportation Committee, Remote Hearing, 10 a.m.

New York City

Monday, October 19th

Committee on Fire and Emergency Management, Remote Hearing (Virtual Room 1) 10 a.m.

Committee on Veterans, Remote Hearing (Virtual Room 3), 1 p.m.

Tuesday, October 20th

Committee on Cultural Affairs, Libraries and International Intergroup Relations, Remote Hearing (Virtual Room 1), 10 a.m.

Wednesday, October 21st

Committees on Criminal Justice, Justice System, General Welfare, Public Housing and Housing and Buildings, Remote Hearing (Virtual Room 2), 1 p.m.

Thursday, October 22nd

Committees on Governmental Operations, Contracts, & Economic Development, Remote Hearing (Virtual Room 1), 10 a.m.

Subcommittee on Zoning and Franchises, Remote Hearing (Virtual Room 3), 10 a.m.

Committee on Parks and Recreation, Remote Hearing (Virtual Room 2), 1 p.m.

Friday, October 23rd

Committee on Civil and Human Rights, Remote Hearing (Virtual Room 1), 10 a.m.

Committees on Education & Mental Health, Disabilities & Addiction, Remote Hearing (Virtual Room 2), 10 a.m.

**“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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