



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

Governor Cuomo Nominates Hon. Madeline Singas and Hon. Anthony Cannataro to the New York State Court of Appeals

Governor Andrew Cuomo this week announced the nominations of Honorable Madeline Singas and Honorable Anthony "Tony" Cannataro to the New York State Court of Appeals. Both appointments are subject to State Senate confirmation. Honorable Singas' appointment would fill the vacancy of Judge Leslie Stein who is retiring in June and Honorable Cannataro's appointment would fill the vacancy of Judge Paul Feinman who passed away in March 2021.



DA Singas

Honorable Madeline Singas is currently the District Attorney of Nassau County, a position she was first elected to in November 2015. District Attorney Singas was previously the Chief Assistant District Attorney of Nassau County and head of its first Special Victims Bureau. She also was an Assistant District Attorney in the Queens County District Attorney's Office from 1991 to 2006, holding multiple roles concurrently during this period.

District Attorney Singas obtained a J.D. from Fordham Law School and a B.A. in Political Science from Barnard College at Columbia University.

Judge Anthony "Tony" Cannataro is the Administrative Judge in the Civil Court of the City of New York, a position he was appointed to by Chief Administrative Judge Lawrence K. Marks in 2018. Concurrently, Judge Cannataro was elected as New York State Supreme Court Justice in 2017 to serve in the Civil Term in New York County, for a term ending in 2031.



Judge Cannataro

From 2016 to 2018, Judge Cannataro was appointed as Supervising Judge in the Civil Court of the City of New York. He was also designated as Acting Supreme Court Justice in New York County from 2015 to 2016. From 2014 to 2015, Judge Cannataro served as a Judge in the Civil Court in Bronx County for the City of New York. He was also designated as a Judge in the Family Court in Kings County for the City of New York from 2012 to 2014. From 2012 to 2017, Judge Cannataro was elected to serve as a Judge in the Civil Court in New York County.

Prior to becoming a Judge, Cannataro was the Principal Law Clerk to the Hon. Lottie E. Wilkins of the New York State Supreme Court from 2003 to 2011 and Principal Law Clerk to the Hon. Carmen Beauchamp Ciparick in the New York State Court of Appeals from 2000 to 2003. Judge Cannataro was an Assistant Corporation Counsel and Senior Counsel in the Manhattan Trial Unit of the Office of the Corporation Counsel at the New York City Law Department from 1996 to 2000.

Judge Cannataro earned a J.D. from New York Law School and a B.A. in the Classics from Columbia University.



Comptroller DiNapoli: 33.55% Annual Investment Return for NYS Pension Fund Is Largest in Its History

New York State Comptroller Thomas DiNapoli this week announced that the New York State Common Retirement Fund's (Fund) estimated overall investment return was 33.55 percent for the state fiscal year that ended March 31, 2021, reflecting the financial markets' "dramatic rebound" from lows reached during the COVID-19 pandemic.

The return on investments increased the Fund's value to an estimated \$254.8 billion.

"The state pension fund rode the market rebound from the depths of the pandemic and enjoyed the largest one-year investment return in its history," Comptroller DiNapoli said. "This outsized return reinforces the Fund's position as one of the strongest in the nation, but it comes with a caution. Markets remain volatile and as unpredictable as ever."

The Fund's value reflects retirement and death benefits of \$13.66 billion paid out during the fiscal year.

Employer contribution rates are determined by investment results over a multi-year period along with numerous other actuarial assumptions, including wage growth, inflation, age of retirement and mortality. Contribution rates are determined based on recommendations from the Retirement System's Actuary in September. Integral to the Fund's strength have been the state and local governments, which consistently pay their contributions.

As of March 31, 2021, the Fund had 52.82 percent of its assets invested in publicly traded equities. The remaining Fund assets by allocation are invested in cash, bonds, and mortgages (23.14 percent), private equity (10.57 percent), real estate and real assets (8.24 percent) and credit, absolute return strategies and opportunistic alternatives (5.23 percent).

The Fund's long-term expected rate of return is 6.8 percent.

In the News – City



Bills Approved by the City Council

Int. No. 146-C, sponsored by Council Member Stephen Levin, will remove time limits on the amount of time where an otherwise qualifying recipient of rental assistance vouchers established by the Department of Social Services (DSS) would receive the voucher. The bill will also require that the maximum rent toward which rental assistance vouchers may be applied is set at levels equal to those established

pursuant to section 982.503 of the Code of Federal Regulations, otherwise referred to as “Section 8.” The requirements set by the bill would be subject to appropriation. The bill would take effect 180 days after it becomes law.

Int. No. 176-A, sponsored by Council Member Alan Maisel, will establish an interagency task force to examine the City’s procedures for removing from streets within the City, vehicles that are abandoned or parked without a license plate or valid registration. The task force would develop recommendations to improve existing removal practices, particularly in response to complaints from local residents. The task force would include the Commissioner of Transportation, the Commissioner of Sanitation, and the Police Commissioner, or their respective designee, as well as two additional members appointed by the Mayor.

Int. No. 415-A, sponsored by Council Member Margaret Chin, will amend the existing reporting requirements set forth in Local Law 140 so that the Department for the Aging must now also include in its report the name of the service provider at each senior center located on NYCHA property, complaints received about those senior center facilities, and steps taken to address those complaints.

Int. No. 1827-A, sponsored by Council Member Alicka Ampry-Samuel, will establish a liaison within DFTA that is responsible for, among other things, coordinating with NYCHA about facilities and other matters impacting older adults in NYCHA, assisting with complaints and grievances regarding senior centers located on NYCHA property, and making recommendations to the Commissioner of DFTA on how to improve programs and facilities for participants at those senior centers.

Int. No. 1128-A, sponsored by Council Member Robert Holden, will require that, where work at a construction site has stopped for at least two years, the green wooden fence surrounding the site be replaced with a chain link fence after a registered design professional has certified that all construction or demolition equipment and any hazardous or otherwise dangerous materials have been either removed from the site or secured. When construction work at the site is ready to resume, this bill requires that the chain link fence be replaced with a green wooden fence.

Int. No. 2042-A, sponsored by Council Member Vanessa Gibson, will require the Department of Health and Mental Hygiene (DOHMH) to post information about licensed midwives, including the services they offer and how to find them, on the DOHMH website.



NYPD Sees Increase in Minority Applicants for Entrance Exam

The Police Department extended the application period and eliminated fees for its June test to improve recruiting efforts

More minority applicants have signed up for the New York Police Department’s (NYPD) coming entrance exam than for any of the previous four entrance tests administered since 2016, police officials announced this week.

According to published reports, the officials said 14,502 people, including at least 7,553 minorities, signed up to take next month's exam. Of those who signed up for the test and indicated their race, 29.2% were Black, compared with an average of 17.8% over the past five years, the officials said.

The exam was last held in November 2019. The officials said 15,422 people, including at least 6,710 minorities, signed up for the test at that time.

At a press conference this week, New York Police Commissioner Dermot Shea said that attracting a diverse pool of applicants to take the exam was "incredibly important" for the NYPD.

To encourage recruitment this year, the department waived the usual fee of \$40 for taking entrance exams and extended the sign-up period. The department also conducted a recruitment drive on social media and officers visited neighborhoods to encourage applicants to sign up for the tests. The slogan for the recruitment drive was "Be the Change."

The NYPD typically operates with about 36,000 officers. Currently, 54% of active officers are Black, Hispanic or Asian, according to the NYPD. Police union officials said that 2,767 officers filed for retirement last year. Fewer than 1,800 officers filed for retirement in each of the six years from 2014 through 2019, according to the officials.

Briefs

State Issues New Guidance Ensuring That NY's Paid Sick Leave Law Covers Any Needed Recovery Time from COVID-19 Vaccination

New York State Department of Labor is issuing guidance to all employers that any necessary recovery period from the COVID-19 vaccine is covered under the state's Paid Sick Leave Law.

According to a recent survey conducted by the Kaiser Family Foundation, among unvaccinated Americans, 48 percent say they are concerned they "might need to miss work if the side effects of the vaccine make them feel sick for a day or more." This group includes nearly two-thirds, or 64 percent, of unvaccinated Hispanic adults and over half of Black adults, or 55 percent.

In addition, on March 12th, Governor Cuomo signed legislation granting public and private employees time off to receive the COVID-19 vaccination. Under this new law, employees will be granted up to four hours of excused leave per injection that will not be charged against any other leave the employee has earned or accrued.

Governor Cuomo Signs Legislation to Help Boards of Elections Establish More Convenient Early Voting Sites

Governor Andrew Cuomo signed legislation (Chapter 110 of the Laws of 2021) providing that county Boards of Elections can establish an early voting site for special, primary, or run-off primary elections in the county's most populous municipality where voters are eligible to participate in the election.

Previously, during special elections, counties were required to establish early voting sites in their most populous municipality, regardless of where the special election was taking place. As a result, early voting sites could be required in areas in which there were no eligible voters in the special election.

The legislation was sponsored by Senator Neil Breslin and Assemblymember Didi Barrett.

New York's COVID Rent Relief Program to Start Accepting Applications June 1st

New York's COVID rent relief program will begin accepting applications on June 1st, Governor Andrew Cuomo announced this week. The rental assistance program, approved as part of the state budget and covered by \$2.7 billion in federal funds, will assist households behind on their rent and that have experienced financial hardship, that are at risk of homelessness or housing instability, and that earn at or below 80% of area median income.

Once approved, eligible households will receive up to 12 months of past-due rent. Those eligible could also receive up to 3 months of additional rental assistance if the household spends 30% or more of its gross monthly income on rent. The program also will provide up to 12 months of utility arrears for eligible applicants.

The state is readying to distribute \$800 million to small businesses impacted by the pandemic starting June 10th, Governor Cuomo said.

NYS Department of Financial Services Acts to Promote Mental Health Parity

New York State Department of Financial Services (DFS) announced a series of actions this week to ensure that New York insurers provide equitable coverage for mental health and substance use disorders including: 1) protecting consumers from provider misinformation; 2) requiring insurers to provide evidence of mental health parity in policies; and 3) reviewing insurers annually for parity compliance.

These actions include:

- **Regulation to Protect Consumers from Provider Directory Misinformation:** DFS will propose a regulation requiring insurers to hold consumers harmless when the insurer's provider directory lists a provider as participating in an insurer's network when the provider does not in fact participate in the insurer's network. Access to providers of mental health and substance use disorder services is especially important now when so many New Yorkers have been struggling with mental health issues due to the pandemic.
- **Up-Front Review of Cost-Sharing:** Before policies are sold to New Yorkers, DFS is requiring insurers to prove that those policies meet parity requirements that protect consumers from being unfairly charged higher copayments or coinsurance for mental health and substance use disorder benefits than for medical benefits.
- **Comprehensive Review of Biennial Parity Reports:** DFS will initiate a comprehensive review of insurers for parity compliance based on reports due from insurers in July 2021. DFS will investigate any potential parity violations, including cost-sharing requirements, rates of medical necessity denials and approvals of services, as well as the number and type of mental health and substance use disorder providers who are in network.

NYC Advisory Commission on Property Tax Reform Announces Three More Public Hearings on its Ten Preliminary Recommendations

Queens, Bronx, and Manhattan virtual borough hearings scheduled for June

The New York City Advisory Commission on Property Tax Reform this week announced three new virtual hearings on its 10 preliminary recommendations, scheduled for Queens on June 9th, the Bronx on June 14th, and Manhattan on June 16th. All hearings will begin at 6 p.m. Initially delayed by the COVID-19 pandemic, the hearings resumed virtually in May with hearings in Staten Island and Brooklyn.

On January 31, 2020, the Commission released a [Preliminary Report](#) with 10 initial recommendations to make NYC's Property Tax system "simpler, clearer and fairer." The Commission was formed by Mayor de Blasio and City Council Speaker Corey Johnson in 2018 with a mandate to reform NYC's property tax system while ensuring there is no reduction in revenue used to fund essential City services. An in-person hearing following the report's release was initially scheduled for March 12, 2020 in Staten Island, but later postponed due to COVID-19. The Commission held virtual hearings in Staten Island on May 11th and in Brooklyn on May 27th.

MTA Urges More Police to Curb Subway Assaults

Asserting that "we simply cannot tolerate" the attacks on subway employees and riders, Metropolitan Transportation Authority (MTA) Chairman Patrick Foye called for more police and mental health resources in the City's subways.

“There have been too many disturbing incidents recently, including several disgusting attacks on employees that we simply cannot tolerate,” Chairman Foye said during a meeting of the MTA board this week.

The New York Police Department has 2,663 officers patrolling MTA’s subway system, including at least 500 additional cops deployed since February and another 250 officers added last week during rush hours, Transit Bureau Chief Kathleen O'Reilly explained Wednesday at the board meeting.

Despite these numbers, an internal review conducted by the MTA released earlier this week found little police presence at subway stations, according to published reports.

Specifically, during the period of May 15th through May 24th transit workers made 2,928 visits to stations and noted police presence at 14 percent of the locations. Daily police presence during the period ranged from 4 percent to a high of 31 percent on Friday, May 21st. The previous Monday through Thursday workers found police at 16 percent of stations.

Following the meeting, Chairman Foye reiterated his assertion that more policing is needed to make customers and employees feel confident on subways and help increase ridership.

“We’ve got an obligation to provide a safe and secure environment,” he said, according to published reports. “More police, more uniformed resources together with mental health resources will be a huge step down the road towards that goal.”

Mayor de Blasio Announces Georgia Pestana to be Nominated as New York City Corporation Counsel

Mayor Bill de Blasio this week announced he will nominate Georgia Pestana to be New York City’s Corporation Counsel, the head of the City of New York’s Law Department.

Pestana, who has served as First Assistant Corporation Counsel since 2015, will succeed outgoing Corporation Counsel James Johnson, who has served in the role since 2019.

She joined the Law Department's General Litigation Division directly after graduating from NYU School of Law. After a brief period as deputy general counsel at one of the City's agencies, Pestana returned to the Law Department as the Managing Attorney of the General Litigation Division and was later promoted to Deputy Chief in 1996.

In 2002, she was appointed Chief of the Law Department's newly created Labor and Employment Law Division. In 2013, Pestana was promoted to Executive Assistant Corporation Counsel for Employment and Policy Litigation, where she oversaw the General Litigation, Administrative Law, and Labor and Employment Law Divisions.

Coming Up

New York State

Tuesday, June 1st

Assembly Session, NYS Capitol Building, (<https://www.nyassembly.gov>), tbd

Senate Session, NYS Capitol Building, (<https://www.nysenate.gov>), 3 p.m.

Wednesday June 2nd

Assembly Session, NYS Capitol Building, (<https://www.nyassembly.gov>), tbd

Senate Session, NYS Capitol Building, (<https://www.nysenate.gov>), 3 p.m.

Thursday, June 3rd

Assembly Session, NYS Capitol Building, (<https://www.nyassembly.gov>), tbd

Senate Session, NYS Capitol Building, (<https://www.nysenate.gov>), 11 a.m.

Senate Roundtable: To evaluate the State's response to COVID-19 at residential facilities for developmentally and intellectually disabled individuals, <https://www.nysenate.gov/calendar/public-hearings/june-03-2021/roundtable-evaluate-states-response-covid-19-residential>, 1 p.m.

Tuesday, June 1st

Subcommittee on Zoning and Franchises, Remote Hearing (Virtual Room 1), 10 a.m.

Wednesday, June 2nd

Subcommittee on Landmarks, Public Sittings & Dispositions, Remote Hearing (Virtual Room 1), 2 p.m.

Thursday June 3rd

Committee on Land Use, Remote Hearing (Virtual Room 1), 11 a.m.

“We believe in the ideas of family, mutuality,
the sharing of benefits and burdens
for the good of all, feeling one another’s pain,
sharing one another’s blessing
recognizing that at the heart of the matter
we are bound to each other.”
-Mario M. Cuomo-

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