



# This Week in New York

Covering New York State and City Government

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*“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 Hochul Signs New Moratorium on COVID-related Residential and Commercial Evictions

#### Enacts Foreclosure Protections for Landlords and Homeowners

Governor Kathy Hochul this week signed a new moratorium on COVID-related residential and commercial evictions for New York State which is in effect until January 15, 2022. Under the new law, all protections of the Tenant Safe Harbor Act for residential tenants who are suffering financial hardship as a result of the pandemic will remain in place, along with new protections on commercial evictions.

The legislation was passed during an Extraordinary Session called by the Governor following the Supreme Court’s ruling against New York and the Biden Administration’s rent relief efforts. Chapter 417 of the Laws of 2021 was the first bill signed by Governor Hochul.



Gov. Hochul

“The pandemic has created unimaginable anxiety for families and business owners who have lost income and are struggling to pay the rent every month,” Governor Hochul said. “To help remedy the Supreme Court’s heartless decisions striking down the New York and the Biden administration’s moratoriums on evictions, we are enacting a new moratorium on residential and commercial evictions and extending the protections of New York’s Safe Harbor Act to January 15<sup>th</sup>.”

Under New York’s enacted moratorium, tenants must submit a hardship declaration to prevent an eviction proceeding from moving forward. Landlords who believe that their tenant has not suffered a financial hardship will now be permitted to request a hearing in court.

Landlords can also evict tenants that are creating safety or health hazards for other tenants, intentionally damaging property, and where a tenant did not submit a hardship declaration.

The legislation also places a moratorium on residential foreclosure proceedings so that homeowners and small landlords who own 10 or fewer residential dwellings can file hardship declarations with their mortgage lender, other foreclosing party, or a court that would prevent a foreclosure.

The legislation's moratorium on commercial evictions and commercial foreclosure proceedings apply to small businesses with 100 or fewer employees that demonstrate a financial hardship. Tenants must submit a hardship declaration, or a document explaining the source of the hardship, to prevent evictions.

Governor Hochul urged impacted New Yorkers to apply for assistance through the state's Emergency Rental Assistance Program, or ERAP. Applicants to this program are automatically protected from eviction while their application is pending and will receive a year of eviction protections if they qualify for assistance. The application is available [here](#). The law also creates a \$25 million fund to provide legal services to tenants facing eviction proceedings.

In addition, the law establishes a new \$250 million Supplemental Emergency Rental Assistance program to serve additional households and to better support landlords. Through this program, \$125 million will be made available to provide assistance to households with income that exceeds 80% of Area Median Income (AMI), and up to 120% of AMI. Additionally, \$125 million will be made available for assistance to landlords whose tenants refuse to participate or have vacated the residence with arrears.



## **Governor Jumpstarts NY's Adult Use Cannabis Program**

### **Extraordinary Legislative Session Brings Leadership to the Office of Cannabis Management & the Cannabis Control Board**

The State Senate this week confirmed Governor Kathy Hochul's nominees to lead the State's Adult Use Cannabis Program. Tremaine Wright will serve as Chair of New York's Cannabis Control Board (CCB) and Christopher Alexander will become the Executive Director of the Office of Cannabis Management (OCM).

The Cannabis Control Board and Office of Cannabis Management will create and implement a comprehensive regulatory framework for New York's cannabis industry, including the production, licensing, packaging, marketing and sale of cannabis products.

"One of my top priorities is to finally get New York's cannabis industry up and running - this has been long overdue, but we're going to make up for lost time...", Governor Hochul said.

The Marijuana Regulation and Taxation Act (MRTA), passed on March 31, 2021, sets out the legal frameworks for the regulation of the adult-use, medical and hemp industries, with a focus on ensuring the greatest possible participation by communities historically impacted by prohibition. The law calls for a five-member board to oversee the creation and implementation of the OCM and contemplates

the appointment of a Chief Equity Officer charged with developing a social equity plan designed to facilitate and support participation by social equity applicants. The MRTA also limits the number of licenses that can be owned by one company and prohibits the vertical integration of production and retail services, further ensuring that small businesses have an opportunity to compete in the new market.

Ms. Wright is a former member of the New York State Assembly and currently serves as the first Director of the DFS Statewide Office of Financial Inclusion and Empowerment. She represented the 56th Assembly District of Brooklyn and served as Chair of New York State Black, Puerto Rican, Hispanic & Asian Legislative Caucus and Chair of the Assembly Subcommittee on Foster Care.

Locally Ms. Wright served on Community Board 3 for 13 years, holding positions of Chairperson, Executive Secretary, Treasurer and Budget Coordinator. She has practiced law at Brooklyn Legal Services and private law firms and served as a pro bono lawyer for the Volunteers of Legal Services' Incarcerated Mothers Project.

Ms. Wright also owned and operated Common Grounds: a Neighborhood Coffee House from March 2006 to September 2015. She is a graduate of Duke University and the University of Chicago Law School.

Mr. Alexander currently is the Government Relations and Policy Manager for Village, a multi-state cannabis company. Previously, he worked for the New York State Democratic Party, as a Legislative aide to Congress, as a Policy Coordinator for the Drug Policy Alliance, and as Counsel to the New York State Senate where he managed the work of several committees providing oversight over the affairs of New York City and over New York State's criminal justice system.

He received his BA in political science from Syracuse University and his JD from CUNY School of Law.



## Hochul Administration Appointments & Nomination

### Appointments

Governor Kathy Hochul this week announced two senior appointments to her administration. Kathryn Garcia and Neysa Alsina will serve as Director of State Operations and Special Advisor on Pandemic Relief respectively.

**Kathryn Garcia** has been appointed Director of State Operations. Previously, she served as the Commissioner of the New York City Department of Sanitation, leading its 9,700 uniformed and civilian employees. Over the course of more than six years at the helm. In addition to her duties at the Department of Sanitation, she served as the City's Lead Czar, developing a plan to eliminate childhood elevated blood lead levels, and during the winter of 2019, she also stepped in as the interim Chair of the New York City Housing Authority to begin implementation of an agreement

with the federal government. During the pandemic, Commissioner Garcia served as the COVID-19 Food Czar, delivering over 1 million meals a day to hungry New Yorkers. She served as Chief Operating Officer at the New York City Department of Environmental Protection, where she was responsible for the operation of the City's water supply, water and sewer system, and wastewater treatment plants.

Ms. Garcia earned her B.A. at the University of Wisconsin-Madison.

**Neysa Alsina** has been appointed Special Advisor on Pandemic Relief. Ms. Alsina previously served as chief counsel to the New York City Comptroller and as Senior Policy Advisor to Congresswoman Nydia M. Velázquez in Washington, D.C. Prior to these roles, she was the Counsel to the New York City Bar Association and counseled on a variety of legal matters at Municipal Credit Union.

Ms. Alsina received a J.D. from Fordham University School of Law and a B.A. and B.S. from Rutgers University.

### **Nomination**

In addition, Governor Hochul this week nominated Adrienne Harris to lead the New York State Department of Financial Services as its next Superintendent. Formerly a top economic advisor to President Obama, Ms. Harris' nomination as is subject to Senate confirmation.

**Adrienne Harris** served as Special Assistant to the President for Economic Policy, as part of the National Economic Council. Prior to the White House appointment, Ms. Harris served as a Senior Advisor to both Acting Deputy Secretary and Under Secretary for Domestic Finance, Mary Miller; and Deputy Secretary, Sarah Bloom Raskin.

She currently serves as an Advisor at States Title, Inc. (now DOMA) and as a Professor and Faculty Co-Director at the Gerald R. Ford School of Public Policy's Center on Finance, Law and Policy at the University of Michigan, as well as a Senior Advisor at the Brunswick Group in Washington D.C.

Ms. Harris graduated from Georgetown University with a Bachelor of Arts degree and subsequently earned her Juris Doctor from Columbia Law School and a Master's in Business Administration from New York University.

# *In the News – City*



## **New 9/11 Report Finds Almost 75% of FDNY Responders Suffer Long-Term Illnesses**

Almost 75% of New York City Fire Department (FDNY) workers who responded to scenes following the September 11, 2001 terror attacks have been diagnosed with 9/11-related physical or mental health conditions, according to a new [report](#) from the department's World Trade Center (WTC) Health Program.

FDNY's report on the health impacts of rescue and recovery workers found that more than 11,300 members have been confirmed with at least one health condition covered by the WTC Health Program, including asthma, cancers, post-traumatic stress disorder, gastroesophageal reflux disease, and substance abuse disorder.

Over 15,000 members (firefighters, EMS and civilians) responded on 9/11, as well as in the following 10 months in the recovery effort. FDNY members were exposed to dust, particulates, noxious gases, chemicals, and fibers while working for more than 10 months in the rescue and recovery effort.

"This intense environmental exposure is directly related to many of the symptoms and illnesses," the report found.

In addition, as of March 31, 2021, 3,097 FDNY health program members had at least one 9/11-linked cancer, and hundreds of the members had multiple cancers.

The report highlighted its finding that the cancer-specific mortality rate for WTC Health Program enrollees is 34% lower than demographically similar New York State residents with cancer. This shows that enrollment in the WTC Health Program, which includes access to cancer screening and case management, may improve cancer survival.

"That's an amazing accomplishment for this program," DNY Chief Medical Officer Dr. David Prezant said in published reports. "It shows the power that monitoring, annual monitoring, has in terms of leading to early diagnosis, early treatment."

According to FDNY, the report was released to assess the status of members who assisted in the 9/11 efforts and let members know how their colleagues are doing. The report offers a 20-year snapshot of the "most impacted and best-studied contingent of people whose lives were upended."

“One of the things that I find so amazing about that day is after the first tower collapsed, and it was even more critically important that everybody get out of that second tower as fast as possible, firefighters and other first responders ran into the second tower, knowing the first tower had already collapsed,” Dr Prezant said. “It’s just mind-boggling courage. And what we promised that day was that we would take their health issues seriously.”

“This report shows that we were right,” he said, “that despite incredible exposures, we can make an impact.”

## *Briefs*

### **Governor Hochul Signs Legislation Extending Virtual Public Meetings**

Governor Kathy Hochul signed legislation (Chapter 417 of the Laws of 2021) extending virtual access to public meetings under New York State's Open Meetings Law.

The legislation, which was initially implemented by Executive Order during last year's State of Emergency, allows state and local government meetings that are normally held in person to be held remotely as long as the public has the ability to view or listen to the meeting and the meeting is recorded and later transcribed.

Public bodies may conduct meetings virtually until January 15, 2022.

### **New Requirements and Guidance for the Safe Reopening of NY Schools**

Governor Kathy Hochul this week updated her strategy to reopen schools to reflect new Department of Health actions.

The Public Health and Health Planning Council passed an emergency regulation and the Health Commissioner issued a determination requiring all teachers, administrators, and other school employees to submit to weekly COVID-19 testing unless they show proof of vaccination, with either a CDC vaccine card or the Excelsior Pass.

The Governor also announced that the New York State Department of Health has finalized and released [official guidance](#) for classroom instruction. The guidance largely tracks with the CDC guidance which districts were advised to follow.

The [emergency regulation](#), which authorizes the Commissioner to require weekly testing or proof of vaccine, will apply to all schools in New York State until it is no longer necessary as described in the language of the regulation. For more information, please see the DOH school guidance [here](#) and the PHHPC regulation [here](#).

## **Application Now Open To Become a New York State Trooper**

The application is now open for the next New York State Police Trooper Entrance Exam which will be administered in an online format from January through April of 2022. Candidates can sign up to take the exam at [joinstatepolice.ny.gov](http://joinstatepolice.ny.gov).

The State Police have contracted with Pearson VUE to offer the new online Trooper Entrance Exam at 54 testing centers in New York State, more than 250 locations in the United States, and 112 military locations around the world.

Candidates have a total of two hours to complete the exam. There is a \$20 fee to take the test and an additional \$35 fee payable once the candidate selects a testing site, date, and time.

## **Attorney General James Helps Secure \$4.5 Billion From Sackler Family for Role in Fueling Opioid Crisis**

New York Attorney General Letitia James this week announced that she has secured more than \$4.5 billion from the Sackler family and foundations that they control for their role in fueling the opioid crisis.

A mediated agreement was conditionally approved by the U.S. Bankruptcy Court for the Southern District of New York that requires the Sacklers to pay billions to fund prevention, treatment, and recovery programs in communities across the country; closes the company they own and control, Purdue Pharma; and ends the Sacklers' ability to manufacture opioids. Additionally, the agreement will make documents related to the company public.

The framework of resolution was initially put forward by the mediator in July.

## **Governor Hochul Looks To Broaden Vaccine Mandate**

Governor Kathy Hochul is looking to expand the current State vaccine mandate to cover all state-regulated facilities and congregate settings. New York mandates COVID-19 vaccines for health-related facilities including hospitals and nursing home staff.

“We’re going to be exploring all of our options to expand this, expanding mandates, not test-outs, to all state-regulated facilities and congregate facilities,” Governor Hochul said. “We have to let people know when they walk into our facilities that the people that are taking care of them...are safe themselves and will not spread this.”

State regulated facilities include prisons, juvenile detention centers, jails, and shelters.

The current mandate covers all employees in hospitals, nursing homes, diagnostic and treatment centers, long-term care facilities, and other places regulated by the state Health Department. Staffs there must have at least their first dose of a COVID-19 vaccine by September 27th. Last week the State Public Health and Health Planning Council eliminated religious exemptions to the mandate. Medical exemptions are still allowed.

## **New York Responds to Hurricane Ida Impacts**

***Governor Announces Federal Aid has been Approved & Mobilizes State Department of Financial Services to Help NYer's with Insurance Issues***

***City and State Task Forces to Investigate Responses***

***City Council to Hold Hearing on September 14<sup>th</sup>***

New York State, City and federal leaders are responding to the flooding caused by the effects of Hurricane Ida, which left at least 15 people dead across New York City and neighboring counties, and damaged homes and property, infrastructure, and transit systems.

Governor Kathy Hochul declared a State of Emergency in the City, Long Island, and the Hudson Valley and requested a federal emergency declaration for many parts of the downstate region. At a storm update this morning, the Governor indicated that federal approval has been given to cover resources needed to respond to the flash flood damage. In addition, the Governor has mobilized the Department of Financial Services to the localities most impacted to help homeowners with insurance issues.

The Governor will also be convening a task force to investigate the State's response to storm. Similarly, Mayor Bill de Blasio this morning called for a City task force.

The New York City Council Committees on Resiliency and Waterfronts, Environmental Protection, and Transportation will hold a public hearing on September 14th to investigate the Metropolitan Transportation Authority's and the City's preparation and response to the catastrophic flooding from Hurricane Ida.

## ***Coming Up***

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

***No meetings scheduled the week of September 7<sup>th</sup>.***

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

***Friday, September 10<sup>th</sup>***

***Committee on Higher Education, Committee Room – City Hall, 10 a.m.***

***Friday, September 10<sup>th</sup>***

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



**“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-**

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