



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

November 19, 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



Promises Made, Promises Kept: President Biden Signs Bipartisan \$1.2 Trillion National Infrastructure Bill

NYS Slated to Receive \$170 Billion

President Joe Biden on Monday signed the Infrastructure Investment and Jobs Act into law, fulfilling an important campaign promise to finally address the country’s aging and crumbling infrastructure.

The Infrastructure Bill will provide the necessary funds to address long-stalled infrastructure projects such as the Gateway Project that will establish a new connection between New York and New Jersey under the Hudson River. Construction is scheduled to start in August 2023, according to the bi-state Gateway Development Corporation. It will be the largest infrastructure project in the United States. The legislation also contains \$66 billion for Amtrak to help repair and modernize Amtrak’s Northeast Corridor.

In addition, the Infrastructure Bill sets aside \$20 billion in brand new transit funding for the New York area, including \$3.5 billion in federal formula funding over five years. United States Senate Majority Leader Chuck Schumer said that the new funding will be used to extend the Second Avenue subway into East Harlem, complete the Penn Access Plan which will add four new Metro-North commuter rail stations in the East Bronx and finally repair two East River rail tunnels that were damaged during Superstorm Sandy in 2012.

Public housing across the country will receive an infusion of \$65 billion. It is expected that the New York City Housing Authority (“NYCHA”) will get a significant portion of those funds. It is estimated that NYCHA has more than \$40 billion repair backlog.

According to the Majority Leader, highlights of the funding bill include:

Highway Funding:

Specifically for New York:

- \$11.5 billion for roads and bridges.
- \$142 million for electrical vehicle charging infrastructure.
- \$1.9 billion from a new vehicular bridge repair formula program.

Airport funding: \$937,030,865

- John K. Kennedy — \$294,682,575
- La Guardia — \$ 150,008,970
- Long Island MacArthur — \$21,595,630
- Albany — \$26.8 million

Rail Funding: \$59 billion

Water contaminants:

- \$15 billion carve out within the Drinking Water State Revolving Fund to replace lead service lines.
- \$10 billion in grants to address emerging contaminants.

Electric Vehicle Infrastructure:

- \$7.5 billion to build out a national network of electric vehicle chargers.
- \$5 billion will be dedicated to replacing public transportation like buses with zero-emission vehicles, including electric school buses.

Closes federal loopholes on limo safety:

- Establish a program to provide funding for states to impound unsafe vehicles.
- Mandate that the Department of Transportation (DOT) establish a mandatory annual inspection regime.
- Conduct formal research and rulemaking on limo side-impact protection, roof crush assistance, and airbag systems.
- Conduct formal research and rulemaking on how to evacuate limo passengers more easily and safely in emergency situations.
- Mandate limo operators conspicuously share their vehicle inspection history with prospective customers.
- Create a formal definition of a limousine in federal statute, making it easier to create safety standards for this type of vehicle.



Governor Hochul Unveils Vision for NYC's Comeback, Including Resolution to Bring Workers Back to the Office after New Years

Governor Kathy Hochul this week called upon the City's business leaders to bring employees back to work after the New Year as part of her vision for New York City's comeback.

Speaking at a breakfast hosted by the Association for a Better New York, Governor Hochul proposed, "... how about this New Year's resolution? That in the days after New Year's, that we say "everybody back in the office" - you can have a flex time, but we need you back, at least the majority of the week, come on back, New Yorkers, we miss you."

In addition, Governor Hochul committed to complete the Second Avenue Subway expansion, advance plans for the Cross-Bronx Parkway, and push for the swift transition to the use of electric vehicles in New York State. She also announced a State University of New York and City University of New York Scholarship Program, called the "Nurses For Our Future Scholarship", that will cover tuition for 1,000 new healthcare workers to get degrees at SUNY and CUNY.



Chapters of the Laws of 2021

Chapter 613 -- Sponsored by M of A Wallace/Senator Kennedy -- Establishes guidelines for the procurement and application of industrial paints and industrial coatings.

Chapter 615 -- Sponsored by M of A Aubry/Senator Parker -- Directs the President of the State Civil Service Commission to publish reports annually relating to diversity within state government.

Chapter 616 -- Sponsored by M of A Cruz/Senator Bailey -- Streamlines the assignment of appellate counsel for indigent criminal defendants.

Chapter 622 -- Sponsored by Senator Ramos/M of A Rozic -- Requires the New York State Workers' Compensation Board ("the Board") to provide translations of all documents and forms used by or issued to injured employees in the ten most common non-English languages spoken by individuals with limited-English proficiency.

Chapter 624 -- Sponsored by Senator Sepulveda/M of A Reyes -- Directs the President of the State Civil Service Commission to conduct a study on the current civil service examination process.

Chapter 625 -- Sponsored by Senator Breslin/M of A Cahill -- Increases the rates for pilotage on the Hudson River for the years 2021 and 2022 by two percent each year.

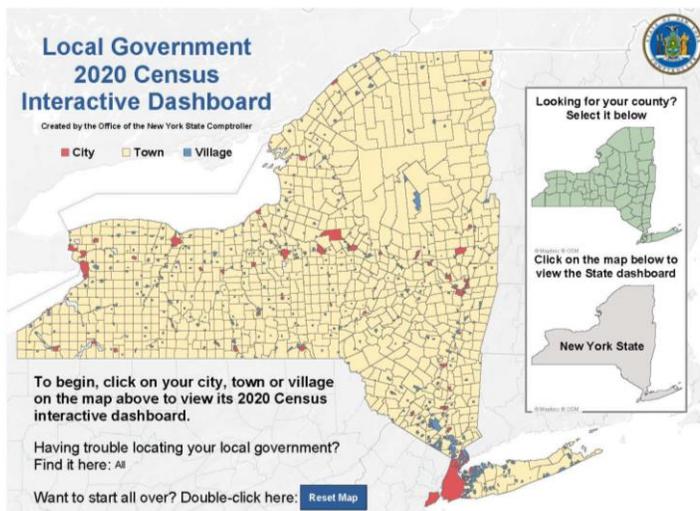
Chapter 628 -- Sponsored by Senator May/M of A Burdick – Grants the State of New York Mortgage Agency the authority to (i) purchase mortgages loans from a broader pool of non-depository lenders, (ii) purchase mortgages secured by new construction loans, limited to manufactured and modular homes, and (iii) modify its mortgages to assist financially distressed homeowners.

Chapter 629 -- Sponsored by M of A Gottfried/M of A Ramos -- Relates to confidentiality of records in proceedings to vacate convictions for offenses resulting from sex trafficking, labor trafficking and compelling prostitution.



Comptroller DiNapoli Releases Interactive Map of Local Census Results

New York State Comptroller Thomas DiNapoli yesterday released [a report](#) tracking New York's local demographic changes based on 2020 Census data and [an interactive online map](#), providing a snapshot of New York state's population, which totaled more than 20.2 million in 2020, up 4.1% since 2010.



The state's overall population growth was largely driven by the New York City metropolitan area. The City experienced a 7.7% increase. The population in the Mid-Hudson region grew 4.7% to nearly 2.4 million, the largest percentage increase of any region outside of New York City. Long Island, the state's second-most populated region, increased by 3.1% from 2010 to over 2.9 million people. Conversely, the Southern Tier had the largest percentage decrease at 3%, closely followed by the North Country and Mohawk Valley, with declines of 2.9% and 2.2%, respectively.

Overall, cities outside New York City grew for the first time since 1960, up 2% to total 2.3 million people in 2020, though fewer than half experienced population growth. Towns grew by 1.7%, totaling 9.1 million residents, reflecting the slowest growth in towns in decades. The number of people living in villages also grew, but only by 1.1%.

Other findings in the report:

- Nearly all the state's largest cities outside New York City (11 out of 12) experienced growth between 2010 and 2020, increasing by a total of 4%. Mount Vernon's population grew the fastest at 9.8%. Buffalo added the most people (17,039) – an increase of 6.5% – after losing more than half its population from 1950 to 2010. Yonkers grew by 8%, passing Rochester as the state's third largest city. Almost all of the state's smallest cities (10 out of 12) shrank, declining by 3.9%.

- The share of the population reported as white decreased in all classes of local governments. In cities outside of New York City, this group decreased by nearly 12% between 2010 and 2020 and now accounts for just under 51% of the aggregate population.
- Outside of New York City, the number of Black people increased in all classes of local government, with towns experiencing the largest increase, at 9.3 percent. People that identify as Hispanic or Latino increased by almost 28% in cities and villages and 38% in towns. The Asian American population also had significant double-digit growth in all classes of local government.

In the News – City



Despite Federal Funding, MTA Still Looking for Cash

As the Metropolitan Transportation Authority (MTA) Board prepares to approve the Authority's 2022 budget, MTA officials warned that fare increases and borrowing will be necessary to balance the Authority's budget through 2025.

"We really still are structurally out of balance, and we have to look at those hard, ugly choices of things that may have to be done. The federal funds are a godsend, but they're a bridge to the future," MTA Chief Financial Officer Robert Foran said at the Board meeting on Wednesday. "The choices in front of us are not attractive, but we need to have reasonable and appropriate fare and toll increases."

As presented, the Plan's balanced bottom line is contingent on the implementation of proposed fare and toll increases in 2022, 2023 and 2025, which contribute a total of \$1.8 billion in revenue over the course of the Plan period. In 2025, almost \$1.4 billion of proceeds from borrowing via Federal Reserve's Municipal Liquidity Facility will be needed to close that year's budget gap.

The November projections include Governor Kathy Hochul's announcement that fare hikes would be delayed this year and the "service cuts that were planned for 2023 and 2024 are now off the table for MTA commuters." The plan also includes [the nearly \\$11 billion New York will receive in federal COVID-19 relief money for transit systems after reaching a deal last week with New Jersey and Connecticut.](#)

Despite the shortfall, the MTA noted that it is committed to honoring the terms of its existing contracts. A proposed two-year wage freeze was removed from the November Plan, and "MTA remains committed to negotiating affordable wage settlements with its unions." The MTA will continue to match service with ridership demand, based on long-established, Board-adopted, service guidelines.

The plan noted however, that "with expense growth, particularly labor expenses, consistently outpacing the additional revenue expected from proposed biennial fare and toll increases that average two percent per year," new and sustainable funding sources will be critical to surmounting the MTA's fiscal structural imbalance.

Briefs

Comptroller DiNapoli: Office of Children and Family Services Fails to Monitor Adult Protective Service Providers

The State Office of Children and Family Services (OCFS) is not adequately overseeing adult protective service providers to ensure they are handling cases properly, according to an [audit released this week](#) by State Comptroller Thomas DiNapoli.

Comptroller DiNapoli's audit found lack of agency oversight and a failure to ensure providers are doing their job to protect at-risk adults. According to the Comptroller, at a minimum, the State is supposed to review each provider every three to four years. But when auditors looked at a sample of 20 reviews, they found 13 (65%) were not done on time (they averaged 5.67 years) and one provider, which had been offering services in the city for seven years, had never been reviewed.

Every month OCFS receives an average of 2,500 referrals for help in New York City and 1,800 in the rest of the state. Referrals, which can come from anyone whether a family member, a neighbor or a bank employee, fell dramatically during the COVID-19 pandemic (March 2020–December 2020) to an average of 1,500 referrals a month each from the city and areas outside of it.

NYS to Provide \$1.5 Billion in Funding for Workers Who Directly Support Developmentally Disabled Individuals

Governor Kathy Hochul this week announced that the New York Office for People with Developmental Disabilities will provide over \$1.5 billion in one-time American Rescue Plan Act funding to support recruitment efforts, retention incentives, and vaccination bonuses for direct support professionals.

As approved by the federal Center for Medicaid Systems, OPWDD's plan targeted most of the funding to workforce initiatives, including payments to provide bonuses to DSPs and family care providers. OPWDD plans to invest the one-time ARPA funding in workforce improvements and incentives including:

- A "Heroes Fund" which will provide incentive payments to those DSPs who worked during the unprecedented pandemic with additional payments for those who received the COVID vaccine.
- Retention and longevity bonuses will make additional investments in the workforce by rewarding longevity and providing additional bonuses to staff who remain in the DSP workforce.
- Long-term recruitment and retention strategies which will be developed and tested with funding for projects that address the long-term stability of the workforce. Funding will be made available to incentivize credentialing and other strategies that build skills and competency of DSP workforce and front-line supervisors.

New York State Economy Added 41,300 Private Sector Jobs in October 2021

The Number of Private Sector Jobs in New York State Grew by 0.5% in October

According to preliminary figures released this week by the New York State Department of Labor, the number of private sector jobs in New York State increased by 41,300, or 0.5%, to 7,588,600 in October 2021. Similarly, the number of private sector jobs in the U.S. increased by 0.5% in October 2021.

New York State's private sector jobs (not seasonally adjusted) increased by 293,400, or 4.0%, over the year in October 2021. By comparison, the number of private sector jobs in the U.S. increased by 4.5% over the year. New York State's seasonally adjusted unemployment rate decreased from 7.1% to 6.9% in October 2021.

The number of private sector jobs in New York State is based on a payroll survey of 18,000 New York businesses conducted by the U.S. Department of Labor's Bureau of Labor Statistics (BLS). Monthly payroll employment estimates are preliminary and subject to revision as more complete data become available the following month. The BLS calculates New York State's unemployment rate based partly upon the results of the monthly Current Population Survey (CPS) of approximately 3,100 households in the State.

NYC's Right-to-Counsel Program Expansion Successful

The de Blasio Administration this week released its annual [Right to Counsel Progress Report for Fiscal Year 2021 \(FY21\)](#), which found that through the citywide implementation of the Right to Counsel program, 100 percent of tenants with calendared eviction cases had access to legal services, and 71 percent of tenants who appeared in Housing Court had full representation by attorneys – nearly double the pre-pandemic rate of 38 percent.

Established in 2017, New York City's Right to Counsel initiative provides free legal services, including representation, to tenants facing eviction in housing court. The data shows that majority of tenants who have City-funded legal representation are successful in their legal proceedings, with 84 percent of households represented by a Right to Counsel lawyer able to remain in their homes.

Coming Up

New York State

Monday, November 22nd

Maintaining Quality, Equity, and Affordability in Public Higher Education Throughout the Pandemic and Beyond, Senate Committee on Higher Education, Hearing Room A, Legislative Office Building 2nd Floor, Albany, 1 p.m.

The Impact of COVID-19 on Programs and Support Services for Older Adults and their Caregivers within the State, Assembly Committee on Aging, Hearing Room C, Legislative Office Building
2nd Floor, Albany, 10 a.m.

Tuesday, November 23rd

Metropolitan Transportation Authority (MTA) Capital Program Update, Assembly Committee on Corporations, Authorities and Commissions, Assembly Hearing Room, 250 Broadway, Room 1923
19th Floor, New York, 10 a.m.

New York City

Monday, November 22nd

Committee on Criminal Justice, Remote Hearing Room – Virtual Room 3, 10:30 a.m.
Oversight – Update on the Borough Based Jails.

Committee on Public Safety, Remote Hearing Room – Virtual Room 2, 10:30 a.m.

Committee on Small Business and Technology, Remote Hearing Room – Virtual Room 1, 11 a.m.

Tuesday, November 23rd

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

City Council, Council Chambers – City Hall, 1:30 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 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 19th Street NW
Washington, D.C. 20036**
Telephone (202) 964-4753
Facsimile (202) 964-5754