



This Week in New York

Covering New York State and City Government
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“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



Teamsters & Legislative Leaders Make End-of-Session Push for Worker Protections



*The Temperature Extreme Mitigation Program (TEMP) Act
 (S1604B/A3321B)*

Warehouse Worker Injury Reduction Act (S5081A/A3309A)

The Chairs of the State Legislative Labor Committees rallied with organized labor this week in Albany, making an end-of-session push for legislation to protect vulnerable workers in New York. Senator Jessica Ramos and Assemblymember Latoya Joiner are championing legislation to make worker protection a priority.



AM Joyner addresses the crowd, with Senator Ramos, AM Sarahana Shrestha, & members of organized labor looking on.

Flanked by Teamsters, members of NYCOSH, RWDSU, and ALIGN, the Labor Chairs called for passage of the Temperature Extreme Mitigation Program (TEMP) Act (S1604B/A3321B) and the Warehouse Worker Injury Reduction Act (S5081A/A3309A).

The TEMP ACT would provide for the regulation of all indoor and outdoor worksites with temperature protection standards and education, training, and reporting requirements to ensure that employers provide safe conditions for their employees.

According to the New York City Office of the Mayor, each year there are an estimated 450 heat-related ED visits, 150 heat-related hospital admissions, 10 heat stroke deaths, and 350 heat-exacerbated deaths, caused by heat-worsened existing chronic conditions.

The Warehouse Worker Injury Reduction Act would create require employer to establish a program to identify and minimize the risk of musculoskeletal injuries and disorders.

According to the most recent data (2020) released by the Bureau of Labor Statistics, the warehouse industry itself reports a rate of serious work-related injuries involving lost time or restricted duty (4.0 cases/100 full-time workers) that is more than twice the average injury rates for all private industry (1.7 cases/100 FTE's). The most common types of work-related serious injury reported by employers in the warehouse sector are musculoskeletal injuries (MSDs), which often require workers to miss work and can force workers permanently out of the job and even out of the workforce.



The 2023 legislative session is scheduled to close on June 8th.



Comptroller DiNapoli: FY24 Budget Increases Spending Amid Projected Drop in Revenues

The \$229 billion Enacted Budget for State Fiscal Year (SFY) 2023-24 includes new recurring spending for schools, mental health services, and health care, as well as resources for the Metropolitan Transportation Authority (MTA) and for emergency rental assistance. Preliminary estimates show All Funds spending will grow nearly 4% year-over-year amid a projected drop in revenues and as temporary federal aid is spent down, according to an [analysis](#) by State Comptroller Thomas DiNapoli.

“The Enacted State Budget funds critical services, including fully funding Foundation Aid for our schools, programs to help New Yorkers that are still struggling in our post-pandemic world and stabilizing the MTA after massive ridership declines,” Comptroller DiNapoli explained. “It also comes at a time when revenues appear to be softening, inflation persists, and the federal government has yet to reach a deal on the debt ceiling...”

In addition, earlier in the week, DiNapoli reported that state tax collections in April totaled just over \$10.9 billion, a \$7.2 billion, or 39.9%, decrease from last April, and \$4.4 billion lower than projections in the Division of the Budget’s (DOB) 2024 Updated Executive Budget Financial Plan.

The decline, according to the Comptroller, was primarily in the Personal Income Tax (PIT). Lower PIT collections reflected an estimated 26% decline in Wall Street bonuses, the volatility in the financial markets and its impact on estimated payments throughout the year, as well as the tax credits claimed for the first year of the Pass-Through Entity Tax.

The FY24 All Funds spending is forecast to be \$229 billion, 3.9% higher than SFY 2022-23. On a State Operating Funds basis, spending is projected to total \$127.2 billion, an almost 3% year-over-year increase and a 24.5% increase since SFY 2019-20. On a General Fund basis, spending is forecast to total \$108.1 billion, a 16.5% year-over-year increase and an almost 40% increase since SFY 2019-20. The report notes that much of the increased spending is recurring and may present a growing fiscal challenge to the state, particularly as temporary federal aid wanes and if a more pronounced or extended economic downturn occurs.

The Comptroller asserted that the State continues “poor debt” practices in FY24. Specifically, the Enacted Budget includes provisions that bypass Debt Reform Act protections, including the State’s debt cap. For example, the Gateway Project debt (increased by \$500 million, to a total of \$2.85 billion) is structured as a federal loan, to be repaid by the state through a service contract mechanism. The Comptroller explained that this utilizes a Debt Reform Act loophole to avoid being counted toward the state’s debt limit.

Also, the Enacted Budget reauthorized the ability to issue state-supported bonds for MTA purposes with maturities up to 50 years, exceeding the Debt Reform Act’s 30-year maturity limit for all state-supported debt.

The Comptroller called upon the State policymakers “to carefully monitor the economy and work to put the state on a sustainable fiscal course.”

In the News-New York City



Mayor Adams Announces Plan to Combat Retail Theft in New York City

New York City Mayor Eric Adams this week announced the release of a comprehensive plan to combat retail theft across New York City’s five boroughs.

“Shoplifters and organized crime rings prey on businesses that have already taken a hit due to COVID-19, but, with this comprehensive plan, we’re going to beat back on retail theft through a combination of law enforcement, prevention, and intervention,” said Mayor Adams. “Last year alone, 327 repeat offenders were responsible for 30 percent of the more than 22,000 retail thefts across our city.

According to the Mayor, with the exception of 2020, the total number of citywide shoplifting complaints has increased year over year since 2018, with the largest increase--44 percent--taking place from 2021 to 2022. The increase in retail theft has had a particularly significant impact on retailers that are still recovering from the economic effects of the COVID-19 pandemic. The Administration’s plan includes enforcement, prevention, and education strategies.

To increase necessary enforcement against repeat shoplifters and deter organized crime rings perpetrating these thefts, the Adams Administration will:

- Create a Precision Repeat Offender Program (PROP) in which retailers can submit dedicated security incident reports to the NYPD to better identify and track repeat offenders and facilitate stronger prosecutions by the five District Attorneys' Offices.
- Establish a neighborhood retail watch for businesses in close proximity to one another to share real-time intelligence with each other and with law enforcement in the event of a theft.
- Advocate at the state and federal level for additional online sale authentication procedures to prevent the resale of stolen goods to build upon the federal Integrity, Notification, and Fairness in Online Retail Marketplaces (INFORM) for Consumers Act, which goes into effect in June 2023.
- Establish a New York City Organized Retail Theft Task Force, comprised of retailers, law enforcement agencies, and other stakeholders to collaborate and respond to retail theft trends.

Among the prevention and intervention strategies included in the Mayor's plan are:

- Establish two new diversion programs — “Second Chance” and Re-Engaging Store Theft Offenders and Retail Establishments (RESTORE) — to allow non-violent offenders to avoid prosecution or incarceration by meaningfully engaging with services to help address underlying factors that lead to shoplifting.
- Install resource kiosks in stores to connect individuals in need to critical government resources and social services.
- Launch an employee support program to train retail workers in de-escalation tactics, anti-theft tools, and security best practices to help keep them safe in the event of an emergency and to support employees who have been impacted by thefts.

“Retail theft continues to harm New Yorkers, threaten businesses, and threaten the safety of our communities,” said New York Attorney General Letitia James. “We know inflation is cutting into paychecks and forcing tough conversations around kitchen tables, but stealing from small businesses that are already struggling with high costs and low profit margins is not the answer.



New State Funds Open Door for MTA to Ease Debt & Build Stronger Future Budgets



New York State's FY24 budget and other new sources of recurring aid, including congestion pricing, give the Metropolitan Transportation Authority (MTA) an opportunity to ease the pressure that growing debt places on its operations, according to a [report released today](#) by State Comptroller Thomas DiNapoli. Ensuring stronger finances down the road, the Comptroller asserted, will depend in part on how the MTA chooses to manage debt in the coming years.

“The MTA received the State funding it requested to address its latest fiscal crisis,” Comptroller DiNapoli said. “It should use this opportunity to stop its recurring cycle of fiscal crises by paying down and managing its debt more appropriately to shore up future operating and capital budgets. Our regional economy needs the MTA to regain its strength and win back riders to a safe, reliable, and on-time transit system.”

The State’s increase in the payroll mobility tax will provide the MTA with \$1.1 billion annually. Comptroller DiNapoli explained that the immediate increase allows the MTA to use the aid to prepay debt and ease the debt service payments coming from its operating budget by a total of \$1.5 billion from 2023 through 2026. The MTA can use these savings to preserve and improve service.

Comptroller DiNapoli called additional assistance in the state budget, which is expected to provide funding to help balance the MTA’s budget through 2026 — and federal approval for congestion pricing — “positive signs” that the MTA can gain greater control over its long-term finances and reduce pressure from the capital program on its operating budget.

However, with ridership continuing to lag pre-pandemic levels, and with an ambitious 2020-2024 capital program still facing funding risks, the MTA will have to make some difficult choices. The Comptroller said that how the MTA decides to bridge the gaps after 2026 and manage its debt can determine whether it remains on firm financial ground or whether it comes back to riders, toll payers, and taxpayers for more assistance down the road.

Key Findings of the Comptroller’s report includes:

- MTA’s outstanding long-term debt climbed from \$11.4 billion in 2000 to \$42.3 billion in 2022 and will reach \$56.7 billion by 2028.
- By 2023, the MTA expects 17.9% of its revenue will go toward debt payments and peak around 19.5% in 2024 and 2025 before declining slightly. However, after adjusting for recent MTA and state actions, Comptroller DiNapoli’s office projects the burden will be at about 16% through at least 2026, which is on par with pre-pandemic levels and a substantial reduction from current forecasts.
- Among the debt MTA carries is lockbox debt, which will be primarily funded with congestion pricing revenue and kept outside of the operating budget to eliminate any impact on operational spending. Non-lockbox debt, however, can impact MTA’s operations and that debt will decline to less than \$39 billion of the total by 2028.
- Budgeted debt service (including lockbox debt service and excluding debt issued after the 2020-2024 capital program) is projected to reach nearly \$5 billion by 2031, \$1.8 billion more (58% higher) than in 2022. Much of this increase is expected to be funded by the capital lockbox, which will keep debt service in the MTA’s operating budget at less than \$3.5 billion through 2030.

Briefs

Governor Signs Legislation to Help Address State's Nursing Shortage

Governor Kathy Hochul this week signed legislation, Chapter 134 of the Laws of 2023, to help relieve New York's nursing shortage by permitting nursing students to complete up to one third of their clinical training through simulation experiences. New York is projected to reach a workforce need of nearly 40,000 employees by 2030.

According to Governor Hochul, training needed to become a highly skilled nurse in New York limits clinical placements in a hospital setting, and until students complete those placements, they cannot receive their nursing license and join the workforce. Instead of forcing eager students to wait for an open spot in a hospital, expanding simulated training will help clear the logjam, address the shortage, and ensure high quality care for millions of New Yorkers.

Simulation training is in place in 31 states.

NYS Council on the Arts Readies to Open Grant Application Portal

Governor Kathy Hochul this week announced that \$82 million in New York State Council on the Arts (NYSCA) grants will soon be available for nonprofit arts and culture organizations and individual artists across the State. Application guidelines are available now at arts.ny.gov. The application portal will open on Thursday, June 1st. The deadline to apply is Thursday, July 13th.

Guidelines for the following opportunities are available on the [NYSCA website](https://arts.ny.gov):

Support for Organizations: Flexible operating and programmatic funding for qualified arts and culture organizations. Awards range from \$10,000 to \$49,500.

Support for Artists: Funds creative commissions to individual artists across the state. The commission areas include Choreography, Composer, Film, Media, and New Technology, Folk and Traditional Arts, Interdisciplinary, Literature, Theater Commissions, and Visual arts. Award amount is \$10,000.

Support for Targeted Opportunities:

- **Rehearsal and Studio Space for the Performing Arts:** This funding is intended to support creative rehearsal time and organizations that provide viable and affordable space for non-profit arts groups and artists. Awards range from \$15,000 to \$35,000.
- **Folk and Traditional Arts Apprenticeships:** This funding provides individuals experienced in a folk art with opportunities to study with master folk artists from their own community. Award amount is \$10,000.

- **Performing Arts Residencies.** This opportunity supports a minimum 3-consecutive-week residency by New York-based performing arts groups in a targeted area in New York State outside of the applicant's home county and outside New York City. Awards range from \$15,000 to \$35,000.

Support for Re grants and Services: Supports funding to State Community Re grant sites – a network of regional arts and culture organizations located across the state – that leverage their local expertise to extend the impact of NYSCA’s grantmaking to artists and nonprofits in all 62 counties as well as funding to organizations for services to the field. This opportunity is by invite only.

NYC Remote Work Pilot Program to Begin June 1st

A pilot program allowing some New York City municipal employees to work from home is expected to launch at the Buildings Department and the Social Services Department on June 1st, according to published reports.

Under an agreement the Adams administration reached with District Council 37, employees in the union are to be allowed flexible work options including remote work. A recent memo from the Adams Administration encouraged agencies to begin making plans to allow eligible employees to work from home and agency heads are to submit plans for the remote work program. The memo noted that the City expects to allow workers outside of DC 37 to launch remote work programs, pending their contract negotiations.

NYC & NYS See Population Decreases Between 2020 and 2022

The US Census Bureau released data this week showing that New York City’s population decreased 5.3% compared to pre-Covid pandemic figures. The City’s population decreased by 468,200 residents between April 2020 and July 2022. New York State population also decreased during this period, seeing a 431,145-resident decline between 2020 and 2022.

In New York City, population figures decreased by 281,700 residents in 2020 and 123,100 in 2021. Queens, Brooklyn, and the Bronx lost between 40,000 and 50,000 each between 2021 and 2022. The population in Manhattan increased by 17,472 residents during that time.

New York City Rescinds Ban on ChatGPT Use in Public Schools

New York City School Chancellor David Banks announced Thursday that the City has revoked its ban on the use of ChatGPT in public schools. In an [op-ed](#) published by *Chalkbeat*, Chancellor Banks said that the City proceeded with “initial caution” with respect to artificial intelligence (AI) programs, but will now integrate the programs into the curriculum.

“We must make sure that this technology’s benefits are equitably distributed to prevent further widening of socioeconomic gaps in our country,” Chancellor Banks wrote. “...New York City Public Schools will encourage and support our educators and students as they learn about and explore this game-changing technology while also creating a repository and community to share their findings across our schools.”

Coming Up

New York State

Monday, May 22nd

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, May 23rd

Impacts of Non-Compete Agreements on the Labor Market and Economic Development, and Possible Legislative Solutions, Such as S3100/Ryan

Joint – Senate Standing Committee on Commerce, Economic Development and Small Business & Labor
Van Buren Hearing Room A, Legislative Office Building, 2nd Floor, Albany, 11 a.m.

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

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

Wednesday, May 24th

Impact of Electric Bikes and Electric Scooters, and the Safety and Consumer Risks Associated with Lithium-ion Batteries

Joint – Assembly Standing Committee on Consumer Affairs and Protection & Transportation
Roosevelt Hearing Room C, Legislative Office Building, 2nd Floor, Albany, 2 p.m.

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

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

Thursday, May 25th

To Collect Public Feedback on S1977 and Understand the Scale of the Issue of Wage Theft in New York State

Joint – Senate Standing Committee on Labor & Judiciary
Senate Hearing Room, 250 Broadway, 19th Floor, New York, 10 a.m.

Examining the Transparency and Security of the Cryptocurrency Industry

Joint – Assembly Standing Committee on Consumer Affairs and Protection & Banks
Roosevelt Hearing Room C, Legislative Office Building, 2nd Floor, Albany, 10 a.m.

New York City

Monday, May 22nd

Joint - Committee on Finance & Parks and Recreation, Council Chambers - City Hall, 10:30 a.m.
Oversight - Executive Budget Hearings – Parks and Recreation

Joint - Committee on Finance, Health, & Education, Council Chambers - City Hall, 12:45 p.m.
Oversight - Executive Budget Hearings – Education

Tuesday, May 23rd

Committee on Finance, Council Chambers - City Hall, 10 a.m.
Oversight - Executive Budget Hearings – Finance

Wednesday, May 24th

Committee on Finance, Hybrid Hearing – Public Testimony, Council Chambers - City Hall, 10 a.m.
Oversight - Executive Budget Hearings – Finance

Thursday, May 25th

City Council, Council Chambers - City Hall, 1:30 p.m.

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