



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

March 17, 2023 Edition



"Obstacles don't define us. Rather, it is the unparalleled courage and character of us that defines us as a people. So my confidence in the future is steeped in our glorious past - in the face of adversity, we always persist. We persevere, we prevail." Governor Kathy Hochul



In the News-New York State

NYS Budget Negotiations: Where Are We? Why Are We Here?

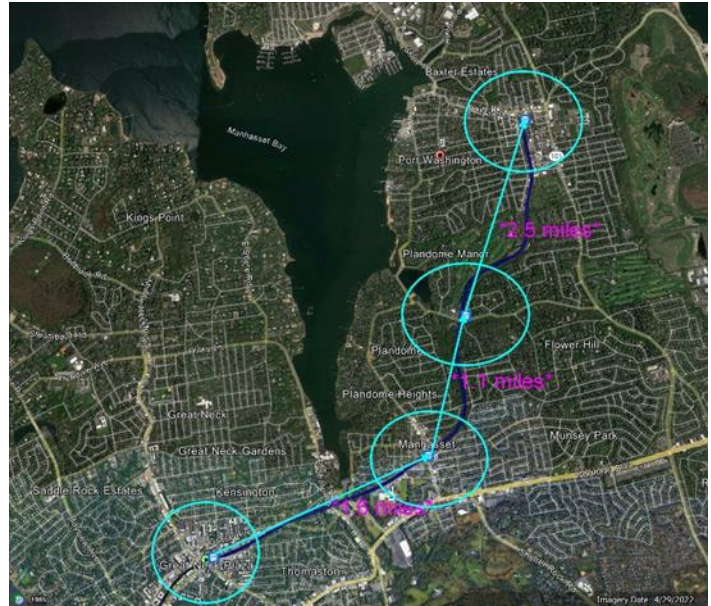
On this past Thursday, the New York State Senate and the New York State Assembly each passed "one-house budget bills". The bills are the negotiating response of each legislative body to the budget proposal forwarded by Governor Kathy Hochul. Over the next few weeks, the three parties will try to reach an agreement leading to the adoption of New York State's 2023-2024 Budget.

There are significant differences in each of the proposals over approaches to education, transportation funding, crime, and housing. Speaker Carl Heastie, speaking to television reporter Susan Arbetter, pointed to the philosophical agreements amongst the parties and indicated that the differences were more as to approach than ultimate goals. In similar fashion, Majority Leader Andrea Stewart-Cousins has indicated that the three parties would meet and settle their differences.

As an example of the overall negotiation, let's highlight one issue. The greatest difference in stated methodology has involved housing supply.

The Governor has proposed two programs. One involves setting a minimum number of increased new housing for each municipality accompanied by the threat of the State taking control of zoning. The second proposal creates zones surrounding mass transit railroads which would have increased density.

This latter concept is portrayed in the accompanying illustration highlighting the Long Island Rail Road Port Washington line in Nassau County (annotated Google Earth image). Within the blue circles, the Governor's proposal would allow for 50 residential units per acre (32,000 per square mile) as of right. The current density in Nassau County averages 4,749 people per square mile. This proposed level of density is achieved in Manhattan, but nowhere else in New York State.



Both Senate and Assembly have deleted the Governor's "transit area density" proposal from their one house bills. The Governor, to date, has suggested that she is ready to delay the adoption of the Budget in order to achieve her goal.

Advocacy groups have sprung up on both sides. The issue has begun to penetrate the awareness of average citizens. Coverage by local newspapers and the Twitter-verse has intensified. The negotiations are progressing, but the ultimate results are still unpredictable.



Comptroller DiNapoli: Federal Data Shows New York's Losses in Fourth Grade Math and Reading Scores Are Double National Average

New York State Comptroller Thomas DiNapoli this week [released a review of recent federal data](#) about how the pandemic negatively affected student performance in New York. In response, he urged New York school districts to assess their plans for spending federal pandemic funds and to target funds towards children most in need.

Recent data from The National Assessment of Educational Progress (NAEP) shows student performance dropped significantly in 2022 from 2019. New York's losses in fourth grade math and reading scores were double the national average and exceeded 45 other states in math and 38 other states in reading. The average drop for fourth grade math scores (10 points) was so severe that McKinsey & Company estimated this learning loss to be the equivalent of nearly an entire school year.

Over the same time frame, fourth grade math proficiency rates declined across all gender, racial and ethnic groups, and the decline was steepest for Asian and Pacific Islander students, at 14 percentage points. Students from low-income households also experienced steep declines in fourth grade math proficiency rates from 24% to 18%.

New York's average score remained steady for eighth grade reading but declined in eighth grade math (down 6 points).

New York was allocated over \$15 billion in emergency education aid during the pandemic from the federal government, with \$14 billion from three rounds of the Elementary and Secondary School Relief Fund (ESSER) assistance. This aid was aimed at elementary and secondary schools and must be obligated by September 2024. Based on data from the Comptroller's [COVID-19 Relief Program Tracker](#), through January 31st New York's school districts have spent roughly 40% of ESSER funds.

The Executive Budget proposes \$42.1 billion in combined state and federal education aid for the upcoming state fiscal year (SFY) 2023-24; however, that total is projected to decline, as the balance of federal pandemic relief funds must be obligated by September 2024.

According to the Comptroller, this could be problematic if a significant portion of the relief funds is left unspent or is dedicated to programs with recurring expenses or if significant progress in academic recovery has not occurred.

Comptroller DiNapoli urged the State Education Department to provide school districts with guidance on best practices for spending of funds and encouraged school districts to ensure funds are being used for evidence-based practices for students most in need.

In the News-New York City



Bills Signed the Mayor

Intro. 439 – Sponsored by New York City Councilmember Nantasha Williams – Requires MOCJ to evaluate the performance of organizations that receive funding from the city for criminal justice services, such as alternatives to incarceration, reentry services, pretrial supervised release, and violence prevention programming.

Intro. 756 – Sponsored by New York City Councilmember Kamillah Hanks – Requires the Office for Neighborhood Safety and the Prevention of Violence, in consultation with MOCJ, to provide training and operational support to CMS providers.

Intro. 436 – Sponsored by New York City Councilmember Althea Stevens – Creates a juvenile justice advisory board, consisting of 20 members, to advise and provide recommendations to the mayor, the City Council, and the New York City Administration for Children's Services on issues related to juvenile justice. This bill would require the board to annually report to the mayor and the speaker a description of its activities, the results of its review and recommendations, and any challenges in providing oversight and feedback.

Intro. 522 – Sponsored by New York City Councilmember Erik Bottcher – Requires each shelter serving families with children to provide either onsite or telehealth mental health services.

Intro. 524 – Sponsored by New York City Councilmember David Carr – Authorizes the New York City Banking Commission to recommend, and the City Council to adopt, an interest rate applicable to the property tax arrears that accrue while an eligible property – defined as a property where the primary homeowner has an annual income of \$200,000 or less, with an assessed value of \$250,000 or less – is the subject of a valid payment agreement plan with the DOF. The rate recommended by the Banking Commission must be at least equal to the most recently determined federal short-term interest rate rounded to the nearest half percent. The DOF will also be required to conduct outreach for the new rate and report back to the mayor and the speaker.



Bills Approved by the Council

Introduction 124-A, Sponsored by Council Member Rafael Salamanca -- Ensures that people sleeping in shelters operated by the Department of Homeless Services (DHS) and the Human Resources Administration (HRA) have access to housing specialists to help New Yorkers in shelters secure permanent housing.

Introduction 210-A -- Sponsored by Council Member Joann Ariola and Majority Whip Selvena Brooks-Powers -- Creates a marine debris disposal and vessel surrendering office.

Introduction 236-A -- Sponsored by Council Member Amanda Farías -- Codifies New York City's Ferry Discount Program to be no greater than half of the regular price fare, and extend it to city high school students. This would make students eligible for reduced ferry fare at the beginning of the next school year. The current regular fare is \$4 and the discounted fare is \$1.35.

Introduction 431-A -- Sponsored by Council Member Rafael Salamanca -- Requires DHS to provide customer service training to all staff members and providers who are working with the public to protect the well-being of people experiencing homelessness.

Introduction 876-A -- Sponsored by Council Member Pierina Sanchez – Amends the existing Green Building Law to bring it in line with Local Laws 97 of 2019 and 154 of 2021. Various amendments include changing certain energy and consumption requirements, updating the definitions section, changing the baseline inflation year and streamlining administrative and reporting requirements.

Introduction 918-A -- Sponsored by Council Member Lynn Schulman -- Requires the Department of Health and Mental Hygiene (DOHMH) to develop and implement a citywide diabetes incidence and impact reduction plan. DOHMH would be required to report annually on the number of adults with diabetes in New York City as well as its strategies and efforts to reduce the prevalence and impact of diabetes.

Briefs

Governor Hochul Unveils Report on New York's Gender Wage Gap

Women in New York earned 88 cents for every dollar earned by men in 2021, according to a State Department of Labor (DOL) report released this week. Over a 40-year career, this gap would cost a woman \$350,360 in diminished lifetime earnings.

The gap is even wider for women of color, according to the report. Compared to white, non-Hispanic men, Black or African American women are paid about 68 cents on the dollar while Hispanic and Latina women are paid only 63 cents on the dollar.

The report also found that the pivot to remote learning and pandemic-driven closures of childcare facilities elevated the impact of childcare access. With mothers bearing the brunt of care responsibilities, labor force participation for women in New York dropped from 59.3 percent to 58.9 percent from 2019 to 2021, while the unemployment rate nearly doubled from 4.2 percent to 8.2 percent. In 2021, over 405,000 women were unemployed, an increase from 207,000 in 2019.

The report includes several policy recommendations to build upon the State's push towards greater pay equity. Recommendations include:

- Increasing pay for low-wage workers, including through proposals like indexing New York's minimum wage to inflation.
- Expanding paid parental leave to union-represented state workforce.
- Raising awareness about the New York State Equal Rights Amendment, which would add new anti-discrimination protections to the New York State Constitution.
- Improving statewide data collection to better capture employment trends and increase transparency.
- Modernizing the Department of Civil Service testing model by offering all state exams online and on-demand.

New Lawsuit Filed Against New York Office of Cannabis Management To Open Dispensary Licenses to All Applicants

A coalition that includes some of New York's medical marijuana companies sued the State Office of Cannabis Management (OCM) and the Cannabis Control Board (CCB) this week, seeking to open retail licensing for all applicants.

Filed in Albany by the Coalition for Access to Regulated & Safe Cannabis, the suit asserts New York' cannabis regulators exceeded their statutory authority when they limited the initial application pool to justice involved individuals as part of its conditional adult use retail dispensary (CAURD) license awards.

According to published reports, a memo filed with the lawsuit said the regulatory cannabis boards "overstepped their rule-making authority," and as a result it "indefinitely postponed the licensing of the hundreds of additional dispensaries necessary to satisfy consumer demand and to displace the illicit markets."

To date, 66 CAURD licenses have been awarded, with five retail stores opening. A sixth location will open April 1st in Albany. Earlier this month the CCB doubled the number of CAURD licenses to be awarded to 300. Over 900 applications were received in the initial round. The OCM had anticipated that all CAURD licenses would be awarded when Board meets in April.

In November, a judge temporarily blocked New York from issuing retail dispensary licenses in Brooklyn and parts of upstate New York after Variscite NY One claimed the State's selection process improperly favors in-state residents over out-of-state residents.

Senate and Assembly One House Budgets

The Senate and Assembly passed their respective one house resolutions, on Thursday, approving plans that were \$9 billion and \$5 billion dollars more than Governor Kathy Hochul's \$227 billion budget proposal.

The Senate and Assembly rejected the Governor's proposal to make changes to bail reform that would give more discretion to judges, increase the number of charter schools, ban flavored cigarettes, and increase the payroll tax in New York City.

The Democrats in both houses would also raise taxes on wealthy New Yorkers, proposing to change the personal income tax rates for filers making over \$5 million from 10.3 to 10.8 percent and for filers making over \$25 million from 10.9 to 11.4 percent until 2027.

The Governor, the Assembly, and the Senate each supported the State's conversion to all electric buildings. However, each put forth its own proposal.

Specifics of the Assembly and Senate one house proposals may be accessed at:

- [Senate Budget Resolution – Resolution No. 55](#)
- [Summary of Assembly Recommended Changes to the Executive Budget.](#)

Coming Up

New York State

Monday, March 20th

Assembly Session, New York State Capitol Building, Assembly Chamber, Albany, 2 p.m.

Senate Session, New York State Capitol Building, Senate Chamber, Albany, 3 p.m.

Tuesday, March 21st

Assembly Session, New York State Capitol Building, Assembly Chamber, Albany, TBD

Senate Session, New York State Capitol Building, Senate Chamber, Albany, TBD

Wednesday, March 22nd

Assembly Session, New York State Capitol Building, Assembly Chamber, Albany, TBD

Senate Session, New York State Capitol Building, Senate Chamber, Albany, TBD

Thursday, March 23rd

Assembly Session, New York State Capitol Building, Assembly Chamber, Albany, TBD

Senate Session, New York State Capitol Building, Senate Chamber, Albany, TBD

New York City

Monday, March 20th

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

Oversight - Preliminary Budget Hearing – Public Safety

Committee on Cultural Affairs, Libraries and International Intergroup Relations, Committee Room – City Hall, 10:30 a.m.

Oversight - Preliminary Budget Hearing – Cultural Affairs, Libraries and International Intergroup Relations

Tuesday, March 21st

Joint - Committee on Health & Mental Health, Disabilities and Addiction, Council Chambers – City Hall, 10 a.m.

Oversight - Preliminary Budget Hearing – Health & Mental Health, Disabilities and Addiction

Committee on Contracts, Committee Room – City Hall, 10:30 a.m.

Oversight - Preliminary Budget Hearing – Contracts

Committee on Hospitals, Council Chambers - City Hall, 2:30 p.m.

Oversight - Preliminary Budget Hearing – Hospitals

Wednesday, March 22nd

Committee on Parks and Recreation, Council Chambers - City Hall, 10 a.m.
Oversight - Preliminary Budget Hearing – Parks and Recreation

Committee on Youth Services, Committee Room – City Hall, 10 a.m.
Oversight - Preliminary Budget Hearing - Youth Services

Committee on Government Operations, Committee Room – City Hall, 12:30 p.m.
Oversight - Preliminary Budget Hearing - Governmental Operations

Committee on Consumer and Worker Protection, Council Chambers - City Hall, 2 p.m.
Oversight - Preliminary Budget Hearing - Consumer and Worker Protection

Thursday, March 23rd

Committee on Criminal Justice, Council Chambers – City Hall, 10 a.m.
Oversight - Preliminary Budget Hearing - Criminal Justice

Subcommittee on Zoning and Franchises, 250 Broadway - Committee Room, 14th Floor, 10 a.m.

Committee on Economic Development, Committee Room – City Hall, 10:30 a.m.
Oversight - Preliminary Budget Hearing - Economic Development

Friday, March 24th

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

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