



# This Week in New York

Covering New York State and City Government

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September 30, 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*



### Governor Hochul Sets Timeframe for NY's Transition to Clean Transportation

Governor Kathy Hochul yesterday directed the State Department of Environmental Conservation (DEC) to take regulatory action that will require all new passenger cars, pickup trucks, and SUVs sold in New York State to be zero emissions by 2035. The Governor’s regulatory directive is supported by electric vehicle infrastructure investments and zero-emission vehicle (ZEV) incentives.

The regulation will require an increasing percentage of new light-duty vehicle sales to be ZEVs starting with 35 percent of sales in model year 2026, 68 percent of sales by 2030, and 100 percent of sales by 2035. New pollutant standards for model year 2026 through model year 2034 passenger cars, light-duty trucks, and medium-duty vehicles with internal combustion engines would also be required.

According to Governor Hochul, the regulation will provide manufacturers with “flexibility in meeting the emission requirements.”

In addition, she explained that New York is investing more than \$1 billion in ZEVs of all weight classes over the next five years to aid the clean transition. Active light-duty ZEV and charging infrastructure grants include:

- **NYSERDA’s Drive Clean Rebate**: Point-of-sale rebates of up to \$2,000 off the price of a vehicle may be coupled with a federal tax rebate of \$7,500.
- **"EV Make Ready" Initiative**: Funded by New York’s investor-owned utilities, it is a cost-sharing program that incentivizes utilities and charging port developers to site electric vehicle charging infrastructure. The program provides funding to support more than 50,000 new public and commercial Level 2 charging ports and 1,500 public DC (direct current) fast charger ports.

- **NYPA's EVOlve NY Charging Infrastructure Program.** 100 high-speed charger installations have been made across the state and the New York Power Authority has committed up to \$250 million through 2025 to expand the efforts.

Also this week, New York was notified that it will receive \$175 million over five years from the federal Infrastructure Investment and Jobs Act ("IIJA") of 2021 to establish an interconnected network for electric vehicles traveling long-distance.

## *In the News – New York City*



### **NYS Comptroller DiNapoli: NYC Put Federal Funds to Work Quickly To Shore Up Budget and Drive Recovery**

#### ***Majority of Obligated Funds Used for Revenue Replacement and Mitigating Negative Economic Impacts, But State Comptroller Urges Caution for Remaining Funds***

New York City is using its federal COVID-19 funds -- used primarily for revenue replacement and mitigating negative impacts -- at a faster pace than its peer cities, leaving less funding available to address future uncertainties, according to a [report released this week](#) by State Comptroller Thomas DiNapoli.

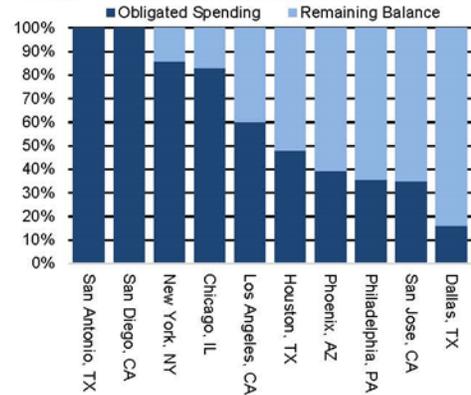
“New York City acted quickly to use federal dollars to shore up its finances and keep vital services going during the pandemic,” Comptroller DiNapoli said. “As state and local governments now face new fiscal uncertainties from rising inflation and a potential recession, the city must closely monitor the shifting fiscal environment to use any remaining funds in ways that continue to boost recovery and avoid spending choices that increase budgetary gaps.”

The American Rescue Plan Act of 2021 (ARPA) provided \$350 billion in Coronavirus State and Local Fiscal Recovery Funds (SLFRF) for states, local and tribal governments to respond to the pandemic and its economic effects and to build stronger, more equitable economies. Comptroller DiNapoli’s report examined how New York City used the first of two partial payments of these funds, comparing it to other major cities across the country.

**Pace of Spending**

According to the Comptroller, in terms of the pace of spending, New York City obligated 86 percent of its \$2.9 billion allocation through March 2022. This allocation places New York third among the top 10 cities. San Antonio and San Diego allocated 100 percent of their respective allocations, while five of the top 10 cities had not yet obligated 50 percent of the first allocation of funds.

**Obligated Share of 1st Payment Tranche**



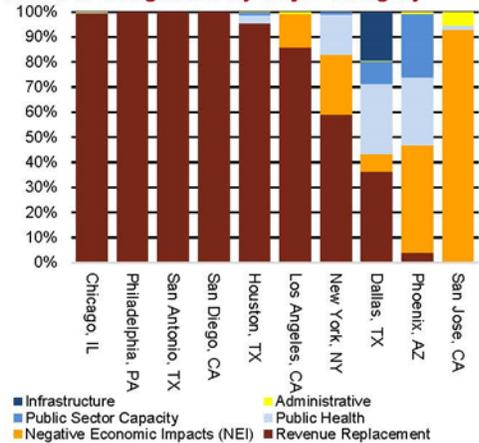
Sources: U.S. Treasury Department; OSC analysis

**Share of Obligations to Date**

OSC also examined the obligated spending for the 10 largest U.S. cities (totaling \$4.7 billion to date). Six of the 10 largest cities allocated more than 80 percent of their obligations to date towards general operating expenses to offset revenue losses. New York City allocated 59 percent for this use. Only three cities (Dallas, Phoenix and San Jose) devoted less than two-fifths of their obligations to date towards revenue replacement.

Specifically, more than half of New York City’s obligations to date were devoted to revenue replacement, mostly for personal services at the four uniformed agencies (Correction, Fire, Police and Sanitation) and the Department of Education as well as for waste collection and removal services. Over than one-quarter (27 percent) of the total obligations were directed toward the relief of negative economic impacts stemming from the public health emergency, including assistance to businesses and nonprofits (e.g., free legal services, low interest loans and grants), household assistance (e.g., rental assistance vouchers), and worker assistance (e.g., subsidized employment for the City Cleanup Corps program). Another 16 percent of the City’s obligations were concentrated in public health services, mostly for mitigation and prevention activities (e.g., funding for in-school health services and vaccinations).

**Share of Obligations by Major Category**



Note: Obligations as of March 31, 2022 but expenditure categories have been updated as of the 2022 Annual Performance Report to reflect reclassifications of spending to another expenditure category, if any.  
Sources: U.S. Treasury Department; OSC analysis

Comparatively, more than four-fifths of Los Angeles’ obligations were devoted to revenue replacement, allocated to police salaries and health and safety improvements at local parks and recreation facilities. The Comptroller found that a relatively small share was dedicated to financial assistance to businesses and to household assistance (e.g., senior nutritional support), and to increase the availability of preschool services. In Chicago, through March 2022, all obligated spending was used for revenue replacement (\$782 million), which was directed toward personnel and contractual

service costs at a number of agencies including the Fire and Sanitation Departments, the Department of Family and Support Services, and the Department of Business Affairs and Consumer Protection.

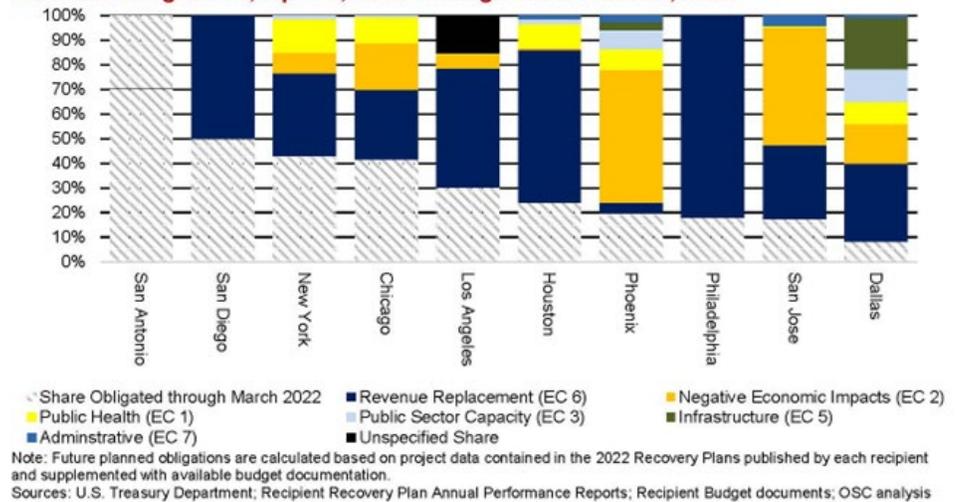
**Planned Obligations with Remaining Funding**

With respect to planned obligation, the Comptroller indicated that of New York City’s nearly \$3 billion in unobligated SLFRF funds as of April 1, 2022, most will be allocated to revenue replacement for salaries and contractual services, but also will support school-based public health services, and certain other ongoing costs of the public health emergency. Other than for revenue replacement, the balance of SLFRF funds will be dedicated to expansions of various public health services (mental health, services for seniors), as well as housing, legal and employment assistance targeted to low-income and unhoused residents. At this time, the City does not plan to utilize any of its allocation for infrastructure projects (such as broadband) and would invest a relatively small amount toward building public sector capacity.

In comparison, Los Angeles has allocated most of the balance of its award for revenue replacement in LFY 2022 (\$620 million) for salaries of uniformed and civilian employees at several agencies.

Meanwhile, outside of revenue replacement, Chicago intends to utilize the remainder of its funding for Thriving & Safe Communities, an initiative to address the root causes of violence and disparities in public health outcomes (\$413 million).

**FIGURE 5  
Planned Obligations, April 1, 2022 through December 31, 2024**



Comptroller DiNapoli concluded that after obligating a substantial portion of federal aid, New York City will have less flexibility than some other peers. He noted that although the City’s planned spending covers a variety of uses, it is notable for what it omits as well, including infrastructure.

He indicated that the planned remaining use of funds suggests that the City will plan to rely on better-than-anticipated revenues or substantial efficiencies to fund newly expanded service initiatives (including mental health, senior care, and anti-eviction services).

The Comptroller asserted that these initiatives and other new programs (which also include those funded by Elementary and Secondary School Emergency Relief Funds), while largely discretionary, create additional spending pressure because the public may hold a favorable opinion of the new services and could call on elected officials to renew funding beyond FY 2025 when the temporary federal relief will be exhausted. Funding for these programs will be determined during the annual budget adoption process and will depend upon the availability of alternative resources.



## Bills Approved by the City Council

**Introduction 206-A, sponsored by Council Member Sandra Ung**, seeks to increase transparency regarding the wait times experienced by individuals who request an interpreter during their calls to the 311 Customer Service Center. It would require the Commissioner of DOITT to compile and make publicly available a monthly dataset including the wait times (in number of seconds) experienced by individuals who request an interpreter during their calls to the 311 Customer Service Center.

**Introduction 296-A, also sponsored by Council Member Ung**, would require the development and updating of a protocol for identifying the languages spoken by callers to 311 in order to better facilitate requests for interpretation services. The bill would also require this protocol, and any subsequent updates to the protocol, to be posted to the 311 Customer Service Center website within 7 days after implementation and updating, respectively. The 311 Customer Service Center would additionally be required to report on the implementation of and updates to the protocol.

**Introduction 240-A, sponsored by Council Member Jennifer Gutiérrez**, would require, that within 30 days of the effective date of a local law that an agency head determines would allow someone to request a new service from the agency, the agency head notify 311 of the possible need to add or update a service request category on the 311 platforms. This bill would also require reporting on such additions and updates and would require 311 to create a publicly available dataset including information on submission of correspondence from the public requesting the addition to, or updating of, 311 service request categories.

**Introduction 116-A, sponsored by Council Member Julie Menin**, would require the Department of Small Business Services to create an online portal that includes all permit and license applications, as well as related applicable information, needed to open and operate a small business of any kind in New York City. The portal, which would be required to be available in English as well as ten languages commonly spoken by New Yorkers with limited English proficiency, would also allow business owners to track the status of their permit and license application(s), and allow (or include a link that allows) business owners to settle or pay outstanding balances on notices of violation. It would also require a survey of small businesses every three years to determine how the online portal is working effectively and what improvements could be made.

**Introduction 383-A, sponsored by Council Member Gale Brewer**, would clarify the dates by which a commercial landlord must notify the City if a space has become vacant before the next submission date. The City would then keep a more up-to-date registry of storefront vacancies that would be made available to the public. This bill serves as a continuation of legislation the Council passed at the request of then-Manhattan Borough President Gale Brewer, which created a citywide commercial premises registry.

# Briefs

## NY Begins Application Review for Its First Retail Marijuana Sites

New York's Office of Cannabis Management (OCM) received over 900 applications for the first round of Conditional Adult-Use Retail Dispensary (CAURD) licenses. The State plans on opening its first dispensaries by the end of the year, with up to 150 CAURD licenses to be awarded.

Successful applicants will have access to properties secured by the Dormitory Authority of the State of New York (DASNY) as part of the State's \$200 million social equity cannabis investment fund program. The State also plans to grant 25 licenses to qualifying nonprofit organizations which will not have access to the DASNY properties or the investment fund. License distribution includes:

Name of Region	Commuter Adjusted Population	Population Distribution	Max. Number of CAURD 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

## **Mayor Adams Signs Executive Order to Cut Greenhouse Gas Emissions From City Construction Projects**

New York City Mayor Eric Adams this week signed Clean Construction Executive Order 23, which requires the City's capital project agencies to commit to actions that will lower greenhouse gas emissions from the manufacturing, transportation, installation, maintenance, and disposal of building materials from municipal construction projects. EO 23 will also ensure that any construction funded by new federal infrastructure and climate bill funding will use sustainable materials, equipment, and practices.

According to the Mayor, construction is responsible for an estimated 23 percent of global greenhouse gas emissions, with large portions of those emissions coming from carbon emissions from the handling of building materials, especially concrete, iron, and steel. Construction equipment that burns fossil fuels also emits pollutants, such as carbon dioxide, nitrogen oxides, carbon monoxide, and particulate matter.

EO 23 directs agencies to reduce greenhouse gas emissions associated with building materials and construction equipment through:

- Low-carbon concrete specifications: Capital project agencies will set specifications for low-carbon concrete for concrete used in capital projects to directly reduce the environmental impact of construction.
- Environmental product declarations: Capital project agencies will submit environmental product declarations for structural steel and concrete, in order to quantify the environmental impact of these materials in city work.
- Low-emission vehicles and equipment: Capital project agencies will include specifications in capital project construction contracts for low-emission vehicles and equipment, with a preference for all-electric equipment to reduce air and noise pollution.
- Life cycle assessments: Capital project agencies shall complete a Life Cycle Assessment for applicable projects to quantify the environmental impact of the whole project and reduce the impact where possible.

## **NYC Campaign Finance Board Appoints Beth Rotman as Executive Director**

The New York City Campaign Finance Board announced that Beth Rotman, National Director of Money in Politics & Ethics at Common Cause, has been appointed as Executive Director. She will start at the CFB on October 24th.

Rotman previously served as the CFB's Deputy General Counsel from 2003 to 2006. Earlier in her career, she was a law clerk for the U. S. Court of Appeals for the Second Circuit, where she worked with Supreme Court Justice (then Judge) Sonia Sotomayor, a former member of the Campaign Finance Board.

As mandated by the [City Charter](#), the five-member Campaign Finance Board selects the agency's Executive Director. The Board is composed of five members: two are appointed by the mayor, two by the speaker of the City Council, and the chair, by the mayor after consultation with the speaker. The Board is strictly nonpartisan, and the mayor's and the speaker's two appointees must not be affiliated with the same political party. Board members serve staggered, five-year terms.

## Coming Up

### *New York State*

**Monday, October 3<sup>rd</sup>**

#### ***Complete Streets***

Assembly Standing Committee on Transportation

Roosevelt Hearing Room C, Legislative Office Building, 2<sup>nd</sup> Floor, Albany, 10 a.m.

### *New York City*

**Monday, October 3<sup>rd</sup>**

***Joint - Committee on Housing and Buildings & Aging***, Council Chambers – City Hall, 1 p.m.

Oversight – Increasing Affordable Housing for Older New Yorkers and Improving Accessibility in the City's Housing Stock.

***Joint - Committee on Parks and Recreation & Resiliency and Waterfronts***, City Hall, 1 p.m.

Oversight – Resiliency of the City's Beaches and Waterfronts.

**Thursday, October 6<sup>th</sup>**

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

***Subcommittee on Zoning and Franchises***, Committee Room – City Hall, 11 a.m.

***Committee on Land Use***, Committee Room – City Hall, 12 p.m.

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