



# This Week in New York

**Covering New York State and City Government**

*A Publication of Pitta Bishop & Del Giorno LLC*

*September 2, 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-*



## ***In the News – New York State***



### **New York’s “Improved” Concealed Carry Law Survives Initial Legal Challenge**

New York’s new concealed carry gun law withstood its first legal challenge Wednesday, just hours after Governor Kathy Hochul reminded New Yorkers that the new requirements went into effect Thursday, September 1<sup>st</sup>. However, the decision may have laid the groundwork for future lawsuits.

U.S. District Court Judge Glenn Suddaby denied a request for an injunction (Antonyuk vs. Bruen), determining the defendants in the case, including the Gun Owners of America, the Gun Owners Foundation, and the Gun Owners of America New York, lacked proper standing.

However, Judge Suddaby found that the “State Legislature has generated an unconstitutional statute...”

“While pursuing the laudable goal of public safety, an in an attempt to curb the ever-increasing mass shootings, the New York State Legislature has generated an unconstitutional statute in CCIA [Concealed Carry Improvement Act],” Judge Suddaby wrote. “In its eight-day haste to pass a legislative response to the Supreme Court’s Decision in NYSRPA (which read less like a measured response than a wish list of exercise-inhibiting restrictions glued together by a severability clause in case some of the more fanciful restrictions were struck down), the New York State Legislature forgot four important words--“other than in self-defense...The Court has difficulty imagining how any law-abiding, responsible citizen could ever “use” a concealed handgun to defend himself or herself in public...Thus, the statute is conditioned on a logical impossibility...”

The ruling was also critical of the law's "vague, subjective" criteria for the approval of a concealed carry permit and the law's requirement of a license applicant to turn over social media posts, calling it a violation of a person's Fifth Amendment right against self-incrimination.

Judge Suddaby found the plaintiffs in the case have "shown a strong likelihood of success on their claims challenging the open-ended discretion" requirement in the law.

The decision was hailed by Governor Kathy Hochul and State Attorney General Letitia James. While more challenges are expected, the Attorney General indicated that she will continue to defend it in court.

“As gun violence continues to impact communities across the country, today’s decision is a victory in our efforts to protect New Yorkers,” Attorney James said. “Responsible gun control measures save lives and any attempts by the gun lobby to tear down New York’s sensible gun control laws will be met with fierce defense of the law. We will continue to defend the constitutionality of our laws to protect all New Yorkers.”

New York’s new concealed carry gun laws contain strengthened background checks and firearm safety and live-fire training for individuals seeking to obtain new concealed carry permits; prohibit concealed carry permit holders from bringing their firearms into sensitive locations, including Times Square, bars, libraries, schools, government buildings and hospitals, among others; and require renewal or recertification of permits every three years.

The Governor has launched a new [Gun Safety Website](#) to provide the public, gun owners, and gun dealers with a comprehensive information about all of the new requirements.

The published guidelines provide details on who can apply for a concealed carry permit, what they need to do to obtain one and the locations they are allowed to carry a concealed firearm. The training requirements, for those applicable, include 16 hours of in-person classroom instruction with an authorized firearms trainer.

Existing concealed carry permit holders outside of the New York City area will not be subject to the state's new gun training requirements. For permit holders in New York City, Long Island, or Westchester County will be required to go through the new training and screening every three years, when permits need to be renewed.



## NY Releases Initial Regional Plan for Cannabis Dispensaries

As the Office of Cannabis Management (OCM) has begun accepting applications for the first round of adult-use marijuana retailer licenses for justice-involved people, the regulator has released a [regional breakdown](#) showing how the initial dispensaries will be distributed in regions across the state, as well as the guidelines for the applications.

The application portal opened on August 25<sup>th</sup> and applications will be accepted for 30 days for the initial round. During the first round up to 150 licenses will be awarded across 14 regions of the state, most concentrated in New York City and on Long Island. Applications for the conditional retailer licenses must be reviewed on a regional basis. Therefore, the chart to follow indicates the maximum number of licenses eligible in each area. It does not reflect the actual number of dispensaries to be opened.

Name of Region	Commuter Adj. Population	Population Dist.	Max. CAURD Business Licenses
Brooklyn	2,852,632	12.3%	19
Capital Region	1,145,370	5.0%	7
Central New York	1,093,219	4.7%	7
Finger Lakes	1,383,303	6.0%	9
Long Island	3,110,067	13.4%	20
Manhattan	3,375,059	14.6%	22
Mid-Hudson	2,603,489	11.3%	17
Mohawk Valley	281,983	1.2%	2
North Country	586,426	2.5%	4
Queens	2,525,120	10.9%	16
Southern Tier	480,753	2.1%	3
Staten Island	500,926	2.2%	3
The Bronx	1,565,988	6.8%	10
Western New York	1,622,461	7.0%	11

To qualify for the first round of retail licenses, applicants must have faced a conviction for a cannabis-related offense prior to the enactment of legalization in the state, or have a direct relative with such a conviction, and they must also have experience operating a qualifying business. Up to 25 of the dispensary licenses will go to eligible non-profits, specifically “organizations with a history of serving justice-involved individuals and creating vocational opportunities for them.”

## *In the News – New York City*



### **Mayor Adams Announces Steps to Keep New Yorkers Safe as New Concealed Carry Regulations Go Into Effect**



New York City Mayor Eric Adams this week announced that the City is launching a comprehensive outreach plan to educate and inform New Yorkers about the State’s new concealed carry regulations. The provisions of the legislation define certain “sensitive locations” where individuals with concealed carry licensees are not permitted to carry guns.

Under the new law, a sensitive location shall mean:

- (a) any place owned or under the control of federal, state or local government, for the purpose of government administration, including courts.
- (b) any location providing health, behavioral health, or chemical dependence care or services;
- (c) any place of worship or religious observation.
- (d) libraries, public playgrounds, public parks, and zoos.
- (e) the location of any program licensed, regulated, certified, funded, or approved by the office of children and family services that provides services to children, youth, or young adults, any legally exempt childcare provider; a childcare program for which a permit to operate such program has been issued by the department of health and mental hygiene pursuant to the health code of the city of New York.
- (f) nursery schools, preschools, and summer camps.
- (g) the location of any program licensed, regulated, certified, operated, or funded by the office for people with developmental disabilities.
- (h) the location of any program licensed, regulated, certified, operated, or funded by office of addiction services and supports.
- (i) the location of any program licensed, regulated, certified, operated, or funded by the office of mental health.
- (j) the location of any program licensed, regulated, certified, operated, or funded by the office of temporary and disability assistance.

- (k) homeless shelters, runaway homeless youth shelters, family shelters, shelters for adults, domestic violence shelters, and emergency shelters, and residential programs for victims of domestic violence.
- (l) residential settings licensed, certified, regulated, funded, or operated by the department of health.
- (m) in or upon any building or grounds, owned or leased, of any educational institutions, colleges and universities, licensed private career schools, school districts, public schools, private schools licensed under article one hundred one of the education law, charter schools, non-public schools, board of cooperative educational services, special act schools, preschool special education programs, private residential or non-residential schools for the education of students with disabilities, and any state-operated or state-supported schools;
- (n) any place, conveyance, or vehicle used for public transportation or public transit, subway cars, train cars, buses, ferries, railroad, omnibus, marine or aviation transportation.
- (o) any establishment issued a license for on-premise consumption pursuant to article four, four-A, five, or six of the alcoholic beverage control law where alcohol is consumed and any establishment licensed under article four of the cannabis law for on-premise consumption;
- (p) any place used for the performance, art entertainment, gaming, or sporting events such as theaters, stadiums, racetracks, museums, amusement parks, performance venues, concerts, exhibits, conference centers, banquet halls, and gaming facilities and video lottery terminal facilities as licensed by the gaming commission.
- (q) any location being used as a polling place.
- (r) any public sidewalk or other public area restricted from general public access for a limited time or special event that has been issued a permit for such time or event by a governmental entity.
- (s) any gathering of individuals to collectively express their constitutional rights to protest or assemble.
- (t) Times Square.

The City will post temporary signage around Times Square informing those traveling through that the area is a gun-free zone, and licensed gun carriers and others may not enter with a firearm unless otherwise specially authorized by law.



Signage will be posted at other “sensitive locations” in the near future, according to the Mayor. Criminal possession of a firearm, rifle or shotgun in a sensitive location is a class E felony. Exemptions to the sensitive area restriction include:

- (a) Law enforcement who qualify to carry under the federal law enforcement officers safety act, 18 U.S.C. 926C.
- (b) Persons who are police officers as defined in subdivision thirty-four of section 1.20 of the criminal procedure law.
- (c) Persons who are designated peace officers by section 2.10 of the criminal procedure law.
- (d) Persons who were employed as police officers as defined in subdivision thirty-four of section 1.20 of the criminal procedure law but are retired.
- (e) Security guards as defined by and registered under article seven-A of the general business law, who have been granted a special armed registration card, while at the location of their employment and during their work hours as such a security guard.
- (f) Active-duty military personnel.
- (g) persons licensed under paragraph (c), (d) or (e) of subdivision two of section 400.00 of this chapter while in the course of his or her official duties.
- (h) Government employees for the purposes of natural resource protection and management.
- (i) Persons lawfully engaged in hunting activity, including hunter education training.
- (j) Persons operating a program in a sensitive location out of their residence, which is licensed, certified, authorized, or funded by the state or a municipality, so long as such possession is in compliance with any rules or regulations applicable to the operation of such program and use or storage of firearms.

“Nothing about the new requirements going into effect regarding legal firearm possession changes the fact that the NYPD remains prepared to ensure public safety in Times Square and elsewhere throughout New York City,” said New York City Police Department (NYPD) Commissioner Keechant L. Sewell. “The NYPD’s focus on detecting and interdicting illegal guns — and arresting those who unlawfully possess them — remains a cornerstone of our continuing fight to eradicate gun violence.”



## Comptroller DiNapoli: NYC Buildings Department Is Not Doing Enough to Improve Construction Site Safety

The New York City Department of Buildings (DOB) is not doing enough to protect construction workers on building sites, according to [an audit released by New York State Comptroller Thomas DiNapoli](#). The audit found DOB needs to be more aggressive in its oversight, inspections and use of enforcement powers to make sure violations are corrected to help prevent construction-related accidents, injuries and fatalities.

“Construction is key to New York City’s economy, but as the sector recovers from the COVID pandemic, the Department of Buildings needs to do more to prioritize workers’ safety,” Comptroller DiNapoli said. “The agency has the obligation to make sure that contractors and building owners address safety and building code issues timely. It should make the necessary changes to increase its oversight and enforcement to help boost workplace safety.”

From 2018 through 2020, 26% of all worker deaths in NYC were related to construction. The 2,003 construction incidents reported to DOB, between January 1, 2018 and May 15, 2021, resulted in 36 deaths and 2,066 injuries.

Comptroller DiNapoli’s audit found DOB’s monitoring of construction sites was inadequate and did not ensure contractors and building owners followed the Building Code’s safety requirements. Auditors visited 43 construction sites in all five boroughs, of which 18 had active work in progress at the time. They found 77 safety issues at 16 sites, including no site safety manager, missing or incomplete safety logs and inspection records, and no proof that workers were given required safety training.

In the four years from January 1, 2018 to December 31, 2021, DOB issued 31,701 construction related summonses, of which 77% (24,451) were Class 1. Class 1 Office of Administrative Trials and Hearings (OATH) Summonses — are for violations that present an immediate hazard to life, health, safety or property.

DOB agreed with a number of the Comptroller findings, however, Commissioner Eric Ulrich submitted clarifying comments in which he disputed 3 findings including the Comptroller’s assertion that 77 safety issues were found at 16 sites across the City:

Your audit noted that you visited a sample of 43 sites in all five boroughs of NYC and noted that 16 sites had 77 safety issues. We find these assertions to be inaccurate. It should be noted that no DOB staff was present during those visits. As we stated to the auditors, DOB inspectors can only take enforcement actions for conditions that are observed by a DOB-inspector at the time of inspection. Additionally, it should be noted that site conditions are also inherently transitory in nature; they may change on a daily, or even hourly basis; therefore, the types of conditions that the auditors noted may not be present at the time of DOB’s inspection. Again, DOB conducts pro-active and complaint-based inspections at building construction sites and takes enforcement actions upon identifying non-compliance.

## *Briefs*

### **Comptroller DiNapoli: Employers' Retirement System Contribution Rates Increase for 2023-2024**

New York State Comptroller Thomas DiNapoli yesterday announced employer contribution rates for the New York State and Local Retirement System (NYSLRS). Employers’ average contribution rates for the State Fiscal Year 2023-24 will increase from 11.6% to 13.1% of payroll for the Employees’ Retirement System (ERS) and from 27.0% to 27.8% of payroll for the Police and Fire Retirement System (PFRS).

Employer rates for NYSLRS are determined based on investment performance and actuarial assumptions recommended by NYSLRS's actuary. In addition to investment performance, other factors that impacted rates included inflation and the increased COLA for retirees, higher salary base and benefit changes enacted this year by the Legislature and Governor.

The assumed rate of return will remain at the same rate as the prior year at 5.9%

## **Governor Hochul and Attorney General James Tackle Discriminatory Practices at Long Island Real Estate Brokerages**

Governor Kathy Hochul and New York Attorney General Letitia James took action to stop illegal and discriminatory housing practices at three Long Island real estate brokerages that were discriminating against Black, Hispanic, and other homebuyers of color.

Following an investigative report conducted by *Newsday*, the Office of the Attorney General (OAG) and the Department of State (DOS) opened parallel investigations into Keller Williams Greater Nassau (KWGN), Keller Williams Realty Elite (KWRE), and Laffey Real Estate (LRE).

These investigations found that agents associated at these firms steered prospective homebuyers of color away from white neighborhoods and subjected them to different requirements than white homebuyers, and otherwise engaged in biased behavior.

As part of these agreements, the brokerage firms are required to spend more than \$115,000 to remedy their discriminatory practices and undergo regular fair housing trainings.

## **State to Hold Hearings on the Housing Stability and Tenant Protection Act of 2019**

The State Division of Housing and Community Renewal has scheduled three public hearings on November 15<sup>th</sup> across the New York City Metro Area to discuss proposed regulations to implement changes required by the Housing Stability and Tenant Protection Act of 2019.

The hearings will specifically address City Rent and Eviction Regulations Governing Rent Control in New York City, Emergency Tenant Protection Regulations Regulating Residential Rents and Evictions, State Rent and Eviction Regulations Governing Statewide Rent Control, and Rent Stabilization Code Regulating Residential Rents and Evictions. The hearing locations are as follows:

- One Bowling Green, New York, NY; 10 a.m.
- One Larkin Center, 2nd Fl., Yonkers, NY; 10 a.m.
- 1550 Franklin Avenue, 1st Fl., Mineola, NY; 10 a.m.

## **Mayor Adams, Comptroller Lander & Pension Trustees Call for Credit Card Companies to Improve Tracking of Gun Sales**

New York City Mayor Eric Adams, New York City Comptroller Brad Lander, and the trustees of the New York City Employees' Retirement System, Teachers' Retirement System, and Board of Education Retirement System called on American Express, MasterCard, and Visa to support a proposal to establish a merchant category code (MCC) for gun and ammunition stores.

The proponents assert the creation of a new code would help financial institutions detect and report suspicious activity, such as unusually large purchases of firearms or ammunition, or purchases from multiple stores, that may be used for criminal purposes.

Credit card companies use a four-digit merchant category code to classify businesses by the types of goods and services sold. Merchant category codes are set by the International Organization on Standardization (ISO). Unique merchant category codes exist for grocery stores, sporting goods stores, bicycle shops, and many other retailers — but not for gun and ammunition stores. Proposals have been brought before the ISO to create a merchant category code for gun retailers, but American Express, MasterCard, and Visa have not supported the proposal.

This announcement also follows a letter to MasterCard and American Express from 50 New York state legislators, led by New York State Senator Zellnor Myrie and New York State Assemblymember Chantel Jackson, calling for the creation of this code.

## **Mayor Adams, TLC, Marblegate Asset Management & NYTWA Announce Taxi Medallion Debt Relief Program Deal**

New York City Mayor Eric Adams and New York City Taxi and Limousine Commission (TLC) Chair and Commissioner David Do this week announced a finalized agreement with Marblegate Asset Management and the New York Taxi Workers Alliance (NYTWA) on the operational terms of a program that will provide debt relief to more than 3,000 medallion owners.

The agreement allows medallion lenders and owners to move forward with renegotiated loan agreements that include a city-funded loan guarantee. The city, TLC, Marblegate, and NYTWA reached the deal to implement the Medallion Relief Program + (MRP+) and restructure outstanding loans to a maximum principal balance of \$200,000. Medallion owners can begin the loan restructuring process immediately and begin closing on restructured loans on September 19, 2022.

Under the finalized agreement, Marblegate will restructure outstanding loans of eligible taxi medallion owners to a maximum principal balance of \$170,000, after the application of a \$30,000 grant that will be used as a down payment on the restructured loans. The restructured loans will also be guaranteed by a loan loss reserve fund. Borrowers with lower loan balances are also eligible to participate in the program. The final terms for the restructured Marblegate loans will include an interest rate of 7.3 percent or less, fully amortized over no more than 25 years — capping monthly payments at \$1,234. The TLC published rules that will codify these terms.

## **Council Speaker Adams and CUNY Chancellor Matos Rodríguez Launch Program to Re-Engage Thousands of Former Working-Age Students**

The City University of New York (CUNY) is launching an initiative this fall to re-enroll thousands of New Yorkers, who earned college credits but left school before completing a degree.

The \$4.4 million CUNY Reconnect pilot program was funded in the Fiscal Year 2023 City budget and will seek to help these former students secure degrees or other credentials. CUNY Reconnect plans to begin by enrolling 10,000 returning students this fall.

CUNY estimates that there are approximately 700,000 working-age New Yorkers who have earned credits and could return to finish their degrees or earn certificates. This includes students who left college during the pandemic, as well as those who withdrew. The initiative will also conduct outreach to students who graduated from high school during the pandemic and were unable to attend college because of personal circumstances.

## ***Coming Up***

### ***New York State***

*No Scheduled Hearings*

### ***New York City***

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

***Subcommittee on Landmarks, Public Sitings and Dispositions***, Committee Room – City Hall, 10 a.m.

***Committee on Civil Services and Labor***, Council Chambers – City Hall, 1 p.m.

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

***Subcommittee on Zoning and Franchises***, Council Chambers – City Hall, 10 a.m.

***Committee on Aging***, 250 Broadway – Committee Room, 16<sup>th</sup> Floor, 10 a.m.

Oversight – Improving Older New Yorkers’ Access to City Services.

***Committee on Rules, Privileges and Elections***, Committee Room – City Hall, 1 p.m.

***Friday, September 9<sup>th</sup>***

***Joint – Committee on Civil Service and Labor & Oversight and Investigations***, Council Chambers – City Hall, 1 p.m.

Oversight – Maintaining New York City’s Municipal Workforce.

**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](mailto: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 19<sup>th</sup> Street NW  
Washington, D.C. 20036**  
Telephone (202) 964-4753  
Facsimile (202) 964-5754