



This Week in New York

Covering New York State and City Government

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December 10, 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



Comptroller DiNapoli: As Drug Overdoses Climbed the State Failed to Inspect Residential Drug Treatment Programs

The State’s Office of Addiction Services and Supports (OASAS) failed to inspect and certify that residential drug treatment programs are safe and give proper treatment, both before and during the COVID pandemic, according to [an audit released](#) by State Comptroller Thomas DiNapoli.

“Skyrocketing substance abuse over the past 18 months has created an overwhelming need for addiction treatment and recovery services,” Comptroller DiNapoli explained. “The Office of Addiction Services and Supports was inadequately inspecting and certifying residential treatment programs even before that, but when the state hit pause on inspections at residential treatment facilities during the pandemic, it put patients’ safety, security and treatment at even greater risk.”

According to the Comptroller, OASAS is on the front line in addressing this crisis and responsible for providing, certifying and inspecting vital addiction services for more than 680,000 New Yorkers each year. Residential programs, which serve some 8,000 New Yorkers annually, can be certified for 6-month, 1-, 2- or 3-year periods and are subject to recertification following an inspection. Due to the State’s declared COVID-19 disaster emergency, the agency suspended all on-site recertification reviews. These reviews are unannounced inspections of safety conditions, patient records, staffing, and ability to meet reporting requirements.

The audit, which included reviews of data from April 2017 to February 2021, found that all 76 residential programs due for recertification during the audit period were overdue. Of these, 49 were more than a year past due before the pandemic. They remained uninspected for at least 15 months more during the emergency period.

As a result, 28 programs were one to two years overdue for recertification, another 16 were two to three years overdue, five were more than three years overdue, and two programs never got a recertification review.

OASAS General Counsel Tricia R. Schnell-Guy acknowledged the lack of recertification reviews identified by the Comptroller but noted that OASAS continued to conduct other required oversight.

“Although recertification review did not occur, OASAS respectfully disagrees with the inference that no oversight or monitoring of Part 819 programs occurred during the audit period. Recertification reviews are only one of several means of provider/program oversight employed by OASAS. OASAS also conducts regular interim regulatory compliance reviews, fiscal reviews, and examinations of the providers’ financial records. In addition, every year funded programs undergo Program Performance Reviews that evaluate performance and spending in the previous year, as well as assist in formulation of a budget for the upcoming year. Further, complaints and incidents reported to the Vulnerable Persons Central Registry (VPCR) are promptly addressed with all providers. Additionally, throughout the COVID-19 pandemic, OASAS increased its performance of desk reviews of all relevant, available information and if any of our monitoring revealed the health and safety of clients was potentially at risk, immediate on-site visits were conducted to assure the safety of individuals. Finally, we continued to use data to evaluate our providers and identify outliers that may need enhanced OASAS oversight,” she wrote in the audit response.



2022 State of the State Will Be Held in the Assembly Chamber in Albany on January 5th

Governor Kathy Hochul this week announced that the 2022 State of the State Address will be held in the New York State Assembly Chamber on Wednesday, January 5th. This will mark the first time in a decade that a sitting governor delivers a State of the State Address from inside the Assembly Chamber.

"Over the past four months we've taken major steps forward to address the challenges facing New Yorkers, from increasing our statewide vaccination rate to providing relief to struggling tenants and homeowners -- but there's more work to be done," Governor Hochul said. "I look forward to bringing the 2022 State of the State Address back to the New York State Assembly Chamber for the first time in a decade and to sharing my vision for the year to come with my legislative partners. Working together, I know New Yorkers can take on any challenge that comes our way."

According to the Governor’s office, COVID-19 precautions will be strictly observed, and specific protocols will be announced prior to the event. Information about guest seating and overflow areas will be “shared soon.” In addition, guests are reminded that bags, backpacks, luggage, parcels, briefcases and like articles will be strictly prohibited from the event, as will be weapons and controlled substances.

In the News – City



Mayor de Blasio Announces Vaccine Mandate for Private Sector Workers

Mayor Bill de Blasio this week announced a vaccine mandate for private-sector workers and major expansions to the *Key to NYC* program, the City's vaccination mandate for workers and customers at indoor dining, fitness, entertainment, and performance venues.

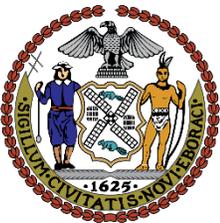
The private-sector mandate, which will take effect on December 27th, will apply to roughly 184,000 businesses.

Starting December 14th, the *Key to NYC* program will require children aged 5-11 to show proof of one vaccination dose for those venues. Starting December 27th, New Yorkers aged 12 and older will be required to show proof of two vaccine doses, instead of one, except for those who have received the Johnson & Johnson vaccine.

Finally, the Mayor announced 5-11-year-old children will be required to get vaccinated to participate in high-risk extracurricular activities. These activities include sports, band, orchestra, and dance. This requirement for the initial vaccine dose will take effect on December 14th.

According to the Mayor, the City will issue additional enforcement and reasonable accommodation guidance for the private sector mandate on December 15th, along with additional resources to support small businesses with implementation.

Acceptable proof of vaccination includes a CDC issued vaccination card, the New York State Excelsior Pass, the Clear Health Pass, and the NYC COVID Safe App.



New York City Council Will Pass Bill Forcing Buildings to go Electric

The New York City Council this week reached a deal with various stakeholders on legislation to ban the use of gas in new buildings and requires the buildings to use electricity-powered heat and hot water systems.

Under Intro 2317-A, sponsored by outgoing City Council Member Alicka Ampry-Samuel, new buildings shorter than seven stories must go electric on January 1, 2024, and taller buildings must meet the mandate after July 1, 2027. Projects approved before those respective dates will be exempt from the mandates.

The legislation permits the burning of some fossil fuel in new buildings but not for heat and hot water. It will permit the combustion of 25 kilograms of carbon dioxide per million British thermal units of energy or more if it is not connected to the building's heat or hot water systems. The bill will not apply to renovations of construction projects.

Supporters of the legislation argue that it is necessary to achieve New York City's goal of cutting carbon emissions 40 percent by 2030. The City Council is pushing to pass Intro 2317-A as soon as next week.

The bill continues to have opposition, including members of organized labor unions. Opponents believe that the legislation will result in higher fuels costs and significant job losses for the trades that work to install natural gas systems.

Critics of the bill argue that reliable electric systems that provide buildings with heat and hot water will not be readily available by January 1, 2024 and July 1, 2027 for both short and large buildings. They assert this bill should be tabled to find a more workable solution to meet the City's goal of cutting carbon emissions while utilizing natural gas as a transitory fuel as more sustainable forms of energy become more reliable and cost-effective.

Briefs

SUNY Chancellor to Resign

SUNY Chancellor James Malatras resigned Thursday morning effective January 14th.

"The recent events surrounding me over the past week have become a distraction over the important work that needs to be accomplished as SUNY emerges from COVID-19," Chancellor Malatras wrote in a letter to SUNY Board of Trustees Chairman Merryl Tisch. "I believe deeply in an individual's ability to evolve, change, and grow, but I also believe deeply in SUNY and would never want to be an impediment to its success therefore please accept my resignation effective January 14, 2022 as SUNY's Chancellor."

The SUNY Board of Trustees held an emergency meeting at noon on Thursday but did not appoint an interim Chancellor.

NYS Receives Federal Approval to Launch Homeowner Assistance Fund

Governor Kathy Hochul this week announced that New York State is the first state in the nation to receive U.S. Department of the Treasury's approval to launch its Homeowner Assistance Fund. The program will provide up to \$539 million to help eligible homeowners avert mortgage delinquency, default, foreclosure, and displacement. Applications will be accepted beginning January 3, 2022.

Information on the program including eligibility, necessary documentation, and detailed information regarding the application is available at nyhomeownerfund.org. Applications will be processed in the order received.

SUNY Rockefeller Institute Tracks Local Adult Use Cannabis Participation Ahead of December 31st Deadline For Opt-Out Laws

SUNY's Rockefeller Institute of Government recently launched the marijuana opt-out tracker, a database which tracks whether a municipality has declined to participate in the State Audit Use Cannabis program. Localities have until December 31st to decline participation in the State program. Failure to opt-out before the cutoff date will automatically enter a municipality into the retail market.

Localities may opt-out of housing cannabis dispensaries and on-site consumption lounges. The actions have no impact on the legality of possession and use of cannabis across the state. Localities that have opted out, may opt in at a later date.

According to the Rockefeller Institute, the searchable database will be updated on a rolling basis based upon available meeting minutes, news articles, legal notices, and local laws.

Attorney General James Delivers Up to \$200 Million to Help New York Combat Opioid Crisis, Allergan Agrees Not to Sell Opioids

New York Attorney General Letitia James this week announced an agreement with opioid manufacturer Allergan Finance, LLC and its affiliates that would deliver up to \$200 million to New York state to help combat the opioid crisis. In addition, the agreement makes a bar stopping Allergan and all of its subsidiaries, predecessors, and successors from selling opioids in New York enforceable.

The agreement resolves claims brought by Attorney General James and Allergan will be removed from New York's ongoing opioid trial, currently underway in Suffolk County State Supreme Court.

Mayor-Elect Adams Taps David Banks as NYC School Chancellor

Mayor-elect Eric Adams yesterday announced David C. Banks as Chancellor of the New York City Department of Education. Mr. Banks is President and CEO of The Eagle Academy Foundation.

A product of New York City public schools, Banks began his career in 1986 as a teacher at PS 167 in Crown Heights. After working as an Assistant Principal at PS 191, he co-founded the Bronx School of Law, Government, and Justice.

In 2004, he founded the Eagle Academy, a network of district schools that serve low-income Black and Latino boys in grades six through 12. The schools have a campus in each borough.

“As Chancellor, David will work tirelessly to implement my vision for a school system where every child is given the opportunity to succeed, regardless of zip code; where educators take a whole-child approach, instead of reducing students to a test score; where students with the learning disabilities

get the support and resources they have been denied for too long; and where we finally recognize that education should be pregnancy to profession, not cradle to career. We are ready to get to work on behalf of our children on Day 1,” the Mayor-Elect said.

Mr. Banks is a graduate of Rutgers University in New Brunswick, New Jersey and received his Juris Doctorate from St. John’s University School of Law.

He will succeed current chancellor Meisha Porter, who will become the CEO of the Bronx Community Foundation.

Coming Up

New York State

Monday, December 13th

Gateway Program Update

Assembly Standing Committee on Corporations, Authorities and Commissions
Assembly Hearing Room, 250 Broadway, Room 1923, 19th Floor, New York, 10 a.m.

To Examine the Overall Impact and Implementation of the Enacted 2021-2022 State Budget as it Relates to Direct and Indirect Funding of Workforce Development Programs Administered and/or Funded by Various State Entities

Assembly Committees on Economic Development, Job Creation, Commerce & Industry, Higher Education, Labor, and Small Business & Assembly Commission on Skill Development and Career Education
Hamilton Hearing Room B, Legislative Office Building, 2nd Floor, Albany, 11 a.m.

Tuesday, December 14th

Homelessness in New York State

Assembly Standing Committee on Social Services
Assembly Hearing Room, 250 Broadway, Room 1923, 19th Floor, New York, 10 a.m.

Thursday, December 16th

Cannabis Control Board Meeting, Virtual Meeting: <https://cannabis.ny.gov/cannabis-control-board-meetings>, 1 p.m.

New York City

Monday, December 13th

Committee on Civil Service and Labor, Council Chambers – City Hall, 10 a.m.
Oversight – COVID-19 Safety Protocols in the Workplace.

Committee on Cultural Affairs, Libraries, and International Intergroup Relations, Committee Room – City Hall, 10 a.m.

Oversight – The New York City Public Libraries – Updates and COVID-19 Recovery.

Tuesday, December 14th

Committee on Immigration, Council Chambers – City Hall, 10 a.m.

Oversight – Supporting Low-Wage Immigrant Workers in a COVID-19 Recovery.

“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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