



# This Week in New York

**Covering New York State and City Government**

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*July 30, 2021 Edition*



*“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 Takes Hardline With COVID Vaccinations**

***All State Employees Required to Get Vaccinated by Labor Day – Weekly Testing for Non-Compliance***

***No Testing Option for Patient-Facing Health Care Workers at State Hospitals***

***Calls for Private Sector Businesses to Limit Services to Unvaccinated Individuals***

Governor Andrew Cuomo this week announced that all New York State employees—approximately 130,000 workers—will be required to get vaccinated for COVID-19 by Labor Day. State employees who do not get vaccinated will be required to be tested on a weekly basis. Patient-facing healthcare workers at state-run hospitals do not have the testing option and must be vaccinated.

“It's smart. It's fair. It's in everyone's interest...I think we need dramatic action to get control of this situation,” Governor Cuomo said.

Following the Governor's call, the leaders of the State Senate and Assembly and the Unified Court System, as well as State Comptroller Thomas DiNapoli and Attorney General Letitia James indicated their offices would follow suit, according to published reports. New York State is working with state unions to implement the requirement “quickly and fairly.”

New York follows New York City, California, and Department of Veterans Affairs in adopting a vaccination-or-testing requirement of employees. In addition, late yesterday President Joe Biden announced that all federal employees must be vaccinated or tested for Covid-19.

Governor Cuomo also called upon private businesses to help turn the vaccine tide by admitting “vaccinated only people into your establishment.”

Citing the success of venues such as theaters and sports stadiums that have limited unvaccinated individual access, Governor Cuomo called it a “smart business practice.”

“...And I want to go to a safe theater, and I wanted to go to a safe bar and I think it's good business for the private sector. I also think it provides a real incentive for people to get the vaccine,” Governor Cuomo explained. “We have done this before. New York pioneered this. Radio City Musical Hall, Jim Dolan showed real vision back in May. Radio City opened up with only vaccinated people... Others have followed that model. Theaters have done it. We have sports stadiums that have done it. More businesses should do it.

Governor Cuomo also pushed private sector employers to return to offices by Labor Day as he continues to stress the State's reopening.

"We need people coming back.... Let's pick Labor Day as a date. Say to your workforce by Labor Day everyone is back in the office," he said, emphasizing the importance of reviving New York City's economy. “We need private sector companies to say to their employees I need you back in the office. Remote working for short period of time, fine, but that's not how the entrepreneurial economy works.”



## Chapters of the Laws of 2021

**Chapter 310 – Sponsored by M of A Epstein/Senator Krueger** -- Provides for online and in-person instruction and examination of election inspectors, poll clerks and election coordinators.

**Chapter 311 -- Sponsored by Senator Sanders/M of A Reyes** -- Relates to a civil cause of action for human trafficking.

**S5363\* -- Sponsored by Senator Oberacker/M of A Benedetto** -- Designates baseball the official sport of the state of New York.

(\*) Awaiting Chapter Number.

## Bills Currently in the Governor's Office

**A6155A -- Sponsored by M of A Magnarelli/Senator Kennedy** -- Permits signs, placards or other displays to provide notice that school bus photo violation monitoring systems are in use.

**A7124 Sponsored by M of A Joyner/Senator Gounardes** -- Relates to increasing certain special accidental death benefits.

**S1239 -- Sponsored by Senator Mayer/M of A Benedetto** -- Relates to allowing the administration of certain prescribed medications by trained unlicensed school personnel.

**S1556 -- Sponsored by Senator Parker/M of A Cahill** -- Relates to utility membership dues used for lobbying activities.

**S4165A -- Sponsored by Senator Bailey/M of A Pichardo** -- Relates to the publication of information regarding waivers of compliance with state contract provisions concerning minority and women-owned business enterprise participation requirements.

**S7100 -- Sponsored by Senator Gounardes/M of A Abbate** -- Relates to the reduction in provisional appointment by the New York city department of citywide administrative services.

**S7135A -- Sponsored by Senator Ramos/M of A Zinerman** -- Authorizes the service of notice by electronic communication.



## Excluded Worker Fund Takes Shape

The New York State Department of Labor this week released [regulations](#) detailing the Excluded Worker Fund (EWF) which was established by the 2021-2022 State Budget. The program will provide financial help to New Yorkers who lost income during the COVID-19 pandemic and were left out of various federal relief programs, including unemployment and pandemic benefits.

The program establishes two tiers of benefits: Tier I) payment totaling \$15,600 (minus taxes); Tier II) payments totaling \$3,200 (minus taxes). Payment tiers are determined by the information and documentation submitted and individuals are allowed only one payment benefit.

Under the regulations, to be eligible to receive benefits from the EWF program, applicants must show they:

1. Lived in New York State before March 27, 2020, and continue to live in New York State.
2. Are not eligible for and did not receive unemployment insurance or any other COVID-19 income relief or other specified benefits from the state or federal government.
3. Earned less than \$26,208 in the 12 months prior to April 2021.
4. Lost at least 50% of weekly work-related earnings or household income at any point in time between February 23, 2020 and April 1, 2021 due to total or partial unemployment, or inability or unavailability to work due to the COVID-19 pandemic or, became responsible for a majority of their household income due to death or disability of the head of household.

The application program opens next month.

## *In the News – City*



### **Comptroller DiNapoli: Port Authority Falling Short of Compliance With Americans With Disabilities Act**

People with disabilities face challenges and limited access at some facilities run by the Port Authority of New York and New Jersey (PANYNJ), according to [an audit released](#) by State Comptroller Thomas DiNapoli.

“The Americans with Disabilities Act says that people with disabilities should be able to participate in the same day-to-day activities as everyone else, but the Port Authority is not living up to this promise,” Comptroller DiNapoli explained. “... Transit systems are facing many challenges, but it is important that trains and buses are accessible to all.”

According to the ADA, PANYNJ was required to identify key stations in its Port Authority Trans-Hudson (PATH) system and make those stations accessible and usable by people with disabilities by July 1994, absent an extension of time. Any new construction or alteration of an existing station after October 1991 was also subject to this accessibility requirement.

Although PANYNJ is complying with some aspects of the ADA and the Rehabilitation Act, auditors identified numerous areas where passengers with disabilities face significant challenges and obstacles.

Comptroller DiNapoli’s auditors found four of 13 PATH stations (Christopher Street, 9th Street, 14th Street, and 23rd Street) were not accessible to persons in wheelchairs, and two of the four stations (14th Street and 23rd Street) share connections to MTA subway stations that were also inaccessible.

In addition, PATH station platforms have raised rubber platform edges to alert travelers with visual impairments to the end of the platform. Auditors found that the warning strips at Newark, Newport, and Grove Street were in poor condition with tiles that were heavily cracked, not level, or slippery from dripping water. Auditors also found issues at the Port Authority Bus Terminal (PABT) and the George Washington Bridge Bus Station (GWBBS) that could impede access to these terminals.

Comptroller DiNapoli’s auditors recommended PANYNJ:

- Improve connections for transfer between the PANYNJ’s bus terminals/stops and MTA subway stations.

- Ensure that passengers with disabilities have access to all gates at PABT.
- Maintain PATH's platform-edge warning tiles in good condition.
- Renovate the facilities such as the PATH stations and platforms at PABT so that they are wheelchair accessible.
- Work with organizations serving persons with disabilities to address specific needs and test its website for ease of use.

PANYNJ officials agreed with most of the recommendations and have taken actions to implement them, committing to finalize those efforts over the coming months. They disagreed with the recommendation that PANYNJ should take action at locations where its property is adjacent to MTA stations.



## Bills Approved by the City Council

***Int. No. 2333-A -- Sponsored by Council Member Mark Gjonaj*** -- Prohibits third-party delivery platforms from listing restaurants on their application or website and making deliveries from those restaurants, without a written agreement granting permission to do so.

***Int. No. 2335-A -- Sponsored by Council Member Mark Gjonaj*** -- Requires the platforms to list a restaurant's direct telephone number, if listing any telephone number for a restaurant. If the platform also includes an alternate number, they must provide a description of the telephone numbers that identifies each type of telephone number and any fees associated with their use.

***Int. No. 2311-A -- Sponsored by Council Member Keith Powers*** -- Requires the third-party delivery platforms to share information related to delivery orders placed through their website or mobile application with restaurants that request it. The information would consist of the customer's name, phone number, e-mail address, delivery address and the contents of their orders. Customers would be able to opt out of the sharing of this information.

***Int. No. 339-B, Sponsored by Council Member Rose*** -- Extends the employment protections of the Human Rights Law (HRL) to all domestic workers regardless of staff size. Domestic workers include those employed at an employer's residence for the purpose of caring for a child, sick or elderly person, or for housekeeping or any other domestic service purpose. Currently, the employment protections of the HRL do not apply to employers with fewer than four workers. Also, employees of employers with fewer than four employees total are not protected by the Pregnant Workers Fairness Act.

***Int. No. 2252-A -- Sponsored by Speaker Corey Johnson*** -- Requires city human services contractors and certain subcontractors to enter into labor peace agreements with labor organizations seeking to represent their employees rendering services under City human services contracts.

**Int. No. 2356-A -- Sponsored by Council Member Mark Gjonaj** -- Extends Local Laws 51 and 87 of 2020, which prohibit third-party delivery platforms from charging restaurants for telephone orders that did not result in a transaction until February 17, 2022.

**Int. No. 2359-A -- Sponsored by Council Members Francisco Moya and Mark Gjonaj**,-- Extends Local Laws 52 and 88 of 2020, which prohibit third-party delivery platforms from charging restaurants more than 15% per order for delivery and more than 5% per order for all other fees until February 17, 2022.



## New York City Council Confirms Georgia M. Pestana as Corporation Counsel

***Pestana will be the first woman and the first Latina to lead the City's Law Department***

The New York City Council yesterday confirmed Georgia M. Pestana as New York City's 80<sup>th</sup> Corporation Counsel. She is the first woman and the first Latina to lead the City's Law Department.

Pestana has worked in the Law Department for 33 years, including as First Assistant Corporation Counsel since 2015. She succeeds James Johnson, who was appointed in 2019 and left the position in June 2021. A 2019 revision to the City Charter requires City Council confirmation of the Corporation Counsel appointed by the mayor.

"It is an honor to serve as New York City's 80<sup>th</sup> Corporation Counsel, the greatest legal job there is," said Georgia M. Pestana. "... I look forward to continuing my work with the dedicated professionals of the Law Department to protect the City's interests and help it recover from the pandemic. We'll fight on behalf of all New Yorkers. I will make them — especially other women and Latinas in this City — proud."

Pestana 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, she 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, which handles all the litigation arising out of the City's role as employer of more than 300,000 workers. In 2013, she 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. She has served as First Assistant Corporation Counsel since 2015.

# *Briefs*

## **Janno Lieber to Serve as MTA's Acting Board Chair and CEO**

Governor Andrew Cuomo this week announced Janno Lieber will serve as Acting Board Chair and CEO of the New York Metropolitan Transportation Authority (MTA), effective July 31<sup>st</sup>, while legislation to split the roles of MTA Board Chair and CEO is pending in the State Senate. The Assembly passed the legislation prior to recessing in June.

Governor Cuomo announced in June that he would nominate New York City Transit Interim President Sarah Feinberg as Board Chair and Lieber as CEO following passage of the legislation to split the roles. In addition, under the Governor's plan, Patrick Foye, who has led the agency as President and then Chairman and CEO for the past four years, would leave the agency July 30<sup>th</sup> and then later step into a new role as Interim President and CEO of Empire State Development. Both Feinberg and Foye will leave the MTA at the end of this month. No further plans have been released.

Lieber is currently President of MTA Construction & Development. Prior to his work at MTA, Lieber served as President of World Trade Center Properties and headed public-private development at Lawrence Ruben Company. During the Clinton Administration, Lieber served as Deputy Assistant Secretary and Acting Assistant Secretary for Policy at the U.S. Department of Transportation.

He is a graduate of Harvard University and New York University Law School.

## **NY Streamlines Application Process for Rent Relief Program**

New York this week launched a new streamlined application process for the New York State Emergency Rental Assistance Program to help eliminate application barriers for eligible tenants and landlords.

The new process relaxes documentation standards and implements an easier submission process for arrears documentation for multi-tenant landlords. With these new processes in place, the New York State Office of Temporary and Disability Assistance (OTDA) will be able to establish viable applications eligible for program funding.

New York State's rental assistance program makes up to \$2.7 billion in emergency rental assistance. It provides to 12 months of past-due rent, 3 months of prospective rental assistance and 12 months of utility arrears payments to eligible New Yorkers, regardless of immigration status. The program is expected to serve between 170,000 and 200,000 households.

According to the Governor OTDA will clear all current cases reviewed and verified applications for payment by August 3<sup>rd</sup>. By August 31, OTDA will be current with payment for all pending, verified applications.

## **State Launches \$35 Million Restaurant Return-to-Work Tax Credit Program**

New York State this week started its \$35 million Restaurant Return-to-Work Tax Credit program, designed to help expand employment opportunities for workers, and provide relief to COVID-impacted restaurants.

Created as part of the New York State FY 2022 Budget, the program offers a tax credit for the rapid hiring of restaurant workers to reduce the restaurant industry's pandemic-induced economic difficulties. Qualifying restaurants could receive a \$5,000 tax credit per net new hire, totaling up to \$50,000 in tax credits per business.

The Restaurant Return-to-Work Tax Credit is available to small, independently owned restaurants in New York City, or in areas that were designated as an Orange Zone or Red Zone for at least 30 consecutive days by the New York State Department of Health during the state of emergency related to COVID-19. Eligible restaurants will need to demonstrate COVID-related losses and show proof of hiring at least one full-time worker at the restaurant.

## **CUNY \$125 Million Comeback Program To Provide Debt Relief for at Least 50,000 Students**

CUNY's \$125 million Comeback Program will eliminate unpaid debt for at least 50,000 students who attended CUNY and suffered financial hardships during the COVID-19 pandemic. The program is funded through federal stimulus assistance allocated to CUNY.

Earlier this month, the CUNY Board of Trustees approved the use of \$125 million in federal stimulus funds for student support and retention, including this student debt relief initiative. The University estimates that at least 50,000 students will receive a pandemic debt-relief benefit. The average debt balance is about \$2,000. As of August 2020, more than two-thirds of undergraduate students, or 69.2 percent, attend tuition-free. Three in four undergraduate students graduated debt-free.

Eligibility includes: 1) Students determined to have hardship, including those eligible for Pell Grants and the New York State Tuition Assistance Program; 2) Students who graduated from CUNY since the national emergency was declared on March 13, 2020 and owe any outstanding balance from Spring 2020 through Spring 2021; 3) Students who have an outstanding balance of \$100 or less per semester, for any of the Spring 2020, Summer 2020, Fall 2020, and Spring 2021 semesters; and 4) Students who accrued debt during the aforementioned semesters, but were not eligible for financial aid, may have their unpaid debt forgiven by applying based on financial hardship.

Hardships may include the need to pay medical expenses not covered by insurance; unusually high childcare costs; being homeless or a dislocated worker; recent unemployment of a family member on whom they depend for support; food or housing insecurity; or other changes in the family's income or assets that rendered them unable to pay off their liability to CUNY.

A similar plan for SUNY students is currently under consideration.



## **Frontier Airlines to Launch Routes to Florida at New York Stewart International Airport This Fall**

New York Stewart International Airport will have new air service to three Florida cities aboard Frontier Airlines starting this fall, helping to restore pre-COVID flight activity and create more travel choices for customers at the Mid-Hudson Valley airport.

Frontier Airlines announced it will be scheduling flights between New York Stewart and Miami International Airport and Tampa International Airport three times each per week, starting November 2, and flights between New York Stewart and Orlando International Airport four times a week starting October 25.

The airline currently offers flights out of LaGuardia Airport and Newark Liberty International Airport.

## **President Biden Will Not Extend Nationwide Eviction Moratorium**

President Joe Biden will not extend the nationwide eviction moratorium scheduled to end on Saturday, calling on Congress to pass legislation for the extension.

In a statement, the White House cited last month's Supreme Court ruling that indicated a majority of justices believed the Centers for Disease Control and Prevention (CDC) exceeded its authority when it imposed the ban on eviction for nonpayment of rent in September.

"Given the recent spread of the Delta variant, including among those Americans both most likely to face evictions and lacking vaccinations, President Biden would have strongly supported a decision by the CDC to further extend this eviction moratorium to protect renters at this moment of heightened vulnerability," White House Press Secretary Jen Psaki said. "Unfortunately, the Supreme Court has made clear that this option is no longer available."

## **Governor Signs Legislation Designating Baseball as the Official Sport of New York**

Governor Andrew Cuomo today signed legislation (S.5363/A.5156) designating baseball as the official sport of the state of New York. This bill was proposed by a Cooperstown Elementary School 4th grade class. Cooperstown, NY is the home of the Baseball Hall of Fame and is believed to be the birthplace of the sport.

According to the Governor, not only is New York home to the National Baseball Hall of Fame in Cooperstown where Abner Doubleday is said to have created the sport, it has been home to four of the most popular franchises in the sport - the New York Yankees and the New York Mets, as well as the New York Giants and Brooklyn Dodgers which moved to San Francisco and Los Angeles, respectively, in 1957.

Despite the loss of the Giants and Dodgers, no other state has been home to more World Series titles than New York, with the Yankees winning 27 (1923, '27, '28, '32, '36, '37, '38, '39, '41, '43, '47, '49, '50, '51, '52, '53, '56, '58, '61, '62, '77, '78, '96, '98, '99, 2000, '09), and the Mets winning two (1969, '86), along with the Giants winning five (1905, '21, '22, '33, '54) and the Dodgers winning one (1955) prior to their moves to the west coast. The Yankees were also ranked by Forbes in 2021 as being the world's second-most valuable professional sports franchise, with an estimated value of \$5.25 billion.

These teams also have a large presence in the Hall of Fame itself -- 59 of the 333 Hall of Famers all primarily played for New York teams. Additionally, while they did not necessarily play for New York-based teams, 33 of the 333 inductees were born in the Empire State.

The legislation was sponsored by Senator Pete Oberacker and Assemblyman Michael Benedetto.

## **Baseball is Back on Staten Island**

Staten Island Entertainment (SIE) will bring an Atlantic League team to play at the Staten Island Ballpark on the St. George waterfront beginning in 2022, under an agreement reached with the City of New York, Borough of Staten Island, and the NYC Economic Development Corporation.

“Baseball is back on Staten Island,” said Mayor Bill de Blasio. “This ballpark has the potential to unite Staten Islanders around the home team and attract visitors from across the city and the region. We’re proud to secure a long-term future for this venue and build a recovery for all of us on Staten Island.”

Prior to the 2022 season, NYCEDC and Staten Island Entertainment will make necessary upgrades to the facility, which will include installation of synthetic turf, seating and concourse upgrades, and other improvements. The renovated stadium will be a destination venue for New Yorkers across the five boroughs. Staten Island Entertainment plans to release an annual calendar of concerts and other community events to draw additional visitors to the facility and the borough.

The team will be named following an engagement process with local elected officials, community members, and other stakeholders.

“This is one of the most exciting ventures I have ever been a part of,” said SIE partner John Catsimatidis. “We will bring family entertainment back to the people of Staten Island, boost the local economy and see our team conquer the Atlantic League.”

# ***Coming Up***

## ***New York State***

***Wednesday, August 4<sup>th</sup>***

***To Solicit Testimony on Voting Experiences and Issues From Voters in Syracuse***

Senate Committee on Elections

SUNY College of Environmental Science & Forestry, Syracuse, 10 a.m.

***Thursday, August 5<sup>th</sup>***

***To Solicit Testimony on Voting Experiences and Issues From Voters in Rochester***

Senate Committee on Elections

Monroe County Legislature Chambers (4th Floor), Rochester, Noon.

***New York City***

***Tuesday, August 3<sup>rd</sup>***

***Subcommittee on Zoning and Franchises***, Hybrid Hearing - Chambers/Virtual Room 1, 10 a.m.

***Wednesday, August 4<sup>th</sup>***

***Subcommittee on Landmarks***, Hybrid Hearing - Chambers/Virtual Room 1, 2 p.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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