



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

August 12, 2022 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-



United States Senate Passes Inflation Reduction Act

On Sunday August 7, following an hours-long “vote-a-rama”, the United States Senate passed its version of H.R. 5376 – the Inflation Reduction Act (IRA). The bill, which passed thanks to a tie-breaking vote by Vice President Kamala Harris using special rules reserved for budget-only actions, looks to combat persisting inflation while funding clean energy projects and addressing prescription drug costs.

In a turnaround from his stance on December’s Build Back Better Act, Senator Joe Manchin (D-WV) partnered with Senate Majority Leader Chuck Schumer (D-NY) to create a pathway for the passage of the bill through a process known as reconciliation, with the promise that Congress would speed up permitting for projects under the Clean Water Act, allowing developers to build pipelines more quickly. Though not every measure made it into the final bill, such as Senator Bernie Sanders’ (D-VT) attempt to cap insulin costs at \$35 per month for those with private insurance, the passage represents a huge legislative win for Democrats in a deadlocked Senate.

The IRA includes several provisions that look to have powerful impacts on the environment and the economy. These include a \$7,500 credit that taxpayers can access by purchasing electric vehicles, billions of dollars in rebates for Americans who invest in energy efficient appliances, and an expansion of tax credits for coal and gas-based facilities that use carbon capture technology.

Additionally, a study by the University of Massachusetts Amherst’s Political Economy Research Institute predicts that the IRA will generate an average of 912,000 jobs per year over a 10-year period, thanks to combined public and private investments of nearly \$100 billion yearly – many of these being in the clean energy space.

Interestingly, the reconciliation deal also includes bonuses that are unlocked when certain labor standards are met. The IRA provides for hundreds of billions of dollars in energy security and climate change programs; these include production tax credits and investment tax credits, which are available for producing clean energy and investing in energy generated from renewable sources. These credits would also be tiered, offering greater incentives to production facilities that pay prevailing wages and fulfill apprenticeship requirements.

The House of Representatives is expected to pass the bill this afternoon, and by tonight it will have received President Biden's signature.

In the News – New York State



Governor Signs Green CHIPS Bill to Boost Chip Manufacturing in NYS

Hoping to piggyback on the recently enacted federal CHIPS and Science Act, Governor Kathy Hochul this week signed the Green CHIPS legislation (Chapter 494) aimed at creating jobs, kick-starting economic growth, and maintaining environmental protections while making New York a hub for semiconductor manufacturing.

Green CHIPS is aimed to helping New York attract chip manufacturers to the state with each generating at least \$3 billion in investment, creating 500 new jobs per project, and lowering greenhouse gas emissions related to chip production.

According to the Governor, this new law also positions New York State to benefit from the federal CHIPS and Science Act to increase domestic semiconductor manufacturing, which was signed into law by President Joseph. Biden earlier this week. New York's Green CHIPS bill will help the State to conform to the requirements of the federal program, enhancing its competitiveness against other states looking to attract chip manufacturers.

"New York is poised to lead the nation in semiconductor manufacturing — and as always, we're doing it in the cleanest, greenest way possible," Governor Hochul said. "This transformative legislation, in addition to longstanding investments in this industry and bipartisan action from the federal government, takes a significant step forward in creating jobs and sparking economic growth in New York. If you're looking for a high-tech job or trying to relocate your business, there's no better place than New York State."

Green CHIPS amends the Excelsior Jobs Tax Credit program, which provides incentives based on job creation and company investment to better attract semiconductor manufacturing facilities by adding a new Green CHIPS category to the program. Green CHIPS projects must be in the semiconductor sector and must result in at least \$15 of private investment for every \$1 of state investment. All Green CHIPS projects will be listed on [New York State's Database of Economic Incentives](#), as well as in Quarterly Excelsior Jobs Tax Credit Program reports.

Green CHIPS ensures:

- At least 500 new jobs and at least \$3 billion in qualified investment over a 10-year term. Projects in good standing can then enter a second 10-year term with at least 500 more new jobs and \$3 billion more in qualified investment above and beyond the first phase.
- An approved clean energy plan that mitigates the project's GHG emissions and other environmental impacts.
- Significant investment in workforce and community development, including training and education benefits and programs to expand employment opportunity for economically disadvantaged individuals.
- Prevailing wage rates for project construction.
- Job creation and investment milestones must be met before claiming any tax credits, in line with the Excelsior Tax Credit Program's pay-for-performance model.



NY Law Honors and Supports Holocaust Survivors

Governor Kathy Hochul this week signed a legislative package to honor and support Holocaust survivors in educational, cultural, and financial institutions. The legislative package will help ensure schools are providing high-quality Holocaust education, require museums to acknowledge art stolen by the Nazi regime, and require the New York State Department of Financial Services to publish a list of financial institutions that voluntarily waive fees for Holocaust reparation payments.

"As New Yorkers, we are united in our solemn commitment to Holocaust survivors: We will never forget," Governor Hochul said. "These are individuals who have endured unspeakable tragedy but nonetheless have persevered to build lives of meaning and purpose right here in New York. We owe it to them, their families, and the six million Jews who perished in the Holocaust to honor their memories and ensure future generations understand the horrors of this era."

Chapter 490 will help ensure that New York schools are properly educating students on the Holocaust. The legislation directs the New York State Education Department to determine whether school districts across the state have met education requirements on instruction of the Holocaust, which have been required by law since 1994. It will also require NYSED to identify how non-compliant schools will close gaps in knowledge of the Holocaust in schools. It was sponsored by Senator Anna Kaplan and Assemblymember Nily Rozic.

“This is important legislation. We have found that Simon Wiesenthal Center’s educational efforts, which included an exhibition in the NYS Capitol and our Museum of Tolerance merely scratch the surface of need,” Michael Cohen, Director, Eastern Region of the Simon Wiesenthal Center said. “Education fosters liberty. Never forget.”

Chapter 491 requires museums to acknowledge the origins of art pieces that were stolen from Europeans during the Nazi era, primarily from Jewish families. During World War II, the Nazis looted some 600,000 paintings from Jews, enriching the Third Reich and eliminating all vestiges of Jewish identity and culture. Museums across New York display this stolen art with no recognition of or transparency around their origins, and this legislation will require museums to disclose information on the history of these stolen art pieces. It was sponsored by Senator Kaplan and Assemblyman Charles Lavine.

Chapter 493 requires the New York State Department of Financial Services to maintain and update a list of financial institutions that waive wire fees associated with Holocaust reparations payments. About one-third of Holocaust survivors in the U.S. live in poverty. This legislation will ease unnecessary burdens that banks may place on Holocaust survivors that receive reparation payments. It was sponsored by Senator Zellnor Myrie and Assemblymember Simcha Eichenstein.

In the News – New York City



Environmental Assessment Details Effects of Proposed Congestion Pricing Program

The Federal Highway Administration, New York State Department of Transportation, MTA Triborough Bridge & Tunnel Authority, and New York City Department of Transportation this week released an [Environmental Assessment \(EA\)](#) of the proposed Central Business District Tolling Program (“congestion pricing”) which evaluates the effects of proposed congestion pricing models on City streets and neighborhoods.

The study looked at the traffic, pollution, and tolling outcomes in seven different scenarios with varying credit options and exemptions. The new tolls for cars to enter the Central Business District of Manhattan, the area below 60th Street, could range from \$9 to \$23 during peak hours, \$7 to \$17 during off-peak hours, or \$5 to \$12 overnight, according to models used by the report's authors to study the tolling program. Tolls for trucks range from \$12 and \$82.

The lowest peak hour rate of \$9 comes with the least number of exemptions. A driver who pays \$9 to enter Manhattan would get charged once a day, plus pay any other toll on the city’s bridges and tunnels, the report said. Taxi and for-hire vehicle drivers would be charged as many times as they enter the congestion zone.

The high end examined by the MTA--\$23 to enter the Manhattan zone at peak times--comes with many exemptions, including charging taxi and for-hire vehicle drivers just once per day, exempting buses, and deducting the cost of bridge and tunnel tolls from the congestion toll.

Manhattan residents who live in the tolling area and make less than \$60,000 per year would be eligible for a tax credit to cover the cost of tolls they pay, under the current proposal.

Table ES-2. Tolling Scenarios Evaluated for the CBD Tolling Alternative

PARAMETER ¹	SCENARIO A Base Plan	SCENARIO B Base Plan with Caps and Exemptions	SCENARIO C Low Crossing Credits for Vehicles Using Tunnels to Access the CBD, with Some Caps and Exemptions	SCENARIO D High Crossing Credits for Vehicles Using Tunnels to Access the CBD	SCENARIO E High Crossing Credits for Vehicles Using Tunnels to Access the CBD, with Some Caps and Exemptions	SCENARIO F High Crossing Credits for Vehicles Using Manhattan Bridges and Tunnels to Access the CBD, with Some Caps and Exemptions	SCENARIO G Base Plan with Same Tolls for All Vehicle Classes
Time Periods²							
Peak: Weekdays	6 a.m. to 8 p.m.	6 a.m. to 8 p.m.	6 a.m. to 8 p.m.	6 a.m. to 8 p.m.	6 a.m. to 8 p.m.	6 a.m. to 10 a.m.; 4 p.m. to 8 p.m.	6 a.m. to 8 p.m.
Peak: Weekends	10 a.m. to 10 p.m.	10 a.m. to 10 p.m.	10 a.m. to 10 p.m.	10 a.m. to 10 p.m.	10 a.m. to 10 p.m.	10 a.m. to 10 p.m.	10 a.m. to 10 p.m.
Off Peak: Weekdays	8 p.m. to 10 p.m.	8 p.m. to 10 p.m.	8 p.m. to 10 p.m.	8 p.m. to 10 p.m.	8 p.m. to 10 p.m.	8 p.m. to 10 p.m.	8 p.m. to 10 p.m.
Overnight: Weekdays	10 p.m. to 6 a.m.	10 p.m. to 6 a.m.	10 p.m. to 6 a.m.	10 p.m. to 6 a.m.	10 p.m. to 6 a.m.	8 p.m. to 6 a.m.	10 p.m. to 6 a.m.
Overnight Weekends	10 p.m. to 10 a.m.	10 p.m. to 10 a.m.	10 p.m. to 10 a.m.	10 p.m. to 10 a.m.	10 p.m. to 10 a.m.	10 p.m. to 10 a.m.	10 p.m. to 10 a.m.
Potential Crossing Credits							
Credit Toward the CBD Toll for Tolls Paid at the Queens-Midtown, Hugh L. Carey, Lincoln, Holland Tunnels	No	No	Yes	Yes	Yes	Yes	No
Credit Toward the CBD Toll for Tolls Paid at the Robert F. Kennedy, Henry Hudson, George Washington Bridges	No	No	No	No	No	Yes	No
Potential Exemptions and Limits (Caps) on Number of Tolls per Day							
Cars, motorcycles, commercial vans	Once per day	Once per day	Once per day	Once per day	Once per day	Once per day	Once per day
Taxis	No cap	Once per day	Exempt	No cap	Exempt	Once per day	No cap
FHVs	No cap	Once per day	Three times per day	No cap	Three times per day	Once per day	No cap
Small and large trucks	No cap	Twice per day	No cap	No cap	No cap	Once per day	No cap
Buses	No cap	Exempt	No cap	No cap	Transit buses-Exempt No cap on others	Exempt	No cap
Approximate Toll Rate Assumed³							
Peak	\$9	\$10	\$14	\$19	\$23	\$23	\$12
Off Peak	\$7	\$8	\$11	\$14	\$17	\$17	\$9
Overnight	\$5	\$5	\$7	\$10	\$12	\$12	\$7

¹ The parameters in this table were assumed for modeling purposes to evaluate the range of potential effects that would result from implementation of the CBD Tolling Alternative. Actual toll rates, potential credits, exemptions and/or discounts, and the time of day when toll rates would apply would be determined by the TBTA Board after recommendations are made by the Traffic Mobility Review Board. **Appendix 2E, "Project Alternatives: Definition of Tolling Scenarios,"** provides more detailed information on the rates, potential crossing credits, exemptions, and/or discounts assumed for each tolling scenario.

² Tolls would be higher during peak periods when traffic is greatest. These would be set forth by TBTA in the final toll schedule. All tolling scenarios include a higher toll on designated "Gridlock Alert" days, although the modeling conducted for the Project did not reflect this higher toll since it considers typical days rather than days with unusually high traffic levels.

³ Toll rates are for autos, commercial vans, and motorcycles using E-ZPass and are rounded. For all tolling scenarios, different rates would apply for vehicles not using E-ZPass; for Tolling Scenarios A through F, different vehicle classes would pay different tolls (see **Appendix 2E, "Definition of Tolling Scenarios"**). The peak E-ZPass rate (rounded) range across tolling scenarios for small trucks would be \$12-\$65; for large trucks, the range would be \$12-\$82.

Source: MTA

According to the MTA's assessment, congestion pricing could reduce traffic in Manhattan as much as 20%, decrease air pollution, and improve the reliability of bus service and other mass transit. However, it could also significantly increase traffic on other nearby routes like the Cross Bronx Expressway and intersections near the District. In addition, the report acknowledged that in all but one scenario for-hire vehicle (FHA) drivers will be adversely affected even if customers are responsible for paying the toll, as is expected.

FHV passengers are already paying \$30 million/month to the MTA pursuant to the current congestion pricing tax. In 2019, a \$2.50 congestion surcharge was added to all taxi trips south of 96th Street in Manhattan. There has been no indication on how the new tax plan will affect the tax currently levied.

The Federal Highway Administration is expected to issue a decision on the environmental review in January 2023. If the agency determines there are no significant impacts expected, the Toll Mobility Review Board will have 310 days to issue a report with recommendations and details about how the tolling structure should work, what crossings should receive credits and how exemptions would work. In that time frame, the infrastructure needed to process the tolls will also need to be put in place.

The public can submit comments and participate in one of the six virtual public hearings. The dates and times of those hearings are:

- Aug. 25, 5 to 8 p.m.
- Aug. 27, 10 a.m. to 1 p.m.
- Aug. 28, 1 to 4 p.m.
- Aug. 29, 1 to 4 p.m.
- Aug. 30, 5 to 8 p.m.
- Aug. 31, 10 a.m. to 1 p.m.

Additional comments may also be submitted by email, mail, phone, and fax.

- **Online:** mta.info/CBDTP
- **Email:** CBDTTP@mtabt.org
- **Mail:** CBD Tolling Program, 2 Broadway, 23rd Floor, New York, NY 10004
- **Phone:** 646-252-7440
- **Fax:** Send to (212) 504-3148 with Attention to CBDTP Team.



Bills Approved by the City Council

Introduction 86, sponsored by Public Advocate Jumaane Williams by request of the Bronx Borough President, would require an agency designated by the mayor to administer public education on the city's standards for respectful care at birth.

Introduction 409, sponsored by Council Member Farah Louis, would require DOHMH to post the annual Maternal Mortality and Morbidity report on its website.

Introduction 472, sponsored by Council Member Jennifer Gutiérrez, would require DOHMH to establish a program to train doula and provide doula services to residents of marginalized neighborhoods in all five boroughs at no cost to the resident.

Introduction 478, sponsored by Council Member Crystal Hudson, would require an agency designated by the Mayor to provide education and information regarding services offered by doulas and midwives, the evidence-based benefits of such services, and free and low-cost resources related to such services in the city.

Introduction 482, sponsored by Council Member Farah Louis, would require DOHMH to provide education on polycystic ovary syndrome and endometriosis.

Introduction 490, sponsored by Council Member Julie Menin, would require DOHMH to conduct research on sexual and reproductive health disparities within the city and provide sexual and reproductive health services.

Introduction 509, sponsored by Council Member Althea Stevens, would require an agency designated by the mayor to administer a public education program that informs the public regarding maternal mortality and severe maternal morbidity.

Briefs

NYS Cannabis Dispensary Portal to Accept Applications Beginning August 25th

New York cannabis regulators will begin accepting retail license applications on August 25th, the Office of Cannabis Management announced on Thursday. License applications will be accepted for a month after an online portal opens.

Officials are placing an emphasis on granting licenses to "justice involved" New Yorkers -- people who have been affected by stricter drug laws either directly or as a family member. License holders must also have shown experience in owning and operating a qualifying business.

"Today's announcement brings us to the precipice of legal, licensed cannabis sales in New York State," said Cannabis Control Board Chair Tremaine Wright. "With the Seeding Opportunity Initiative, New York has affirmed our commitment to making sure the first sales are conducted by those harmed by prohibition. We're writing a new playbook for what an equitable launch of a cannabis industry looks like, and hope future states follow our lead."

Governor Hochul Signs Legislation Aimed at Addressing Economic Inequities Facing Transgender New Yorkers

Governor Hochul this week signed legislation (Chapter 492) that will direct the Department of Labor to conduct a study on the statewide employment rate of trans individuals in the State, in consultation with the Division of Human Rights. This study will be used to determine whether there is a disparity of employment rates between transgender New Yorkers and other residents in New York State.

By conducting a statewide survey through the Department of Labor in consultation with the Division of Human Rights, further legislation can be drafted that is specifically tailored to the needs of trans New Yorkers. Nationwide studies have found that transgender persons face higher rates of unemployment, workplace discrimination, harassments and violations. A survey from the Office of the New York City Comptroller found higher rates of homelessness among Black and Hispanic transgender individuals.

The legislation was sponsored by Senator Kevin Parker and Assemblymember Amy Paulin.

City Ordered to Pay Rikers Detainees for Missed Medical Appointments

A state judge has ordered the City's Department of Correction to pay fines to incarcerated individuals on Rikers Island who missed medical appointments. The City will pay \$100 to detainees for each missed medical appointment between December 11, 2021 and January 2022, according to published reports.

In May, following a lawsuit brought by the Legal Aid Society, Bronx Supreme Court Judge Elizabeth Taylor held the city in contempt for failing to comply with a previous order to provide access to on-site clinics at least five days a week. DOC did not comply with the order. Judge Taylor issued the compensatory ruling this week.

"While [the city] has demonstrated that it is committed to providing inmates with access to clinic appointments," the judge wrote, according to published reports, "it did not meet its heavy burden, on this record, to demonstrate that it substantially complied with the December 3, 2021 order to provide petitioners with access to sick call."

The total sum paid to incarcerated people is estimated at \$200,000, according to the Legal Aid Society.

City Mayor Reaches Settlement with Chipotle Mexican Grill, Securing \$20 Million for Approximately 13,000 Workers

New York City Mayor Eric Adams and New York City Department of Consumer and Worker Protection (DCWP) Commissioner Vilda Vera Mayuga this week announced a [settlement with Chipotle Mexican Grill, Inc.](#) in relation to violations under the Fair Workweek, Paid Safe, and Sick Leave laws. The settlement will deliver up to approximately \$20 million in compensation to approximately 13,000 workers. Chipotle will also pay \$1 million in civil penalties.

In 2018, DCWP initiated an investigation into Chipotle's compliance with the Fair Workweek and the Paid Safe and Sick Leave laws at locations in Brooklyn after receiving complaints from fast food employees. In 2019, following the investigation, DCWP filed a case against Chipotle at the Office of Administrative Trials and Hearings for violating the Fair Workweek Law at these locations. In April 2021, after uncovering significant new information about violations across New York City, DCWP expanded the case against Chipotle to include locations citywide.

Under the agreement, anyone who worked for Chipotle in an hourly position in New York City will receive \$50 for each week worked from November 26, 2017 to April 30, 2022.

NYC to Soon be Home to Largest Composting Program in the Nation

Every Household in Queens Will Have Weekly Curbside Composting

New York City Mayor Eric Adams and New York City Department of Sanitation (DSNY) Commissioner Jessica Tisch this week announced the launch of the nation's largest curbside composting program starting this fall. Beginning October 3rd, all residential buildings in Queens will automatically receive weekly collection of leaf and yard waste, food scraps, and food-soiled paper products.

Weekly service will run through late December. After a three-month pause, service will resume in late March 2023. There is no sign-up required for this new program. A collection schedule and information will be available on [DSNY's composting website](#) by mid-September.

Coming Up

New York State No Scheduled Hearings

New York City Tuesday, August 16th

Joint - Committee on Resiliency and Waterfronts, Transportation and Infrastructure, & Environmental Protection, Council Chambers – City Hall, 10 a.m.

Oversight – Sinkholes, Flooding and Heatwaves: Infrastructure Challenges in the Face of Extreme Weather.

“No man can be a good citizen unless he has a wage more than sufficient to cover the bare cost of living, and hours of labor short enough so after his day’s work is done he will have time and energy to bear his share in the management of the community, to help in carrying the general load.”

-Theodore Roosevelt-

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

**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