



# 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 – New York State

### JFK Airport’s \$9.5 Billion World-Class International Terminal

The Port Authority of New York and New Jersey reached a revised agreement with The New Terminal One (NTO) - a consortium of financial sponsors - to build a \$9.5 billion new international terminal that will anchor the south side of John F. Kennedy International Airport.

The 2.4 million square foot project will be built in phases and will create more than 10,000 jobs. When completed, The New Terminal One will be the largest international terminal at JFK.

The Port Authority Board of Commissioners approved the lease agreement at its meeting this Thursday. The full cost of the terminal will be privately financed by the NTO consortium which includes financial partners Carlyle, JLC Infrastructure, and Ullico. A joint venture of Munich Airport International and CAG Holdings is the operating and technical services partner to the consortium.

The New Terminal One will be built on the sites of the current Terminal 1 and Terminal 2, and the site of the former Terminal 3 which was demolished in 2013.



Terminal 1 Departures Hall

Construction of the new terminal is scheduled to begin in mid-2022 with completion anticipated in 2030. The first phase, including the new arrivals and departures hall and first set of new gates, is expected to open in 2026. The New Terminal One will ultimately have 23 new gates.

NTO is a private consortium comprised of Carlyle, JLC Infrastructure (formed in 2015 by Loop Capital and Magic Johnson Enterprises), and Ullico (the only labor-owned insurance and investment company), and is supported by Reach Airports, a joint venture between Munich Airport International and CAG Holdings. NTO selected a design build team, led by AECOM Tishman, and Gensler, a design and architecture firm.

Plans for The New Terminal One build upon JFK's other redevelopment projects. The \$3.9 billion development of a new Terminal 6, to be built by JFK Millennium Partners, on the airport's north side that will connect with JetBlue's existing Terminal 5 was approved by the Port Authority Board of Commissioners in August. The \$1.5 billion expansion of Terminal 4, led by Delta and JFK International Air Terminal, was approved in the spring and broke ground earlier this week. Also, work began in December 2019 on the \$425 million expansion of JFK's Terminal 8, including American Airlines and British Airways.



## COVID-19 Pandemic Drove Record Medicaid Enrollment in 2021

A record number of New Yorkers relied on Medicaid for health care in 2021, with monthly enrollment exceeding seven million for the first time, according to [a new report](#) by New York State Comptroller Thomas DiNapoli.

While enrollment has grown by about 5% per year over the last 15 years, increasing from about one in seven New Yorkers in 1998 to one in three in 2021, state budget projections rely on expectations for significant enrollment declines that may not materialize, the Comptroller explained.

“Federal and state Medicaid policy changes over the past decade have contributed to a steep decline in the number of New Yorkers without health care coverage, ranking New York eighth lowest in the United States for uninsured residents. This is good news,” Comptroller DiNapoli said. “However, if current enrollment trends continue, the state could face billions of dollars in unbudgeted costs. State policymakers should closely monitor program enrollment and spending trends and take steps to ensure that New Yorkers continue to have access to the health care they need.”

The Division of the Budget (DOB) estimates the state share of Medicaid will be \$27.8 billion in State Fiscal Year (SFY) 2021-22, representing the second largest category of state spending, exceeded only by education.

According to Comptroller DiNapoli, the pandemic and resulting economic recession increased Medicaid enrollment in New York to record levels in 2021, with the monthly number of individuals covered by the program reaching seven million for the first time in February 2021. Adults accounted for two-thirds of enrollment growth, rising by 356,677 to a monthly average of more than three million enrollees for the first three months of 2021.

The Mid-Year Update to the SFY 2021-22 Enacted Budget Financial Plan, expects monthly enrollment to remain above seven million at least through March 2022, but decline by nearly 17% by March 2023 and return to pre-pandemic levels of just over six million by March 2024 as the economy recovers, unemployment rates decrease, and individuals temporarily enrolled begin to decline.

Specific Medicaid spending trends include:

- Prior to the pandemic, from SFY 2007-08 through SFY 2019-20, total Medicaid spending (including the federal, state and local shares) grew by 5.4% per year, increasing by nearly \$30 billion to reach \$75.9 billion.
- During the pandemic, in SFY 2020-21, total Medicaid spending in New York declined by about \$650 million or less than 1% compared to the previous year, reflecting what may have been a decrease in utilization of non-COVID medical care, particularly early in the pandemic. State spending decreased by more than \$4 billion, reflecting the 6.2 percentage point FMAP increase.
- DOB expects total Medicaid spending will rise to \$83.8 billion in SFY 2021-22, remain relatively flat through March 2024 and increase to \$85.8 billion in SFY 2024-25.

Comptroller DiNapoli's report estimates the risk to the Financial Plan should enrollment remain at elevated levels:

- If enrollment remains steady at approximately 7.6 million, unanticipated, additional total Medicaid costs (federal, state and local shares) of \$20.5 billion – including \$8.1 billion in unbudgeted state costs – could accrue by March 2025.
- If enrollment declines by 500,000, a third of the Financial Plan expectation, unanticipated costs of \$13.5 billion – including \$5.3 billion in state costs – could accrue by March 2025.
- If enrollment declines near one million by March 2024, a slower pace than the Financial Plan expects, unanticipated costs of \$6.5 billion – including \$2.5 billion in state costs – could result.

### ***Recommendations***

To ensure the long-term viability of the program, Comptroller DiNapoli recommends state policymakers:

- **Closely Monitor Enrollment Trends.** As the state economy continues to recover from the pandemic, Medicaid enrollment levels are difficult to predict. While DOB forecasts a reduction of more than one million enrollees, there is no precedent for such a reduction in the program. To mitigate the impact of any shortfall in the forecast of enrollment declines, policymakers must actively monitor monthly enrollment and costs per enrollee.
- **Engage Stakeholders in Developing Strategies to Protect Quality of Care and Contain Costs.** Two comprehensive efforts to identify cost containment measures were completed under the Medicaid Redesign Team (MRT) process in 2011 and 2020 that were estimated by DOB to generate savings of \$2.7 billion and \$2.2 billion, respectively, for each year and to restrain future spending growth. However, the MRT could have benefitted from a more timely and deliberative process with wider engagement of stakeholders.



## Chapters of the Laws of 2021

**Chapter 660 -- Sponsored by M of A Rozic/Senator Thomas** -- Relates to including the promotion and expansion of cricket in the state of New York to the jurisdiction of the state athletic commission.

**Chapter 664 -- Sponsored by M of A McDonald/Senator Kennedy** -- Clarifies how sales taxes must be calculated and remitted under terminal rental adjustment lease agreements.

**Chapter 667 -- Sponsored by Senator Mayer/M of A Rozic** -- Creates a grace period for the use of reward points after the closing of a credit card.

**Chapter 668 -- Sponsored by Senator Mayer/M of A Sayegh** -- Prohibits fees on gift cards and gift certificates, limits expiration dates to no earlier than nine years after issuance, and to provide that gift cards and gift certificates may be redeemed in cash when the remaining value is less than five dollars.

**Chapter 669 -- Sponsored by Senator Gounardes/M of A Abbate** -- Allows retired higher education professionals to make voluntary automatic contributions to their employee organizations, including but not limited to their political committees.



## Bills Being Considered by the Governor

**A2230A -- Sponsored by M of A Reyes/Senator Hoylman** -- Enacts the "hate crimes analysis & review act."

**A4186B -- Sponsored by M of A Dinowitz/Senator Comrie** -- Provides online absentee ballot tracking.

**A6970A -- Sponsored by M of A Walker/Senator Myrie** -- Establishes an electronic absentee ballot application transmittal system through which voters may apply for and submit an absentee ballot online.

**A7272 -- Sponsored by M of A L. Rosenthal/Senator Kavanagh** -- Relates to procedures regarding mutual housing companies considering dissolution and/or reconstitution.

**A7637 -- Sponsored by M of A Cymbrowitz/Senator Kavanagh** -- Authorizes additional supervision and regulation of limited-profit housing companies.

**S538B -- Sponsored by Senator Kaplan/Senator Silitti** -- Requires real estate brokers and salespersons to receive implicit bias training as part of their license renewal process.

**S1035A – Sponsored by Senator Addabbo/M of A Pheffer** – Allows individuals with disabilities to have an essential support person with them during emergency hospitalizations.

**S1630A – Sponsored by Senator Savino/M of A Abbate** -- Requires third-party delivery services to have a valid agreement with a merchant before they advertise, promote, or sell the merchant's products.

**S1780C – Sponsored by Senator Skoufis/M of A Rozic** – Authorizes the use of video and audio conference technology in identifying individuals for electronic notarization.

**S3543 -- Sponsored by Senator Stavisky/M of A Fahey** -- Requires certain professionals to provide and the state education department to collect information about the practice of their professions.

**S4323C – Sponsored by Senator Comrie/M of A Bichotte Hermelyn** -- Establishes a construction industry advisory council on public contracting reform to consider and advise on matters concerning the improvement of the current public works contracting process.

**S6194B – Sponsored by Senator Brouk/M of A Gunther** -- Establishes a 9-8-8 suicide prevention and mental health crisis hotline system.

## *In the News – City*



### **NYC Council Bans Natural Gas Hookups for Buildings**

#### *Legislation Impacts Jobs and Heating Bills*

On Wednesday, December 15<sup>th</sup> at the last Stated Council meeting for 2021, the New York City Council passed legislation to ban natural gas hookups in new buildings. The controversial bill passed by a margin of 40 to 7, with one abstention, and Intro 2317-a was lauded as a fight for climate change.

Under the terms of the legislation, construction projects submitted for approval after 2027 must use sources like electricity for stoves, space heaters, and water boilers instead of natural gas or oil.

Members of the construction trades question the feasibility of the measure, citing that electricity is unreliable and more expensive than natural gas when used for stoves, space heaters and water boilers. In addition, the construction trades argue that the necessary technology will not be readily available to effectively use electricity as required by Intro 2317-a.

The trades assert that the bill's proponents discount natural gas' value as a transitory fuel that can be safely utilized until more sustainable forms of energy such as green hydrogen become more readily available and have opted for legislation that will undoubtedly result in job losses within the piping trades, while leaving New Yorkers with unreliable heating sources at inflated costs.



## The Adams Administration Continues to Take Shape

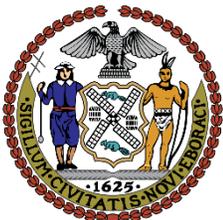
Mayor-elect Eric Adams this week made the following administration appointments:

**Keechant Sewell, NYPD Commissioner:** A 25-year veteran of the Nassau County Police Department, Chief Sewell is the first woman to lead the NYPD in its 176-year history. Since 2020, Sewell has been the chief of detectives at the Nassau County Police Department. Chief Sewell worked in the narcotics and major cases units, and as a hostage negotiator.

**Louis Molina, NYC Department of Correction Commissioner:** A former NYPD detective and the current chief of the Las Vegas Department of Public Safety, Chief Molina will lead the City's Correction Department. Previously he served as Deputy Chief Investigator with the Brooklyn District Attorney's Office, Senior Advisor to the Commissioner of the NYC Department of Homeless Services, Chief Internal Monitor and Acting Assistant Commissioner for the NYC Department of Correction, First Deputy Chief of the Enforcement Division for the NYC Taxi & Limousine Commission, and served as First Deputy Commissioner for Westchester County Department of Correction.

**Preston Niblack, Finance Commissioner:** Currently the Deputy City Comptroller for Budget, Mr. Niblack's public service includes Director of the Finance Division of the City Council, and Deputy Director of the NYC Independent Budget Office. He earned a PhD in Public Finance and a Master of Public Administration from the University of Maryland and a Bachelor's Degree from Middlebury College.

**Jacques Jiha, Budget Director:** Currently serving as Budget Director in the de Blasio Administration's Office of Management and Budget, Mr. Jiha also serves as a Commissioner of the NYC Taxi & Limousine Commission, and as a board member of the NYC Housing Development Corporation. In addition, he previously served as a trustee of the NYC Police Pension Fund and the NYC Employees' Retirement System. He earned a PhD and Master's degree in economics from the New York for Social Research and a Bachelor's Degree from Fordham University.



## Bills Approved by the City Council

**Int. No. 1085-B -- Sponsored by Council Member Mark Treyger** -- Requires the Office of the Civil Justice Coordinator ("Coordinator") to establish a two-year-long pilot program to provide free brief legal assistance and full legal representation to domestic violence survivors in divorce proceedings.

**Int. 1208-B -- Sponsored by Council Member Helen Rosenthal --** Makes it an unlawful discriminatory practice to not include in job listings the minimum and maximum salary offered for any position located within New York City.

**Int. 1326-B -- Sponsored by Council Member Mark Levine --** Requires the Department of Health and Mental Hygiene (DOHMH) to establish a menu and packaging icon to designate sugar content.

**Int. 1724-A -- Sponsored by Council Member Ben Kallos --** Authorizes a program for installing and operating cameras on school bus stop arms that are capable of photographing drivers that illegally pass a school bus.

**Int. No. 1867 -- Sponsored by Council Member Ydanis Rodriguez --** Gives certain non-United States citizens living in New York City the right to vote in local elections.

**Int. 2005-A -- Sponsored by Council Member Farah Louis --** Requires the New York City Department of Health and Mental Hygiene (DOHMH) to track and issue a report on the mental health of New Yorkers during the COVID-19 public health emergency.

**Int. 2020-A -- Sponsored by Council Member Rosenthal --** Requires that movie theaters showing more than 10 movies a week provide open captions.

**Int. 2096-A -- Sponsored by Council Member Ben Kallos --** Allow the Department of Consumer and Worker Protection to issue temporary operating licenses to applicants for a sidewalk café license.

**Int. 2134 -- Sponsored by Council Member Rafael Salamanca --** Allows sidewalk café applicants to prepare their own layout plans.

**Int. 2297-A -- Sponsored by Council Member Francisco Moya --** Prohibits the NYPD from appointing an individual who had previously been dismissed or resigned while under investigation from any police department due to findings or charges of misconduct

**Int. 2309-A -- Sponsored by Council Member Ben Kallos --** Requires applicants seeking to rent out rooms in Class A dwelling units for fewer than 30 consecutive days as short-term rentals to register with the Mayor's Office of Special Enforcement.

**Int. 2317-A -- Sponsored by Council Member Alicka Ampry-Samuel --** Prohibits the combustion of substances other than natural gas in new buildings within the City.

**Int. No. 2372-A -- Sponsored by Council Member Carlina Rivera --** Extends the statute of limitations for a civil action alleging a gender-motivated act of violence from seven to nine years.

**Int. 2424-B -- Sponsored by Council Member Helen Rosenthal --** Requires the creation of an advisory board to advise the Mayor and the Council on the issue of street harassment prevention.

**Int. 2439-A -- Sponsored by Council Member Helen Rosenthal --** Requires the Police Department to train officers on responding to incidents involving domestic violence, sexual crimes, or human trafficking.

**Int. 2440-A -- Sponsored by Council Member Adrienne Adams** -- Grants the Civilian Complaint Review Board (CCRB) the power to initiate its own complaints against members of the NYPD that allege misconduct involving excessive use of force and abuse of authority.

**Int. 2454 -- Sponsored by Council Member Daneek Miller** – Allows non-private employer union members to proceed through the grievance and arbitration process without union representation, if the non-member assumes the cost.

**Int. 2470 -- Sponsored by Council Member Daniel Dromm by request of the Mayor** – Extends the deadline to release the Fiscal 2023 Preliminary Budget from January 16, 2022 to February 16, 2022.

**Int. 2476 -- Sponsored by Council Member Kalman Yeger** -- Extends the J-51 tax exemption and abatement program through June 30, 2022. This bill will take effect immediately and would apply retroactively to June 30, 2020.

## **Briefs**

### **Minority and Women-Owned Business Enterprise Utilization Rate Leads the Nation at 30.51 Percent**

Governor Kathy Hochul this week announced that New York State has surpassed its official utilization rate goal for New York State's Minority and Women-Owned Business Enterprises (MWBEs) on state contracts with 30.51% - the highest in the country - for the 2020-2021 fiscal year.

Additionally, more than \$3 billion in state contracts were awarded to MWBE firms during the same time period, with more than \$21 billion in state contracts awarded since 2011.

### **Governor Hochul to Nominate Daniel Tietz as OTDA Commissioner**

Daniel W. Tietz, Interim CEO of Bronx Parent Housing Network, Inc., will be nominated to serve as Commissioner of the Office of Temporary and Disability Assistance (OTDA).

Most recently, Mr. Tietz served as a provider of emergency shelter and social services to 2,000+ individuals in more than a dozen facilities. He was also appointed by the New York State Supreme Court to serve as Temporary Receiver/CEO for Childrens Community Services, Inc. (CCS). Previously, Mr. Tietz served as CEO of Bailey House, a community-based organization with a nearly 40-year history of providing housing and essential supportive services to families with HIV/AIDS and other chronic conditions. In January 2019, Mr. Tietz merged Bailey House with Housing Works, Inc.

Earlier in his career, Mr. Tietz served as Chief Special Services Officer for New York City's Department of Social Services/Human Resources Administration (DSS/HRA); as Executive Director of ACRIA, a national HIV research, education, and advocacy organization; and as deputy executive director at the Coalition for the Homeless.

A lawyer and registered nurse, Mr. Tietz received a JD from New England Law School, a B.A. in Legal Services from the University of Massachusetts-Boston, and an RN from the Milwaukee County General Hospital School of Nursing.

Mr. Tietz will serve as Acting Commissioner until confirmation by the Senate.

## NYC Releases Final Details For Private Sector Vaccine Mandate

The New York City health department this week rolled out its [full guidance](#) for private-sector businesses and venues subject to the City's new mandatory COVID-19 vaccine policy, directing them to keep compliance records on file.

Under the rules, employees must provide proof of full vaccination. If they choose a two-dose vaccine, workers have 45 days from their first shot to get the second and file the record with their employers. Employees must file proof of at least one dose with their employer by December 27<sup>th</sup>.

Employers must also prominently post a sign affirming they are in compliance and keep records of those who have received a medical or religious exemption for the vaccine. Fines for noncompliance begin at \$1,000.

# Coming Up

*There are no meetings scheduled for the week of December 20<sup>th</sup>.*

**"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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