



This Week in New York

Covering New York State and City Government
 A Publication of Pitta Bishop & Del Giorno LLC
 May 26, 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



PSC Launches Initiative to Identify New Clean Energy Technologies for a Zero-Emissions Electric Grid & Help Define “Zero Emissions”

The New York State Public Service Commission (the Commission) issued its [“Order Initiating Process Regarding Zero Emissions Target”](#) to begin the process of determining the need for resources to ensure the reliability of the 2040 zero-emissions electric grid and which technologies qualify as “zero emissions” for compliance with Climate Leadership and Community Protection Act (Climate Act).

The Climate Act, passed by the State Legislature in 2019, directs the Commission to establish a program to ensure that by 2030 at least 70 percent of electric load is served by renewable energy and that by 2040 there are zero emissions associated with electrical demand in the State.

The Order, issued and effective May 18th, acknowledges that several studies have indicated that these technologies might not be capable of meeting the full range of electric system reliability needs that will arise as fossil-fueled generation is retired and replaced. These studies suggest that there is a gap between the capabilities of existing renewable energy technology and expected future system reliability requirements. Currently, New York State still relies heavily upon natural gas-based to meet baseload demand as well as for periods of high demand.

The Independent Power Producers of New York, Inc., the New York State Building and Construction Trades Council, and the New York State AFL-CIO, in a joint petition filed on August 18, 2021, raised the gap issue as well. The Order addresses this petition and starts the process in determining whether certain technologies such as bioenergy, green hydrogen, and carbon capture and sequestration, and new nuclear energy facilities can play a role in achieving the Zero-Emission by 2040.

The Order includes 14 questions to be addressed through a technical conference and stakeholder input. These questions relate to how to define “zero emissions,” what resources should be considered “zero emissions,” and how the state can effectively develop these resources to ensure the Zero-Emission by 2040 Target will be met. Examples of the questions include:

1. How should the term “zero emissions,” as used under PSL §66-p(2)(b), be defined?
2. Should the term “zero emissions” be construed to include some or all of the following types of resources, such as advanced nuclear (Gen III+ or Gen IV), long-duration storage, green hydrogen, renewable natural gas, carbon capture and sequestration, virtual power plants, distributed energy resources, or demand CASE 15-E-0302 -16- response resources? What other resource types should be included?
3. How should a program to achieve the Zero-Emission by 2040 Target address existing and newly constructed nuclear energy resources. Should the program be limited to specific types of nuclear energy technologies and exclude others?
4. Should new measures adopted to pursue compliance with the Zero-Emission by 2040 Target focus exclusively on generation and resource adequacy, or should they also encompass a broader set of technologies that could be integrated into the transmission or distribution system segments, or installed and operated behind-the-meter?

After a 60-day public comment period, per the Order, Department of Public Service staff, in consultation with the New York State Energy Research and Development Authority (NYSERDA), will convene the technical conference within the next 120 days.

Comments on the questions contained in the Order must be filed by July 17, 2023, within [Case 15-E-0302](#).

In the News-New York City



Adams Administration, State Legislators and Union Leaders Rally for Passage of Community Hiring Legislation



Proposed Legislation Would Give City Power to Require Companies That Benefit from City Contracts to Provide Employment and Apprenticeship Opportunities for Low-Income Individuals and Those Living in Economically Disadvantaged Communities

The Adams Administration this week co-hosted a rally with members of the New York State Black, Puerto Rican, Hispanic, and Asian Caucus, as well as union officials and community advocates to urge state lawmakers to pass legislation authorizing community hiring provisions for New York City.

“Community hiring provides a path to a more equitable workforce for all New Yorkers by ensuring that local residents, especially those from marginalized neighborhoods, have a fair chance at employment opportunities within their own communities,” said Vincent Alvarez, President of the New York City Central Labor Council, AFL-CIO. “This legislation will also help to strengthen local economies by fostering economic activity and growth within the communities where people both live and work.”

The legislation establishes a new City Office of Community Hiring and Workforce Development, which would be empowered to set forth hiring goals for city procurement contracts. These hiring goals mandate that a certain percentage of jobs or apprenticeship opportunities created through these contracts would go to low-income New Yorkers, or New Yorkers who reside in an area that is considered economically disadvantaged.

“Building strong communities requires not only investment but also a commitment to fostering economic opportunities for all,” said New York State Assemblymember Michaelle Solages, Chair, New York State Black, Puerto Rican, Hispanic, and Asian Legislative Caucus. “I along with the member of the BPHA caucus, firmly believe in the power of community hiring initiatives. By prioritizing the employment of local residents, we can strengthen our neighborhoods, uplift families, and generate tangible pathways to economic stability.”



Bills Passed by the City Council

Introduction 566-A--Sponsored by Council Member Oswald Feliz--Ensures all students with an individualized education program would be transported on buses with air-conditioning.

Introduction 590-A--Co-sponsored by Council Members Carlina Rivera and Chi Ossé--Requires the City to make the temporary [Open Culture Program](#), which allows eligible arts and culture institutions to use public outdoor spaces for events, permanent.

Introductions 664-A & 665-A--Sponsored by Council Member Jennifer Gutiérrez--Requires the Department of Citywide Administrative Services (DCAS) to create a process for the City to donate extra computers and related tech equipment to educational and non-profit organizations who teach, train or help New Yorkers. Eligible organizations would include schools, libraries, public or private educational institutions, and organizations serving people with disabilities, seniors, and low-income New Yorkers.

Introduction 686-A--Sponsored by Council Member Althea Stevens--Helps diversify employment options for Summer Youth Employment Program participants by increasing collaboration with government agencies, community-based organizations and local private businesses.

Introduction 878-A--Sponsored by Deputy Speaker Diana Ayala--Removes shelter stay as a precondition to CityFHEPS eligibility. This would expand eligibility, reduce length of stay in the shelter system and prevent new shelter entrants.

Introduction 893-A--Sponsored by Council Member Pierina Sanchez--Removes certain Department of Social Services' criteria that determines eligibility for CityFHEPS and gives New Yorkers the ability to demonstrate risk of eviction by presenting a rent demand letter.

Introduction 894-A--Sponsored by Council Member Pierina Sanchez--Changes the eligibility for a CityFHEPS voucher from 200 percent of the federal poverty level to 50 percent of the area median income and remove work and source of income requirements that make it difficult for individuals to pursue employment and housing concurrently.

Introduction 229-A--Sponsored by Council Member Tiffany Cabán--Prohibits the Department of Social Services from deducting a utility allowance from the maximum amount of a CityFHEPS voucher except in limited circumstances.

Briefs

NYS Department of Health Begins Process to Repeal the COVID-19 Healthcare Worker Vaccine Requirement

New York state health officials this week began the process to repeal the requirement that health care workers receive the COVID-19 vaccination.

NYS DOH released the following statement: regarding the [Dear Administrator Letter](#):

"Due to the changing landscape of the COVID-19 pandemic and evolving vaccine recommendations, the New York State Department of Health has begun the process of repealing the COVID-19 vaccine requirement for workers at regulated health care facilities. Throughout the public health emergency, this vaccine requirement served as a critical public health tool, helping to protect both health care workers and the patients under their care. As the repeal of this regulation awaits consideration for approval by the Public Health and Health Planning Council (PHHPC), the Department will not commence any new enforcement actions. However, it should be noted that facilities should continue to implement their own internal policies regarding COVID-19 vaccination."

Excelsior Scholarship Application Open for New Applicants for 2023 - 2024 Academic Year

The 2023-2024 application for the Excelsior Scholarship which allows eligible full-time students to attend a SUNY or CUNY two-year or four-year college tuition-free is now [open](#). The scholarship is administered by the New York State Higher Education Services Corporation.

Students from households with federal adjusted gross incomes up to \$125,000 are eligible for an Excelsior Scholarship award. Students must also:

- Plan to attend a SUNY or CUNY two or four-year college.
- Complete 30 credits per year towards their program of study (including Summer and Winter terms).
- Be on track to graduate with an associate degree in two years or a bachelor's degree in four years.

The 2023-2024 Excelsior Scholarship application is open to first-time students entering college in the Fall 2023 term and for current college students who have never received the Excelsior Scholarship. Students currently receiving an Excelsior Scholarship do not need to complete this application to receive continued award payments. Applications will be accepted through August 31st.

Students eligible for the Excelsior Scholarship under the Senator José Peralta New York State DREAM Act can apply [here](#).

Governor Hochul Announces New Actions to Drive Down Growing Presence of Illicit Drug Xylazine and Prevent Overdoses

Free Xylazine Test Strips Available Throughout New York State

Governor Kathy Hochul this week announced new actions to address the spread of xylazine in New York State, including a new effort to supply free xylazine test strips through the State [Office of Addiction Services and Supports](#) and [Office of Mental Health](#) programs, as well as directly to the public.

According to the Governor, Xylazine is a non-opioid sedative found in the unregulated drug supply with potentially harmful health impacts, especially when added to illicitly manufactured fentanyl. Xylazine is not responsive to naloxone, leading to complicated fentanyl overdoses.

The new ordering system will enable providers and New York State residents to order test strips through a partnership with [NY MATTERS](#), and will ensure an ongoing supply of this important harm-reduction tool across New York State. These test strips are designed to detect the presence of xylazine that has been mixed in with other substances, such as cocaine or heroin.

The New York State Office of Addiction Services and Supports (OASAS) is also making xylazine test strips available to its network of Outreach and Engagement Services providers across the State. These efforts are being supported through New York State's Opioid Settlement Fund and through a federal State Opioid Response Grant.

New York State Announces New Initiative to Increase Allergy Awareness in Restaurants and Food Service Establishments

All Food Service Establishments and Online Food Ordering Services Must Now Display or Post a Food Allergy Awareness Notice in a Visible Location to Staff

The New York State Department of Health and the New York State Department of Agriculture and Markets this week announced a new initiative that will help restaurants and food service establishments to increase awareness of food allergies in consumers.

Effective May 20th, under legislation sponsored by Senator Cordell Cleare and Assemblymember Linda Rosenthal and signed into law, any establishment serving food must display an [allergy notice](#) in an area that is easily visible and readily accessible to employees involved in food preparation and service. The bill requires that all food service establishments, including internet-based food delivery services, also include an allergy notice on their menu in addition to the establishment's food preparation and service area.

The notice includes procedures for staff to follow when a customer shares that they have an allergy, how to prevent cross contamination during food preparation and service, and instructions to call 911 if a customer has an allergic reaction.

Mayor Adams Announces Launch of New Program to Assist Older New Yorkers Who Want to Work

New York City Mayor Eric Adams and New York City Department for the Aging Commissioner Lorraine Cortés-Vázquez this week announced the launch of ‘Silver Corps’—a new workforce development pilot program for older New Yorkers. The program seeks to increase financial mobility among older adults, combat ageism in the workforce, and fill employment needs in local communities.

The program will be funded by AmeriCorps Seniors.

To become a Silver Corps program participant, New York City residents must be at least 55 years of age, currently unemployed or underemployed, willing to participate in skills training and specialized certification program, and volunteer a minimum of 10 hours per week at a nonprofit or city agency.

To learn more about participating in the Silver Corps program, older New Yorkers can call Aging Connect at 212-AGING-NYC (212-244-6469) or email silvercorps@aging.nyc.gov.

Mayor Signs Bill to Allow City’s Sports Teams to Help Raise Money for Charities

Mayor Eric Adams this week signed legislation, Intro 891-A, that allows city sporting venues to conduct 50/50 raffles and games of chance at their venues for charitable purposes charities.

“Today, we are hitting a home run for New York City nonprofits,” said Mayor Adams. “New York City is home to some of the greatest sporting teams in the nation, and we love supporting them — especially when they give back to the community. Today, with the signing of this bill into law, we are stepping up to the plate, and making it easier for the Yankees, the Mets, and others to partner with charitable organizations to raise money for New Yorkers. We thank our partners in the Council for this legislation.”

Intro. 891 allows sports venues throughout New York City to conduct raffles for charitable purposes during professional or collegiate sporting competitions, provided certain conditions are met. Raffles may be conducted from two hours before the beginning of play until the end of play. Under the legislation, venues, such as Yankee Stadium, Citi Field, and Madison Square Garden, will be able to conduct these raffles, allowing venues to team up with charitable organizations and increase their philanthropic work.

NYC Council Estimates Higher Revenues

New York City Council unveiled its Fiscal Year (FY) 2024 Executive Budget Economic and Tax Forecast, projecting \$1.8 billion more in revenues for Fiscal Years 2023 and 2024, and greater revenues in the outyears, than is projected by the Mayor’s Office of Management and Budget (OMB) in the Executive Budget.

The Council projects City tax revenues will exceed those estimated in the Executive Plan, with \$926 million more in FY 23 and \$909 million more in FY 24, additional revenue available to finance urgent needs and/or to bolster reserves. The Council's outyear revenue projections exceed OMB's by \$942 million in FY 25, \$1.34 billion in FY 26, and \$2.55 billion in FY 27. The Council's complete report is available [here](#).

The Council's tax forecast expects growth in revenues through the Fiscal Year 2024 Financial Plan to average 2.7% through the FY 2023 – 2027 forecast period. Though this is better than the Council's estimate of 2.2% for the same period in its previous March Preliminary Budget Forecast, it is still weaker than the 5.2% rate realized over the past ten years. This slower growth will include a brief period of unemployment and job losses that the Council predicts will quickly be recovered, be even less severe than previously estimated, and occur later.

Coming Up

New York State

Tuesday, May 30th

Why did Signature Bank fail? What can be done to prevent future bank failures in New York?

Joint – Senate Standing Committee on Banks

Van Buren Hearing Room A, Legislative Office Building, 2nd Floor, Albany, 12 p.m.

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.

Wednesday, May 31st

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

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

Thursday, June 1st

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

Tuesday, May 30th

Joint - Committee on Criminal Justice & Oversight and Investigations, Council Chambers, 10 a.m.

Oversight - DOC's Transportation of Detained Individuals to Court.

Wednesday, May 31st

Committee on Civil Service and Labor, Council Chambers - City Hall, 10 a.m.

Committee on Environmental Protection, Resiliency & Waterfronts, Council Chambers, 1 p.m.

Oversight - The City's new sustainability plan pursuant to Local Law 84 of 2013.

Disclaimer: The materials in this *This Week in New York* report are provided for informational purposes only and are not intended to be a comprehensive review of legislative or governmental or political developments, to create a client-consultant/lobbyist relationship, or to provide consulting, lobbying or political advice. Readers are cautioned not to attempt to solve specific problems on the basis of information contained in this *This Week in New York*. If consulting, lobbying or government relations advice is required, please consult a professional expert in such matters. The information contained herein, does not necessarily reflect the opinions of Pitta Bishop & Del Giorno LLC, or any of its members or employees or its clients. Neither Pitta Bishop & Del Giorno LLC, nor its members or employees make any warranty, expressed or implied, and assume no legal liability with respect to the information in this report, and do not guarantee that the information is accurate, complete, useful or current.

Accordingly, Pitta Bishop & Del Giorno LLC is not responsible for any claimed damages resulting from any alleged error, inaccuracy, or omission. This communication may be considered an advertisement or solicitation.

To request that copies of this publication be sent to a new address or fax number, to unsubscribe, or to comment on its contents, please contact Theresa Cosgrove at tcosgrove@pittabishop.com or at (518) 449-3320.

To Our Clients: If you have any questions regarding any of the matters addressed in this newsletter, or regarding any legislative, government relations or political or consulting or related issues in general, please contact the Pitta Bishop & Del Giorno LLC professional with whom you usually work.

This Week in New York is a publication of Pitta Bishop & Del Giorno LLC.

**120 Broadway, 28th Floor
New York, New York 10271**
Telephone (212) 652-3890
Facsimile (212) 652-3891

**111 Washington Avenue, St. 401
Albany, New York 12210**
Telephone (518) 449-3320
Facsimile (518) 449-5812

**1220 19th Street NW, St. 600
Washington, D.C. 20036**
Telephone (202) 964-4753
Facsimile (202) 964-5754