



# This Week in New York

**Covering New York State and City Government**  
*A Publication of Pitta Bishop & Del Giorno LLC*  
 September 1, 2023 Edition



*“Obstacles don't define us. Rather, it is the unparalleled courage and character of us that defines us as a people. So my confidence in the future is steeped in our glorious past - in the face of adversity, we always persist. We persevere, we prevail.” Governor Kathy Hochul*



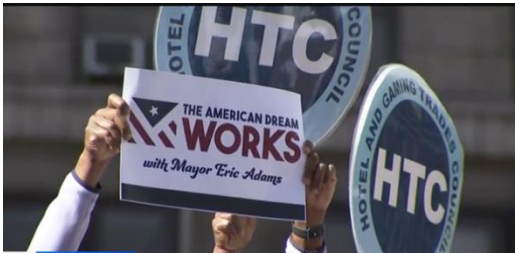
## **NYS & NYC Call Upon Federal Government to Give Asylum Seekers the Tools to Sustain Themselves**

### ***“Let Them Work”***

Governor Kathy Hochul and Mayor Eric Adams this week continued to push the federal government to give asylum seekers the tools to become self-sustaining.

Mayor Eric Adams led a rally on Thursday in Lower Manhattan to demand action from the White House to accelerate a path to employment. "Let them work! Give them the opportunity to contribute to our society," the Mayor exclaimed.

On Wednesday Governor Hochul met with senior members of the Biden administration at the White House to discuss support for health, education, and housing. But her focus was getting work authorization for the asylum seekers.



“As New Yorkers know, securing expedited work authorization for asylum seekers and migrants has been and remains my top priority,” Governor Hochul said. “It is the only way to help asylum seekers become self-sustaining, so they can move into permanent housing.”

To date, the federal government has agreed to provide personnel, data, and resources to identify the thousands of individuals in New York who are already eligible, but have not yet applied, for work authorization.

## *In the News-New York State*



### **Hochul Administration Launches \$650 Million Pro-Housing Communities Program**

Governor Kathy Hochul this week launched the Pro-Housing Communities Program, a statewide initiative to give priority consideration for up to \$650 million in state discretionary funds to localities committed to housing growth.

The program--announced by Governor Hochul earlier this summer as part of a package of executive actions to promote housing growth--invites municipalities (cities, towns, and villages) to apply for Pro-Housing Community certification. Certified Pro-Housing Communities will receive priority over other localities in their applications for certain discretionary funds, including \$650 million in State grant programs like the Downtown Revitalization Initiative that were included in the FY24 Budget. Applications for the new program are now [open](#).

“Communities willing to help us solve the housing crisis should be first in line for State discretionary funding,” Governor Hochul said. “Increasing the housing supply in New York is critical, and I’m using every tool a governor has at her disposal to make an impact...”

Localities who submit documentation that their housing stock has increased by one percent in the previous year or 3 percent over the previous three years (downstate) or by 0.33 percent in the last year or 1 percent over the previous three years (upstate) will qualify for the certification. Communities that have not yet seen housing growth can also achieve Pro-Housing Community designation by passing a resolution stating their commitment to Pro-Housing principles.

The New York State Division of Housing and Community Renewal will review program applications on a rolling basis and provide approval or denial within 90 days of submission. Those receiving certification must resubmit their housing permit data and any updates to their zoning on an annual basis to remain certified and qualify for prioritization.

The Governor’s other housing executive actions include a program to advance residential projects halted by the expiration of 421-A in the Gowanus neighborhood in Brooklyn and a new requirement that all State entities identify the potential for their state-owned lands to support housing.



## DFS Releases 2024 Health Insurance Rate Increases for Individual & Group Insurers

The New York State Department of Financial Services (DFS) this week approved health insurers’ premium rate increases for 2024 for Individual and Group insurers. In the individual market, DFS reduced insurers’ requested rates 44%. In the small group market, DFS reduced insurers’ requested rates 52%. Over 1.05 million New Yorkers are enrolled in individual and small group plans.

According to DFS, the rising cost of medical care, including in-patient hospital stays as well as rapid increases in drug prices, continues to be the main driver of health insurance premium increases. In light of the continued increases in costs of health care and other consumer goods and services, DFS held insurers’ profit provisions to 1.0%.

### Individual Market

Insurers requested an average rate increase of 22.1% in the individual market, which DFS reduced by 44% to 12.4% for 2024. Approximately 248,000 New Yorkers are currently enrolled in individual commercial plans. These rate decisions do not include the Essential Plan.

### DFS INDIVIDUAL MARKET RATE ACTIONS

Company Name	Requested 2024 Rate Actions	Approved 2024 Rate Actions	DFS Modification (In Percentage Points)
Anthem HP, LLC (Formerly Empire HealthPlus)*	20.7%	8.6%	-58.5%
CDPHP*	23.5%	12.1%	-48.5%
Emblem (HIP)*	52.7%	25.1%	-52.4%
Excellus*	15.2%	12.2%	-19.7%
Healthfirst PHSP, Inc.*	20.9%	12.5%	-40.2%
Highmark (Formerly HealthNow)*	22.6%	13.0%	-42.5%
IHBC*	39.2%	25.3%	-35.5%
MetroPlus*	26.4%	17.6%	-33.3%
MVP Health Plan*	13.3%	6.5%	-51.1%
Oscar*	18.4%	7.9%	-57.1%
UnitedHealthcare of New York Inc*	20.9%	12.2%	-41.6%
<b>Summary</b>	<b>22.1%</b>	<b>12.4%</b>	<b>-43.9%</b>

**Small Group Market**

Insurers requested an average rate increase of 15.3% in the small group market, which DFS reduced by 52% to 7.4% for 2024. Almost 800,000 New Yorkers are enrolled in small group plans, which cover employers with up to 100 employees. (\*) Indicates the Company will offer products on the NY State of Health Marketplace in 2024.

**DFS SMALL GROUP MARKET RATE ACTIONS**

Company Name	2024 Requested Rate Change	2024 Approved Rate Change	DFS Modification (In Percentage Points)
Aetna Health	19.7%	4.6%	-76.6%
Aetna Life	25.3%	9.9%	-60.9%
Anthem Healthchoice Assurance (Formerly Empire)*	14.0%	6.8%	-51.4%
CDPHP UBI*	12.4%	9.0%	-27.4%
CDPHP*	19.0%	15.7%	-17.4%
Emblem (HIP)*	16.0%	4.6%	-71.3%
Excellus*	12.6%	12.0%	-4.8%
Healthfirst Insurance Company, Inc.	22.7%	13.0%	-42.7%
Highmark (Formerly Healthnow)	22.0%	14.2%	-35.5%
IHBC	16.8%	14.8%	-11.9%
MVP Health Plan*	11.0%	10.3%	-6.4%
MVP Health Services Corp.*	10.3%	7.6%	-26.2%
Oscar*	19.4%	15.3%	-21.1%
Oxford Health Insurance Inc*	15.5%	4.7%	-69.7%
UnitedHealthcare Ins Company of New York	12.5%	2.7%	-78.4%
<b>Summary</b>	<b>15.3%</b>	<b>7.4%</b>	<b>-51.6%</b>

# *In the News-New York City*



## **Speeding, Injuries, and Traffic Fatalities Declined in Areas With Speed Cameras During First Year of 24/7 Enforcement**

### ***Speeding dropped an average of 30%***

NYC Department of Transportation (NYC DOT) Commissioner Ydanis Rodriguez this week announced that speeding, injuries, and traffic fatalities declined in areas with speed cameras during the first year of 24/7 enforcement. Speed camera violations dropped an average of 30%, with the most dramatic drop occurring on Houston Street in the East Village, where speeding declined by 96%. In addition to the reduction in speeding, injuries also declined along corridors across the City.

“One year ago we launched 24/7 speed camera enforcement, and the results are in: the program has reduced speeding, decreased the number of injuries, and made our streets safer,” said Commissioner Rodriguez. “Speeding happens most often on nights and weekends, and expanded enforcement has been a highly effective tool to keep New Yorkers safe.”

According to the Commissioner, one of the biggest benefits of expanded speed camera enforcement has been in the reduction of traffic fatalities in previously unprotected times. Since 24/7 speed camera enforcement, traffic fatalities on city streets dropped by 25% in speed camera zones during expanded hours. Previously, speed cameras were only legally permitted to operate on weekdays between 6:00 a.m. to 10:00 p.m. Speeding dropped the steepest at the following locations:

- 96 percent on Houston Street (Manhattan)
- 84 percent on Cropsey Avenue (Brooklyn)
- 74 percent on North Conduit Boulevard (Brooklyn)
- 79 percent on Seagirt Boulevard (Queens)
- 83 percent on Union Turnpike (Queens)
- 68 percent on Bruckner Boulevard (Bronx)

*Data as of 6/30/2023*

Following 24-hour operations, NYC DOT also recorded declines in traffic injuries during overnight and weekend hours at camera locations across the city, including:

- 45 percent injury reduction on Tremont Avenue (Bronx)
- 33 percent reduction on Kings Highway (Brooklyn)
- 19 percent reduction on Hylan Boulevard (Staten Island)
- 16 percent reduction on Queens Boulevard (Queens)
- 18 percent reduction on Amsterdam Avenue (Manhattan)

*Data as of 7/31/2023*



Around-the-clock speed camera enforcement began August 1, 2022, under legislation signed by Governor Kathy Hochul. The new law, Chapter 229 of 2022, was sponsored by Senator Andrew Gounardes and Assembly Member Deborah Glick.



## **NYC Comptroller: DOE Fails to Deliver Mandated Special Education Services to Thousands of Children Even As Claims Spending Surges**

New York City Comptroller Brad Lander this week released a new [report](#) showing that the cost of special education services escalated from \$33 million to \$372 million between FY 2012 and FY 2022 in the City, however the Department of Education (DOE) failed to deliver mandated special education services to thousands of students.

During the 2021-22 school year, DOE did not fulfill 13,800 recommendations for support services such as speech therapy, physical therapy, occupational therapy, or counseling for K-12 students. Additionally, nearly 10,000 preschool students with disabilities missed out on their required services entirely. New York City has estimated 283,000 students with disabilities.

The report identifies flaws and inequities within DOE's system for delivering special education services. The Comptroller found that recommendations for services in predominantly Black, Hispanic and low-income school districts were less likely to be fully provided by DOE.

"We know that students with disabilities can thrive, but only when they get services they need—and are legally entitled to. Unfortunately, the Department of Education's system for providing those services is failing to deliver urgently needed services to thousands of kids, especially low-income students of color..." said Comptroller Lander.

The Comptroller Lander found that over the past decade, an increasing number of families resorted to filing claims against DOE to pay for special education services for their children. While tuition reimbursement comprised the majority of due process claim payments in the past, claims for services other than tuition grew much more rapidly and represented 58% of FY 2023 due process claim payments to date.

The Comptroller's report proposes a series of reforms that would shift public funding towards providing more services directly by DOE. The recommendations include using a "pay for success" model that would invest 25% of annual spending on claims to create a larger network of directly-provided, multilingual special education services, ramping up recruitment and retention, offering competitive contract rates, restructuring DOE's system of evaluation and referrals, and establishing service provider standards to increase accountability and reduce fraud.

"It is unfathomable that in 2023, the Department of Education fails to provide mandated special education services to New York City students...The educational journey within the New York City school system lacks inclusivity and accessibility for our most vulnerable New Yorkers," said Council Member Rita Joseph, Chair, Committee on Education.

# Briefs

## **Antonio (Tony) Quesada joins Pitta Bishop & Del Giorno LLC**

Pitta Bishop & Del Giorno LLC is pleased to announce the expansion of the firm's practice with the addition of J. Antonio (Tony) Quesada. Mr. Quesada has years of experience helping organizations realize their legislative and budgetary goals through strategic partnerships with both the New York State and New York City legislatures. He will be working on issues from the firm's Albany and NYC offices as a Senior Government Relations Specialist.

Mr. Quesada joins us after spending over a decade at The Wright Group where he was a Government Relations Specialist, managing a portfolio of agencies with a combined budget of over \$350 million. He brings a wealth of expertise to Pitta Bishop, with extensive experience creating strategic plans for clients, elevating client issues before government, and identifying and fostering relationships with elected advocates and advocates to help reach client goals.

Prior to his work at The Wright Group, Mr. Quesada has led a career with diverse experiences from holding prominent roles in the Queens Borough President's Office of Management and Budget to managing public affairs and community relations for organizations such as Citibank and Con Edison. He also served as the Executive Director for Cultural Institutions Group, a collective of over 30 private cultural organizations in New York City spanning from art museums to performing arts centers.

Mr. Quesada earned his B.A. in Public Administration from St. John's University.

## **State & Local Retirement System Releases Employer Contribution Rates for 2024-25**

New York State Comptroller Thomas DiNapoli yesterday announced employer contribution rates for the New York State and Local Retirement System (NYSLRS) for State Fiscal Year (SFY) 2024-25. Employers' average contribution rates will increase from 13.1% to 15.2% of payroll for the Employees' Retirement System (ERS) and from 27.8% to 31.2% of payroll for the Police and Fire Retirement System (PFRS).

NYSLRS pays retirement and disability benefits to state and local public employees and death benefits to their survivors. There are more than 3,000 participating employers in ERS and PFRS. Last fiscal year, \$15.5 billion were paid out in benefits.

"Our state's pension fund remains one of the strongest pension funds in the nation, and the rates announced today will help ensure that public workers and their families can rely upon the retirement benefits promised to them," Comptroller DiNapoli said.

Earlier this month, the Comptroller announced that the estimated value of the State Common Retirement Fund (Fund) was \$254.1 billion at the end of the first quarter of FY 2023-24, an estimated +3.08% investment return. The Fund's long-term expected rate of return is 5.9%.

## **State AG & NYSED Commissioner Affirm Every New York Student Has the Right to a Free Public Education**

In advance of the start of the school year, New York Attorney General Letitia James and New York State Education Department (NYSED) Commissioner Betty A. Rosa released “[Know Your Rights](#)” [guidance](#) affirming that every student between the ages of 5 and 21 has the right to a free public education in New York, regardless of the student's nationality or immigration status.

The guidance details schools’ responsibilities in accepting new students and warns against the implementation of policies or requirements that would prevent noncitizens, undocumented students, and families without a lease from registering for school.

“The law is clear: every New Yorker is entitled to a free public education, and anyone who lives in our state is a New Yorker,” said Attorney General James. “With the first day of school just around the corner, we must ensure that all students are welcomed to attend without delay or difficulty...”

Federal and state laws require public schools to accept and enroll school-age migrants and other students experiencing homelessness, or living in shelters or other temporary housing, even if those students cannot provide proof of residency, school records, or other documents usually required for enrollment.

## **New York Celebrates its First-Ever Women-Focused Advanced Manufacturing Workforce Training Program**

### ***Real Life Rosies* Creates Direct Pipeline to Apprenticeships in Advanced Manufacturing for Women**

New York this week celebrated the first two cohorts of “Real Life Rosies,” a 12-week pre-apprenticeship program to help women gain the skills needed to fill apprenticeship positions in the advanced manufacturing sector and better diversify the workforce.

*Real Life Rosies* focuses on training women of all ages and equipping them with job readiness, workplace literacy and other critical skills necessary to become employed in manufacturing. The inaugural two cohorts include 23 participants, many of them newly arrived Ukrainians.

The program is housed at Mohawk Valley Community College and is a partnership with the Manufacturers Association of Central New York. It is funded by a \$996,000 Pay for Performance Operating Grant from Empire State Development’s Office of Strategic Workforce Development. In addition, the State University of New York provides \$1,000 toward the campus program for every student participant.



## **Attorney General James and FTC Secure \$1.6 Million from Online Apartment Finder for Defrauding Renters**

*Roomster Bought and Posted Tens of Thousands of Fake Reviews, Published Unverified Listings to Scam Renters out of Millions*

New York Attorney General Letitia James and the Federal Trade Commission (FTC) this week secured \$1.6 million from Roomster, an online apartment search platform, and its owners, John Shriber and Roman Zaks, for defrauding millions of renters nationwide by posting unverified apartment listings and fake reviews.

The order also requires Roomster to ensure that its listings are verified and authentic and to monitor its affiliate marketers. This includes routinely reviewing their marketing materials without notice; investigating consumer complaints about affiliates; providing refunds to consumers who were impacted by affiliate conduct that violated the order; and halting payments and terminating affiliates who pose as consumers or misrepresent their status in other ways.

## **Muslim Call to Prayer Supported Citywide**

The Adams Administration and New York City Police Department (NYPD) this week launched a new NYPD initiative to support and facilitate the Islamic call to public prayer at regularly prescribed times each Friday and during the holy month of Ramadan.

Under new NYPD guidance, a mosque or masjid can broadcast the Adhan, the call to prayer every Friday between 12:30 p.m. and 1:30 p.m. as well as during the sunset prayers every evening during Ramadan.

The NYPD Community Affairs Bureau and Muslim faith leaders will work collaboratively in every neighborhood with mosques and masjids to communicate the new plans for Adhan to local community leaders and stakeholders. They will work to ensure that any sound device used to broadcast an Adhan is set at appropriate decibel levels and in accordance with the rules of the noise code within the City's administrative code.

# ***Coming Up***

## ***New York State***

***Wednesday, September 6<sup>th</sup>***

***Commissioners Meeting***

New York State Board of Elections

State Board Offices, 40 North Pearl Street, 5th Floor, Albany, 12 p.m.

**Thursday, September 7<sup>th</sup>**

**Public Health and Health Planning Council Committee on Codes, Regulations & Legislation**

New York State Department of Health

Empire State Plaza, Concourse Level, Meeting Room 6, Albany, 10:15 a.m.

**New York City**

**Wednesday, September 6<sup>th</sup>**

**Committee on Consumer and Worker Protection**, Council Chambers - City Hall, 10 a.m.

**Subcommittee on Zoning and Franchises**, 250 Broadway - Committee Room, 14th Floor, 11 a.m.

**Committee on Higher Education**, Council Chambers - City Hall, 1 p.m.

Oversight - Humanities as a Viable Academic Path for CUNY Students.

**Committee on Land Use**, 250 Broadway - Committee Room, 14th Floor, 1 p.m.

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