



*"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***



### ***Senate & Assembly Lead Charge for 8.5% COLA for the Intellectual & Developmental Disabilities Service Sector***

***Disability Advocates Urge Governor Hochul to Fund Living Adjustment for Direct Support Professionals***

Senator John Mannion and Assembly Member Rebecca Seawright sponsored a Staffing Crisis Impact Forum and Rally in Albany this week, leading the crowd which overflowed the Well of the Legislative Office Building in the chant:

***What Do We Want? 8.5!  
 When Do We Want It? Now!***



The advocates are seeking agreement on an 8.5% cost of living adjustment for direct support professionals (DSPs). DSPs provide aid to people with intellectual and developmental disabilities (IDD).

Last year, Governor Hochul included a 5.4% cost of living adjustment in her budget for DSPs. This year, her increase is 2.5%. At the Legislative budget hearings, State Commissioners urged the legislators to view the increases as a two-year initiative with a COLA of almost 8 percent during that time. However, both houses of the Legislature rejected that viewpoint and included funding for an additional 8.5% increase this year. The cost of the COLA is estimated at \$179 million.

As the Legislature and the Governor engage in three-way budget negotiations, the advocates are asking Governor Hochul to address the sector staffing crisis. According to New York Disability Advocates, high turnover rates for DSPs are costing non-profit provider agencies \$100.5 million annually and there are currently 19,788 vacant direct care positions in New York State that need to be filled by the non-profit sector.



## Comptroller DiNapoli: NYC Parks Can Do More to Correct Barriers to People With Disabilities

More than 30 years after the Americans with Disabilities Act (ADA) prohibited discrimination on the basis of a disability, too many New York City Parks Department facilities have barriers to people with disabilities and many don't meet ADA standards, [according to an audit](#) by State Comptroller Thomas DiNapoli.

Comptroller DiNapoli's auditors found that while Parks has made progress in increasing accessibility for New Yorkers, it has focused on making sure newly funded projects are ADA compliant, over removing barriers at existing facilities.



At Morningside Park in Manhattan, a designated wheelchair ramp was three times steeper than the allowable standard, had no handrails and was potholed. **Source: State Comptroller**

In December 2005, a State Comptroller's Office audit found that the Parks Department did not identify and address obstacles to accessibility. In response, Parks surveyed 2,745 facilities and found accessibility issues at more than 2,000 of them. The report ranked the issues by priority levels in terms of achievability. According to the Comptroller, the survey was supposed to be the basis of an accessibility Transition Plan, a requirement for public entities under the ADA, but the Plan was never finalized.

In the most recent report, auditors visited 115 facilities at 22 properties and found hundreds of the same accessibility problems first catalogued. In addition, it found new issues including inaccessible bathrooms—including sinks and toilets—as well as inaccessible entrances to parks and playgrounds.

The audit recommended that Parks:

- Review and update its accessibility survey, review the barriers identified in the audit, and begin to address barriers that can be fixed without much difficulty or expense.
- Complete an accessibility Transition Plan and monitor its implementation.
- Make sure the facilities accessibility information on its website is accurate.
- Prioritize accessibility work as a goal and a performance indicator.
- Engage with the Mayor's Office to include accessibility in the Mayor's Management Report.

According to the Comptroller while Parks agreed with a number of the audit's recommendations, it did disagree with several findings including the use of Priority levels from its earlier survey, stating that "What was 'readily achievable' in 2006 may not be 'readily achievable' now, due to differences in the Mayoral administration, funding priorities, and staff."



## **Governor Hochul Proposes Bill to Crack Down on Illegal Cannabis Stores**

Governor Kathy Hochul this week proposed new legislation to increase civil and tax penalties for the unlicensed and illicit sale of cannabis in New York. The legislation would also provide additional enforcement power to the Office of Cannabis Management and the Department of Taxation and Finance to enforce the new regulatory requirements and close stores engaged in the illegal sale of cannabis.

The new legislation enables the Office of Cannabis Management (OCM), the Department of Taxation and Finance (DTF) and local law enforcement to enforce restrictions on unlicensed storefront dispensaries. The legislation does not impose any new penalties related to cannabis possession by an individual for personal use and does not allow local law enforcement to perform enforcement actions against individuals.

The legislation would restructure current illicit cannabis penalties to give DTF peace officers enforcement authority and would impose new penalties for retailers that evade State cannabis taxes. Additionally, it would clarify and expand OCM's authority to seize illicit product, establish summary procedures for OCM and other governmental entities to shut down unlicensed businesses, and create a framework for more effective cross-agency enforcement effort. Violations of the law could lead to fines of \$200,000 for illicit cannabis plants or products and would allow OCM to fine businesses \$10,000 per day for engaging in cannabis sales without a license. The full legislative text is available [here](#).

New York State's sixth cannabis dispensary will open on April 1<sup>st</sup> in Schenectady. To date, the OCM has issued 66 conditional Adult Use Cannabis Dispensary Licenses (CAURD). A court challenge has paused the awards for the remaining licenses from the initial round in Western New York, the Finger Lakes, and the Bronx. Another round of 150 CAURD licenses is to be awarded in April.

## ***In the News-New York City***



### **Mayor Adams Announces Plan to Combat Lithium-Ion Battery Fires**

New York City Mayor Eric Adams this week announced his "Charge Safe, Ride Safe: New York City's Electric Micromobility Action Plan" to protect New Yorkers from fires caused by lithium-ion batteries and promote safe electric micromobility usage. The plan focuses on four areas: Promoting and incentivizing safe battery use, increasing education and outreach to electric micromobility users, advocating for additional federal regulation of these devices, and expanding enforcement against high-risk situations.

Mayor Adams acknowledged that new transportation options have brought serious challenges regarding fire risks.

Specifically, fires caused by batteries that power e-micromobility devices are a significant problem in New York City, growing from 44 in 2020 to 220 in 2022. These fires are particularly severe and difficult to extinguish, Mayor Adams noted, spreading quickly and producing noxious fumes. From 2021 to 2022, these fires resulted in 10 deaths and 226 injuries. In the first two months of 2023 alone, they resulted in two deaths and 40 injuries, posing a clear danger to New Yorkers when not properly used.

Included among the Action Plan initiatives are:

- Piloting outdoor e-micromobility storage and charging solutions at New York City Housing Authority (NYCHA) properties in Queens, Brooklyn, and Manhattan, and applying for federal grant funding to support this work.
- Identifying, testing, and evaluating the most promising public-facing battery-charging solutions.
- Expanding engagement to immigrant and worker communities, focusing on the communities most affected by these fires.
- Working to provide lithium-ion battery and e-micromobility safety training through New York City Emergency Management's (NYCEM) Ready NY platforms, as well as directly to NYCEM's Community Emergency Response Teams.
- Seeking partnerships with local, state, and federal partners to further research the health impacts on first responders handling lithium-ion batteries.

In addition, the Mayor signed five bills to strengthen the City's efforts to improve e-micromobility safety:

***Intro. 656 — Sponsored by New York City Councilmember Gale Brewer*** — Requires the FDNY, in consultation with the New York City Department of Consumer and Worker Protection (DCWP), to develop an informational campaign educating the public on fire risks posed by powered mobility devices and how to mitigate those risks.

***Intro. 663 — Sponsored by New York City Councilmember Oswald Feliz*** — Prohibits the sale, lease, or rental of powered mobility devices, such as e-bikes and electric scooters, and storage batteries for these devices, that fail to meet recognized safety standards.

***Intro. 722 — Sponsored by New York City Councilmember Robert Holden*** — Requires the FDNY to submit five reports relating to fire risks and powered mobility devices, such as e-bikes and electric scooters. Reports will include data on fires during the previous year caused by these devices and recommendations for changes to changes to the administrative code to further decrease fire risk.

***Intro. 749 — Sponsored by New York City Councilmember Alexa Avilés*** — Requires the DCWP, in consultation with the FDNY, to publish materials that provide guidance on safe use and storage of powered mobility devices.

*Intro. 752 — Also sponsored by Councilmember Brewer* — Prohibits the assembly or reconditioning of lithium-ion batteries using cells removed from used storage batteries and prohibit the sale of a lithium-ion batteries that use cells removed from used storage batteries.

## Briefs

### State Commission on Judicial Nomination Releases Report to Governor Hochul

In connection with the vacancy on the Court created by the resignation of Chief Judge Janet DiFiore, effective August 31, 2022, the Commission on Judicial Nomination today released its Report to the Governor.

The Commission's seven nominees (in alphabetical order) to the Governor are:

- Hon. Anthony Cannataro, Associate Judge and Acting Chief Judge, New York Court of Appeals;
- Hon. Elizabeth A. Garry, Presiding Justice, Appellate Division, Third Department;
- Caitlin J. Halligan, Esq., attorney in private practice (Selendy Gay Elsberg PLLC);
- Corey L. Stoughton, Esq., Attorney-in-Charge, Special Litigation and Law Reform, The Legal Aid Society;
- Hon. Shirley Troutman, Associate Judge, New York Court of Appeals;
- Hon. Gerald J. Whalen, Presiding Justice, Appellate Division, Fourth Department; and,
- Hon. Rowan D. Wilson, Associate Judge, New York Court of Appeals.

By law, the Governor is required to make her appointment from among this list no sooner than April 8, 2023 nor later than April 23, 2023. The State Senate then, within 30 days after receipt of the Governor's choice, must confirm or reject the appointment.

### Governor Hochul Announces Economic Development Awards Spurring More Than \$20 Billion in Capital Investments and Supporting Over 8,300 Jobs

Governor Kathy Hochul this week announced that the New York Power Authority (NYPA) Board of Trustees approved economic development awards to 22 firms that will spur more than \$20 billion in capital investments and support 8,336 jobs—with 3,930 newly created. The approved items include a Niagara hydropower allocation to Amazon and a ReCharge NY power allocation to Micron.

The NYPA board approved a nearly 10.7-megawatt (MW) low-cost Niagara Power Project hydropower allocation to Amazon in support of the firm's construction of a \$550 million e-commerce storage and distribution center in the Town of Niagara. The project will lead to the creation of 1,000 new, permanent, full time-time jobs at the facility in addition to hundreds of new construction jobs.

The NYPA board also approved a low-cost hydropower allocation to the Village of Greene in Chenango County in the Southern Tier under the Power Authority's Industrial Economic Development program.

## **Consumer Alert: Attorney General James Warns New Yorkers to be Cautious of Practices Targeting Jewish Communities Before Passover**

New York Attorney General Letitia James this week issued a consumer alert urging New Yorkers to be cautious of potential discriminatory pricing practices at car washes in advance of Passover.

According to the Attorney General, in previous years, there have been reports of car wash businesses in predominantly Orthodox Jewish communities in New York City raising prices by as much as 50 percent for Jewish customers seeking cleaning services close to Passover. In the days leading up to Passover, many Jews clean their homes, cars, and other spaces to remove “chametz” (leavened products). Reports provided to the Office of the Attorney General (OAG) indicated some companies have advertised “specials” for car washing services related to Passover, but instead, charged higher prices to customers.

To protect New Yorkers from these practices, Attorney General James has previously sent letters to organizations representing car wash owners in New York to remind their members that any such business practice is illegal and should be reported to OAG.

## **'Big Apple Connect' to Deliver Free Internet, TV to More Than 300,000 New Yorkers at 200 NYCHA Developments**

The Adams Administration announced the expansion of ‘Big Apple Connect’ by nearly 50 percent, providing free internet and basic cable television service to a total of 202 New York City Housing Authority (NYCHA) developments, and reaching approximately 300,000 New Yorkers.

The city has entered into three-year agreements with Altice (Optimum) and Charter (Spectrum), which will collectively cover the majority of developments owned and managed by NYCHA. The City is billed directly for all residents enrolled in ‘Big Apple Connect.’ Existing customers of Optimum and Spectrum living in NYCHA developments where ‘Big Apple Connect’ is active will be automatically enrolled in the program and will only be billed for additional services they choose to purchase directly.

‘Big Apple Connect’s’ expansion will reach 25 new developments in Manhattan, 20 in Brooklyn, 14 in the Bronx, 5 in Queens, and 3 in Staten Island. New Yorkers can view a full list of ‘Big Apple Connect’ eligible NYCHA developments [online](#).

‘Big Apple Connect’ provides residents of NYCHA developments a free bundle that consists of in-home, high-speed internet connection, including a modem and router; basic cable TV service, including a cable box and remote control; and common area Wi-Fi hotspots, selected in consultation with NYCHA.

## Mayor Adams Announces Plan to Expand Harlem River Greenway to the Bronx

The Adams Administration this week announced a plan expanding the Harlem River Greenway to the Bronx via a 7-mile route that will restore waterfront access to the community.

The route will connect Randall's Island at the southern tip of the Bronx to Van Cortlandt Park in the north, with continuous cycling and walking, including a north-south bike corridor.

The community engagement process begins next month and will include public workshops. DOT planners will discuss existing conditions along the waterfront and seek input from residents on how they would like to use this space through bicycle and pedestrian infrastructure upgrades. The agency will follow up with an additional round of public workshops this fall before an implementation plan will be published in 2024.



## Coming Up

### *New York State*

#### *Monday, March 27<sup>th</sup>*

*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 28<sup>th</sup>*

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

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

#### *Wednesday, March 29<sup>th</sup>*

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

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

#### *Thursday, March 30<sup>th</sup>*

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

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

***Friday, March 31<sup>st</sup>***

*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 27<sup>th</sup>***

*Joint - Committee on General Welfare & Housing and Buildings*, Committee Room – City Hall, 10 a.m.

Oversight - Universal Access to Legal Services Law and Tenant Protection.

*Committee on Public Safety*, Council Chambers – City Hall, 1 p.m.

***Wednesday, March 29<sup>th</sup>***

*Committee on Consumer and Worker Protection*, Council Chambers - City Hall, 10 a.m.

*Committee on Education*, Committee Room – City Hall, 1 p.m.

***Thursday, March 30<sup>th</sup>***

*Committee on Health*, Committee Room – City Hall, 10 a.m.

Oversight - Improving Access to In-Community and At-Home Health Care.

*Committee on Governmental Operations*, Committee Room – City Hall, 1 p.m.

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