



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

June 18, 2021 Edition



EARLY VOTING CONTINUES

EARLY VOTING 06/22 PRIMARY ELECTION

SAT	JUNE 12	8AM - 5PM
SUN	JUNE 13	8AM - 5PM
MON	JUNE 14	7AM - 4PM
TUE	JUNE 15	10AM - 8PM
WED	JUNE 16	10AM - 8PM
THU	JUNE 17	10AM - 8PM
FRI	JUNE 18	7AM - 4PM
SAT	JUNE 19	8AM - 5PM
SUN	JUNE 20	8AM - 4PM

VOTING.NYC

NYC
VOTES

Please note that your early voting site may be different from your Election Day poll site, so make sure to check before you go! Also, you can still vote in person if you requested an absentee ballot.

[FIND MY POLLSITE](#)

In the News – New York State

New York Reaches 70% Vaccination Rate: But What Limitations are Still In Effect?

New York State reached the 70% vaccination milestone on Tuesday, with Governor Andrew Cuomo tweeting, "... That means we can return to life as we know it. Effective immediately, state-mandated COVID restrictions are lifted across commercial and social settings." However, as the day progressed, it was clarified that New Yorkers may not be free to move about the State.

Governor Cuomo lifted the mandatory State COVID-19 restrictions and New York Forward Industry Guidance across commercial settings, including retail, food services, offices, gyms and fitness centers, amusement and family entertainment, hair salons, barber shops, and personal care services.

However, unvaccinated individuals are responsible for continuing to wear a mask, per federal Center for Disease Control (CDC) guidance. In addition, large-scale indoor events venues, Pre-K to 12 schools, public transit, homeless shelters, correctional facilities, nursing homes and health care settings must still adhere to existing COVID-19 health protocols per CDC guidelines.

Following the Governor's initial announcement, further information was released by his office specifying that the State's health guidance and New York Forward industry specific guidelines are now "optional" for the newly opened settings and that the reopening guidance will be "archived and made available as a public reference."

With the removal of the State's minimum standards for reopening, the Governor's office explained that businesses are free to choose to lift all or some restrictions, continue to adhere to the State's archived guidance, or implement other health precautions for their employees and patrons.

According to the [Governor's press release](#), businesses are also authorized to require masks and six feet of social distancing for employees and patrons within their establishments, regardless of vaccination status. Any mask requirements that businesses choose to implement must adhere to applicable federal and state laws and regulations, such as the Americans with Disabilities Act.

The State's COVID restrictions remain in effect for large-scale indoor event venues—now defined as indoor venues that hold more than 5,000 attendees. Consistent with the State's implementation of the CDC guidelines, proof of vaccination can be used to eliminate social distancing and remove masks for fully vaccinated individuals.

Unvaccinated or unknown vaccination status individuals who are over the age of four must continue to present proof of a recent negative diagnostic COVID-19 test result and wear masks within the venue. However, social distancing can be reduced or eliminated between tested attendees, allowing venues to reach 100 percent capacity in all sections.



Chapters of the Laws of 2021

Chapter 115 -- Sponsored by M of A Cusick/Senator Lanza -- Extends, until December 31, 2022, the authorization of residential property owners in high risk brush fire areas on Staten Island to cut and remove reeds.

Chapter 117-- Sponsored by M of A Dinowitz/Senator Hoylman -- Extends until 2022, provisions which confer on New York City Marshals the same functions, powers and duties as Sheriffs with respect to the execution of money judgments of the Supreme and Family Courts.

Chapter 118 -- Sponsored by M of A Dinowitz/Senator Hoylman -- Extends provisions of law relating to the use of electronic means for the commencement and filing of papers in certain actions or proceedings.

Chapter 119 -- Sponsored by M of A Fahy/Senator Breslin -- Extends certain provisions of law authorizing the hunting of big game hunting in Albany County with rifles.

Chapter 120 -- Sponsored by M of A Abbate/Senator Gounardes -- Continues certain provisions related to the resolution of labor disputes during collective bargaining negotiations between the Metropolitan Transportation Authority (MTA) and its labor representatives in order to promote settlements and avoid disruptions in transit service.

Chapter 127 -- Sponsored by Senator Hoylman/M of A Lavine -- Conforms New York's foreign country money judgements recognition act consistent with the national uniform act proposed by the Uniform Law Commission ("ULC") in 2005.

Chapter 138 -- Sponsored by Senator Rivera/M of A Hevesi -- Requires residential health care facilities to document the reason for an individual requesting a voluntary transfer or discharge.

Chapter 142 -- Sponsored by Senator Gianaris/M of A Reyes -- Relates to legislation preventing occupational exposure to airborne infectious diseases including limiting provisions to work place under the control of the employer and providing an exemption for state and municipal independent contracts including providing exclusions for telework.

Chapter 152 -- Sponsored by Senator Stewart-Cousins/M of A Heastie -- Providing for payment of services and expenses relating to impeachment investigations and hearings.



Bills Currently in the Governor's Office

The following bills are currently being considered by Governor Andrew Cuomo:

A108B -- Assemblymember Gunther/Senator Rivera -- Establishes clinical staffing committees in each general hospital to develop and oversee a clinical staffing plan.

A1634 -- Sponsored by Assemblyman Perry/Senator Bailey -- Provides that the State Commission on Prosecutorial Conduct shall investigate complaints and may make a recommendation to the Governor that a prosecutor be removed; provides that the commission shall transmit its findings of fact and recommendations to the appellate division; provides that the appellate division may accept or reject such recommendations or impose a different sanction.

A7119 -- Sponsored by Assemblymember Gunther/Senator Rivera -- Provides for standard minimum nursing home staffing levels by regulations promulgated by the commissioner of health.

A7127 -- Sponsored by Assemblyman Bronson/Senator Kaplan -- Provides for certain commercial small businesses to be eligible for relief under the "COVID-19 Emergency Protect Our Small Businesses Act of 2021."

S523A -- Sponsored by Senator Hoylman/M of A Lavine -- Revises and clarifies the uniform foreign country money judgments recognition act.

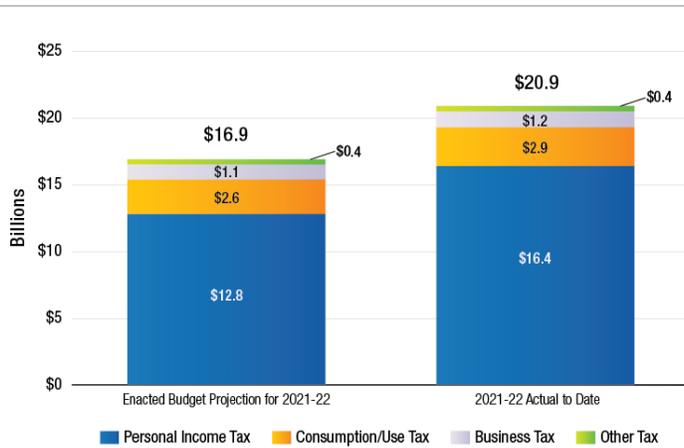


Comptroller DiNapoli: Tax Revenues Through May Come In \$4 Billion Over Enacted Budget Projections

State tax receipts through the first two months of State Fiscal Year (SFY) 2021-22 were \$4 billion higher than forecast in the Enacted Budget Financial Plan, according to the monthly [State Cash Report](#) released this week by New York State Comptroller Thomas DiNapoli.

“The strong tax collections through the first two months of the state fiscal year is good news and gives reason for optimism about the economic recovery,” Comptroller DiNapoli explained. “The state is emerging from the pandemic on solid fiscal footing because of robust tax revenue growth and an unprecedented infusion of federal assistance. Still, economic uncertainties remain and caution is warranted going forward.”

Comparison of State Tax Collections
as of May 31, 2021



Tax receipts through May totaled \$20.9 billion, \$14.1 billion more than received in the same period last year, mostly due to a \$12.1 billion year-to-year increase in personal income tax (PIT) receipts. Much of this change is attributable to delays in PIT filing deadlines from April 15 to July 15 in 2020, and until May 17 in 2021.

In addition, PIT collections increased this year from final returns and extension requests. Year-to-date, consumption and use tax collections were \$2.9 billion, 47.4 percent higher than the same period last year.

State Operating Funds spending through May totaled \$17.1 billion, which was \$4.8 billion, or 38.8 percent, higher than last year for the same period, primarily due to higher Medicaid costs and general state charges. Spending from State Operating Funds was \$1.1 billion lower than projected.

As of May 31, the General Fund held a balance of \$14.4 billion, \$4.7 billion higher than the state Division of Budget projections, and \$7 billion higher than last year at the same time.

In the News – City



Initiatives Approved by the City Council

Legislation

Int. No. 946-B -- Sponsored by Council Member Brad Lander -- Bans the practice of on-call scheduling for utility safety employees who locate and mark underground infrastructure or inspect gas pipe fusions and joints.

Int. No. 1572-B -- Sponsored by Public Advocate Jumaane Williams and Council Member Rafael Salamaca -- Creates a new requirement for applicants for most land use actions to provide the City Planning Commission and public with a report on racial equity in connection with their project. These newly required reports will include a statement describing how the proposed project relates to the City’s goals and strategies for affirmatively furthering fair housing and promoting equitable access to

opportunity. They will also include a community data profile for the local project area drawn from a newly created “Equitable Development Data Tool” established by the Departments of Housing Preservation and Development and City Planning, with citywide, boroughwide, neighborhood and community district level data.

Int. No. 1859 -- Sponsored by Minority Leader Steve Matteo -- Makes permanent an expansion to the alternative veterans property tax exemption that the Council first passed in 2017 that was scheduled to expire in 2022. That expansion, codified in Local Laws 120 and 128 and 2017, extended the alternative veterans exemption to both the school and non-school portions of the property tax and adjusted the maximum exemption thresholds. Currently, there are approximately 40,000 homeownership veterans in the City who are benefitting from this exemption.

Int. No. 2233 -- Sponsored by Council Member Vanessa Gibson -- Provides civil penalty relief from 185 different sanitation, health, transportation, consumer affairs, noise control and buildings violations. It would set fixed penalties at the bottom of existing penalty ranges, lower existing penalty ceilings (or sometimes set a lower fixed amount), or lower existing fixed penalties. In certain instances, the bill would allow a cure period for a first violation, or it would eliminate the civil penalty for a first violation.

Int. No. 2234-A -- Sponsored by Council Member Mark Gjonaj -- Requires the Commissioner of Finance to establish a temporary program to resolve outstanding judgments issued by the Environmental Control Board. Subject to certain conditions, default penalties and associated accrued interest would be waived, respondents would be able to resolve judgments docketed prior to March 7, 2020 by payment of 75% of the imposed penalties without payment of accrued interest, and respondents would be able to resolve judgments docketed on or after March 7, 2020 by payment of 25% of the imposed penalties without payment of accrued interest.

Int. No. 2257 -- Sponsored by Fernando Cabrera -- Requires the Board of Standards and Appeals (BSA), upon issuing a decision affecting the use of a parcel of land, to cause a copy of the decision to be recorded in the appropriate title recording system. For property in Manhattan, Brooklyn, Queens, and the Bronx, that will be the Automatic City Register Information System (ACRIS). For property in Staten Island, that will be the corresponding database maintained by the Richmond County Clerk.

Int. 2313 -- Sponsored by Council Member Rodriguez -- Establishes of an office of ethnic and community media and requirements regarding agency spending on advertising.##This bill will require all mayoral agencies to seek to direct at least 50 percent of their annual print, digital, television, and radio advertising budgets towards community and ethnic media.

Int. 2353 -- Sponsored by Council Member Reynoso -- Clarifies the requirement that the Business Integrity Commission (BIC) issue and establish standards for the registration of labor unions in the putrescible trade waste industry.

State Legislative Resolutions

SLR No. 8, requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6981-A, and Assembly Member Abbate, A.7971, “AN ACT to amend the retirement and social security law, in relation to additional member contributions for certain members under the age fifty-seven retirement program,” would allow certain carpenter members of the City’s pension systems to stop paying additional members contributions.

SLR No. 9, requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.1608, and Assembly Member Abbate, A.4006, “AN ACT to amend the civil service law, in relation to the appointment and promotion of certain personnel of the sanitation department of the city of New York,” would provide that going forward, promotions to certain supervisory positions in the New York City Department of Sanitation would be subject to competitive examination.

SLR No. 10, requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6985-A, and Assembly Member Abbate, A.7873, “AN ACT to amend the retirement and social security law, in relation to automotive members of the New York city employees’ retirement system,” would adjust age and service requirements for retirement benefits to allow automotive workers to start their careers later in life.##

Briefs

Adult-Use Marijuana Industry Waits for State Action

The 2021 regular session of the New York State Legislature concluded without key appointments to the agency that is charged with drafting the regulations for establishing the State’s adult-use cannabis industry.

The newly created Office of Cannabis Management (OCB) is charged with overseeing all aspects of cannabis, including medical and recreational marijuana and the existing hemp / CBD businesses. The Governor, Senate, and Assembly must make appointments to the OCM and its control and advisory boards.

The Governor will appoint the OCM’s executive director, who is subject to Senate confirmation. The OCM is to be governed by a Cannabis Control Board. The Governor appoints the control board chair, subject to Senate approval, and two additional members. The state Senate and Assembly each appoint one member.

The OCB will also have a 13-member advisory board. Seven are appointed by the Governor and three each by the Senate and Assembly. The advisory board has the specific role of weighing in on the social equity aspects of the new law.

The Legislature is expected to return later this year to address outstanding issues.

Empire State Plaza Complex -- Including the Capitol & Legislative Office Building -- to Reopen to the Public June 18th

Governor Andrew Cuomo yesterday announced that the Empire State Plaza Complex, which includes the New York State Capitol and the Legislative Office Building, will reopen to the public June 18th.

Additionally, tours of the Capitol resume on Monday, June 21st, and the outdoor tours of the Empire State Plaza will start up again on Wednesday, July 7th. Unvaccinated individuals will continue to be responsible for wearing masks, in accordance with federal CDC guidance.

Free Capitol Tours

- **When:** Monday through Friday.
- **Times:** 10 a.m. & noon.
- **Location:** Information Desk in Capitol's State Street lobby.
- **Reservations:** Space is limited, and reservations are recommended but not required for groups of fewer than 10 people - reserve online [here](#). [For groups of 10 or more](#), call 518-474-2418 to make arrangements.
- **Unvaccinated Visitors to the Capitol are required to wear a mask during indoor Tours.**

Free Outdoor Empire State Plaza Tours

- **When:** Wednesday, Thursday, and Friday.
- **Time:** 2 p.m.
- **Location:** Outside at the main entrance to The Egg Center for the Performing Arts on the Empire State Plaza.
- **Reservations:** Space is limited to 25 people per tour, and **reservations are required** - reserve online [here or by calling](#) 518-474-2418.

Attorney General James Recovers Over \$90,000 in Restitution for Albany Nurses Subjected to Illegal Fines by Employer

Albany Med Health System Agrees to Repay Employees Who Were Forced to Pay Unlawful Fees Following Resignation or Termination

New York Attorney General Letitia James this week announced an agreement with Albany Med Health System (Albany Med) for unlawfully including a “repayment fee” provision in their employment contracts for nurses recruited from foreign nations.

Under the [agreement](#), Albany Med will return \$90,229 to seven former nurses who were each forced to pay up to \$20,000 if they resigned or were fired within three years of employment. The repayment provision threatened the nurses, most of whom were from the Philippines, with legal action and the involvement of immigration authorities if they did not make the payments. Albany Med will pay \$82,000 to the workers and \$8,229 more in interest.

In addition to removing the repayment provision from all employment contracts, Albany Med must notify current and former nurses of the clause’s removal and submit written reports on their compliance to the Office of the Attorney General (OAG).

US District Court Judge Puts NY's \$15-Per-Month Internet Law on Hold

A federal judge issued a preliminary injunction barring New York from requiring internet providers to offer broadband service for low-income customers for as little as \$15-a-month.

U.S. District Court Senior District Judge Denis R. Hurley, of the Eastern District of New York, acknowledged that the "the internet's promise of access" hinges on whether people can afford it, however the judge said the internet providers have shown that they could suffer "imminent irreparable injury" because of the law's potential impact.

USTelecom, CTIA, the New York State Telecommunications Association and other industry groups representing internet providers had sued in April arguing that the law meant they could either face penalties for not complying or be forced to provide the services "at a loss."

"While a telecommunications giant like Verizon may be able to absorb such a loss, others may not," the judge wrote. "The Champlain Telephone Company, for example, 'estimates that nearly half of its existing broadband customers will qualify for discounted rates,' with each customer 'causing a monetary loss.'"

The low-income broadband law passed in the state budget in April. It was scheduled to go into effect on Tuesday. Providers are subject to a \$1,000 fine per violation.

Governor Andrew Cuomo spokesperson Rich Azzopardi said that New York will keep defending the law.

Mayor de Blasio Appoints Raquel Batista as Commissioner of the Mayor's Office of Immigrant Affairs

Mayor Bill de Blasio this week appointed Raquel Batista as Commissioner of the Mayor's Office of Immigrant Affairs (MOIA). Batista, who is succeeding Bitta Mostofi as Commissioner, will continue to center immigrants in New York City's recovery from the COVID-19 pandemic.

Raquel Batista is second generation Afro-Dominicana, Latina, lifelong New Yorker and attorney with over two decades of experience advocating for the rights of immigrant New Yorkers. Most recently, she served as the Community Legal Fellow at CUNY Law School - CLRN. Batista previously served as an Adjunct Professor at Manhattan College teaching Immigration Law, Policy and Politics and at the Latin American and Puerto Rican Studies Department at the John Jay College of Criminal Justice.

Batista served as the Executive Director of the Northern Manhattan Coalition for Immigrant Rights and as a board member of the New York Immigration Coalition, North Star Community Funding Board and the Hispanic Scholarship Fund Alumni Board. Before and during law school, Batista worked in various roles at the Puerto Rican Legal Defense and Education Fund (now LatinoJustice/PRLDEF) and she served in the Mayor's Office of Appointments.

Batista earned her Juris Doctorate from the City University of New York School of Law at Queens College and her Bachelor of Arts in Sociology, cum laude, from Manhattan College.

The Top 10 Advantages of Maintaining Defined-Benefit Pension Plans: 2021 Update

As states grapple with weighing the benefits of public employee defined benefit (DB) plans versus defined contribution (DC) plans, the National Conference on Public Employee Retirement Systems (NCPERS) has updated its [research series](#) to provide policy makers with current statistics on the impact of DB programs on local economies and revenues.

According to NCPERS, in 2018, DB plans invested \$4.4 trillion and paid out \$323 billion in pension checks, contributing \$1.7 trillion to state and local economies. This, in turn, generated \$341 billion in state and local tax revenues. Meanwhile, in 2018, state and local governments contributed about \$162 billion into DB pension plans, receiving \$179 billion more than what they had contributed.

NCPERS' Top 10 Advantages of Retaining DB Pension Plans

1. Retaining a DB plan is likely to cost state and local governments less over the short term and The long-term cost savings of switching to a DC plan are “uncertain at best.”
2. Almost all state and local DB plans provide both disability and survivor benefits as well as retirement income.
3. DB plans enhance the ability of state and local governments to attract and retain qualified employees.
4. DB plans help state and local governments manage their workforce by providing flexible incentives that encourage employees to work longer or retire earlier, depending on the circumstances.
5. DB plans earn higher investment returns and pay lower investment management fees, on average, than DC plans.
6. DB plans reduce the overall cost of providing lifetime retirement benefits by pooling mortality and other risks over a relatively large number of participants.
7. DB plan investment earnings supplement employer contributions.
8. DB plans provide secure retirement benefits that are based on a person’s salary and period of service.
9. DB plans help sustain state and local economies by providing sufficient and steady retirement benefits for a significant portion of the workforce.
10. DB plans provide benefits that help ensure an adequate standard of living throughout retirement.

President Biden Gifts Steuben Crystal Sculpture to Russian President Putin

President Joe Biden and Russian President Vladimir Putin held diplomatic talks in Geneva this week that included a gift from New York's Southern Tier.



According to the White House, President Biden gifted President Putin a crystal sculpture of an American Bison by Steuben Glass of New York, "a stately interpretation of one of our nation's most majestic mammals and representative of strength, unity, resilience."

The sculpture was presented on a cherry wood base, symbolic of our nation's first president, George Washington, with a custom engraved inscription plaque commemorating the meeting between President Biden and President Putin.

"Steuben is an iconic American brand," said Steve Bender, Business Manager of Steuben Glass. "There is a legacy of American presidents gifting Steuben to world leaders. With this latest gift, now every U.S. president since President Truman has gifted Steuben."

Coming Up

New York State

Monday, June 21st

Joint Public Hearing: Assembly Committees on Alcoholism & Drug Abuse & Mental Health, Integrating services offered by the Office of Addiction Services and Supports and the Office of Mental Health, www.nyassembly.gov/av/live/, 10:30 a.m.

New York City

Monday, June 21st

Committee on Public Safety, Remote Hearing (Virtual Room 1), 10 a.m.
Oversight - Reopening the Criminal Courts

Committee on Economic Development, Remote Hearing (Virtual Room 2), 11 a.m.
Oversight - Life Sciences in New York City.

Tuesday, June 22nd

Committee on Aging, Remote Hearing (Virtual Room 2), 11 a.m.
Oversight - Serving Seniors in Senior Residences and Communities During the Pandemic.

Wednesday, June 23rd

Committee on Higher Education, Remote Hearing (Virtual Room 2), 10 a.m.
Oversight - Returning to CUNY Campuses in the Wake of COVID-19.

Committee on Parks and Recreation, Remote Hearing (Virtual Room 1), 1 p.m.
Oversight - The Process for Events Permitting at Parks in the Shadow of COVID-19.

Thursday, June 24th

Committee on General Welfare, Remote Hearing (Virtual Room 1), 1 p.m.
Oversight - Status of Hunger in NYC and the Impact of COVID

Committee on Sanitation & Solid Waste Management, Remote Hearing (Virtual Room 2), 10 a.m.

Friday, June 25th

Committee on Resiliency and Waterfronts, Remote Hearing (Virtual Room 1), 10 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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**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

**25 Hyatt Street, St. 202
Staten Island, New York 10301**
Telephone (718) 943-1050
Facsimile (718) 943-1051

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