



# 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 Legislation to Support 9/11 Victims, First Responders, and Their Loved Ones**

Nearing the 21st anniversary of 9/11, Governor Kathy Hochul today signed five pieces of legislation to provide support to 9/11 victims and survivors and their families. This support will help to remove barriers and delays from Victim Compensation Fund and workers' compensation claims, as well as honor those lost in the search, rescue, and recovery efforts.

"New Yorkers will never forget the horrific events of September 11, 2001 -- and we will never forget the bravery and sacrifice of the civilians and first responders whose lives were forever changed," Governor Hochul said. "As we mark the twenty-first anniversary of the terror attacks on the World Trade Center, the Pentagon and in Pennsylvania, I am honored to sign these five new laws that will support and honor those whose lives were transformed on that terrible day."

#### **September 11<sup>th</sup> Victim Compensation Fund**

Chapter 557, sponsored by Assemblyman Peter Abbate and Senator Andrew Gounardes, creates a simplified alternative method for distributing non-economic loss September 11th Victim Compensation Fund ("VCF") awards. It provides that VCF awards consisting solely of non-economic losses shall be distributed pursuant to the decedent's will or the laws of intestacy, if the decedent died without a will. This process would allow non-economic losses including funeral expense reimbursement to be distributed without unnecessary delay.

A separate initiative (Chapter 558), also sponsored by Assemblyman Abbate and Senator Gounardes, allows a duly appointed personal representative of the estate of a victim of the 9/11 terrorist attacks to file a claim with the VCF.

Under the current law, a compromise order from surrogate's court is required in all VCF awards, including non-economic losses. Generally, surrogate's courts take approximately 6 months to a year to finalize a compromise order. After the order is submitted to the VCF, families then have to wait for another 3 to 6 months for payment from the U.S. Treasury.

This legislation originated from the personal experience of a Pitta Bishop member who was acting on behalf of a relative. Drawing upon the expertise of our affiliated firm, Pitta & Baione LLP, the survivors were able to secure the necessary approval and access the award. These bills were then drafted to address some of the bureaucratic burdens encountered and to ensure that all victims and their families can readily obtain approved VSF distributions without unnecessary delay.

"The enactment of these bills will streamline the procedures for receiving awards from the September 11th Victims Compensation Fund for victims and survivors of the terrorist attack," Assemblyman Abbate explained. "It will also help ensure that those brave men and women who participated in the World Trade Center rescue, recovery and clean-up operations receive the benefits that they and their families deserve. I thank Governor Hochul for signing these bills into law. We must do everything we can to honor, remember and pay tribute to the heroic efforts of those who answered the call on that fateful day. We will never forget."

### **NYS Workers' Compensation Law & Retirement & Social Security Law**

Assemblyman Abbate and Senator Robert Jackson spearheaded a measure (Chapter 559) that provides a presumption for Workers' Compensation claims for any health impairment or death of individuals who participated in the World Trade Center rescue, recovery and clean-up operations. Many of the first responders & rescue and recovery workers have filed a timely claim for benefits with the NYS Workers' Compensation Board, but have been denied without cause. Other dependents of workers who died of 9/11 certified illnesses are barred from filing claims for Workers' Compensation benefits because the statute of limitations expired before the CDC "World Trade Center Health Program" certified illnesses was accepted as presumptive cause. This bill helps those first responders and rescue and recovery workers who contracted an illness or died of a certified illness get the benefits that they and their families deserve.

"Many 9/11 rescue and recovery workers developed respiratory symptoms and pulmonary diseases due to their exposure to World Trade Center dust clouds," Senator Robert Jackson said. "Changes to the Workers' Compensation Law is necessary to honor the sacrifices these heroes and their families made for our democracy and all Americans..."

Also, Chapter 561, sponsored by Senator Gounardes and Assemblymember Yuh-Line Niou, allows any participant who became disabled between September 11, 2017 and September 11, 2021 to file a claim before September 11, 2026. This will also extend the time period to September 11, 2026 for filing a notice of participation in New York State's public retirement systems.

"I am proud to see that 21 years later, New York State is still taking action to support 9/11 first responders," Assemblymember Niou said. "In my district, we still have many people developing and living with 9/11 related illnesses. It is our duty to make sure that all survivors receive the support they deserve."

Senator Gounardes added, "As New Yorkers, we owe a debt we can never repay to the responders who risked everything to assist in the rescue, recovery, and clean-up operations at the World Trade Center. More than two decades later, their experiences still call us to act to ensure they get the help and benefits they deserve. My three bills will make it easier for responders to apply for 9/11 disability benefits and receive help from the Victim Compensation Fund..."

**Port Authority Police Officer James W. Kennelly**

Chapter 560 designates a portion of Old Sunrise High as Port Authority Police Officer James W. Kennelly Memorial Highway. At the age of 20, Police Officer Kennelly, then a volunteer firefighter at Massapequa's - East End Fire House, assisted with search, rescue, and recovery efforts at Ground Zero. He died at age 37 from a 9/11-related cancer.

The bill was sponsored by Senator John Brooks and Assemblymember Michael Durso.



## **New York Gets New Tool to Fight COVID-19**

### ***New COVID-19 Vaccine Boosters Designed To Strengthen Defenses Against Omicron Subvariants***

Governor Kathy Hochul this week announced the availability of bivalent COVID-19 vaccine boosters, which are designed to add Omicron BA.4 and BA.5 variants and bolster previous vaccination protection.

"With the updated boosters available this week, I urge all New Yorkers to take steps to better protect themselves against COVID-19," Governor Hochul said. "Take advantage of the latest tools and resources at our disposal in order to keep our families and our communities safe. Test before gatherings or travel and if you test positive, talk to your doctor about potential treatment options."

The announcement follows the Centers for Disease Control and Prevention's recommendation to use updated COVID-19 boosters from Pfizer-BioNTech for anyone age 12 or older and from Moderna for those 18 or older. To schedule an appointment for the updated COVID-19 booster, New Yorkers should contact their regular health care provider, local pharmacy, or local county health department.

In addition, Governor Hochul this week announced that masking will now be optional in multiple settings where they were previously required, including on public transportation, in for-hire vehicles, at airports, homeless shelters, correctional facilities, and detention centers.

Masks will continue to be required at adult care and health care facilities regulated by the state Department of Health, and in clinical settings regulated by the Office of Mental Health, Office of Addiction Services and Supports, and Office for People With Developmental Disabilities.

New York State is still under a Disaster Emergency for the COVID pandemic. [Executive Order 11.9](#) which extends the emergency first declared in March 2020 expires Monday, September 12<sup>th</sup>.

# *In the News – New York City*



## **Mayor Adams Signs Package of Seven Bills to “Ensure NYC Remains National Leader in Maternal Health”**

At a time when Black mothers are nine times more likely to die of pregnancy-related causes than white women in New York City, Mayor Eric Adams signed a legislative package to promote education, increase transparency, and expand access to maternal health care for pregnant New Yorkers.

"This is a critical moment for women's health in New York City and across the country," said Mayor Adams. "...the numbers are clear: Black women are nine times more likely to die of pregnancy-related causes than white women in New York City. Today, we are making sure all expecting families have access to health care when they need it most, no matter the color of their skin, their income bracket, or where they live..."

The legislative package includes:

- **Intro 86-A**, Sponsored by Public Advocate Jumaane Williams et al, establishes a public education program regarding the city's standards for respectful care at birth and establishes a right to be free from pregnancy-related discrimination while receiving health care services in New York City.
- **Intro 409-A**, Sponsored by City Council Member Farah N. Louis et al, improves access to data on maternal mortality and morbidity.
- **Intro 472-A**, Sponsored by City Council Member Jennifer Gutierrez et al, codifies the DOHMH program launched earlier this year to train doulas and provide doula services to residents in all five boroughs.
- **Intro 478-A**, Sponsored by City Council Member Crystal Hudson et al, launches an education campaign in New York City to raise public awareness about the benefits and services provided by doulas and midwives.
- **Intro 482-A**, Sponsored by City Council Member Farah N. Louis et al, requires DOHMH to provide public data on polycystic ovary syndrome and endometriosis.
- **Intro 490-A**, Sponsored by City Council Member Julie Menin et al, codifies DOHMH efforts to provide sexual and reproductive health services and research sexual and reproductive health disparities within the city.
- **Intro 509-A**, Sponsored by City Council Member Althea V. Stevens et al, codifies a public education program on maternal mortality and morbidity, and requires DOHMH to report on the incidence of cesarean sections and recommendations to reduce maternal mortality and severe morbidity.

# *Briefs*

## **Wage Board Recommends DOL Commissioner Accept 40-hour Overtime Threshold for New York Farm Workers**

The Farm Laborers Wage Board recommends that the New York State Department of Labor Commissioner Roberta Reardon accept its final report and reduce the state overtime threshold for farm workers to 40 hours.

The three-member board--Chair Brenda McDuffie, former president and CEO of the Buffalo Urban League; New York Farm Bureau President David Fisher; and Denis Hughes, former state AFL-CIO president--voted 2-1 to submit the report recommending a gradual phase-in of the 40-hour threshold down from 60 hours over the next decade. The report recommended that the threshold be lowered to 56 hours January 1, 2024; 52 hours on January 1, 2026; 48 hours on January 1, 2028; 44 hours on January 1, 2030; and to 40 hours January 1, 2032.

Labor Commissioner Reardon will have 45 days after Tuesday's vote to review the report and recommendations and announce her decision.

The Labor Department will publish a notice of receipt of the report once per publication between September 7 and September 11 in upstate newspapers. Objections or recommendations may be submitted to the Commissioner within 15 days after that publication.

## **MTA Sees Record Number of Commuters**

Metropolitan Transportation Authority commuter railroads had a record number of riders on Wednesday, September 7. The Long Island Railroad surpassed 200,000 riders on a weekday for the first time since March 2020, carrying 203,983 riders. Metro-North Railroad carried a record 179,268 riders on Wednesday, surpassing the railroad's previous record set on June 28 of 174,900.

Subways and buses also showed growth, carrying close to five million riders the day before New York City schools opened. Subway ridership climbed nearly 10 percent compared to last week, carrying 3,440,418 riders, a 36.1 percent increase from the comparable day in 2021. Ridership on buses was also strong with a preliminary total 1,313,658 riders, expected to rise by approximately 15 percent when the rider count is complete.

## **New York State To Establish Caribbean Trade Office To Strengthen Economic Ties With New York State Businesses**

New York State will establish a Caribbean trade office to support and encourage new economic opportunities for New York businesses. This new foreign office will assist New York State companies with international sales and exporting their products and services to the Caribbean region.

According to Governor Kathy Hochul, the Caribbean is a growing market for New York State businesses and communities, and New York is expanding its network of global office coverage to meet the additional demand. Qualifying New York State businesses interested in exporting can leverage the State's foreign offices for customized market intelligence and for assistance identifying potential sales partners or distributors in select countries.

The new office will be established through Empire State Development's Global NY division, which helps New York businesses launch or expand their presence in the global marketplace and promotes access to international trade opportunities and resources. Other foreign offices include Africa, Canada, China, Europe, India, Israel, Mexico, and South America.

## **Governor Hochul Signs Bill Limiting NYC Public School Class Sizes**

Governor Kathy Hochul on Thursday signed legislation mandating smaller class sizes for New York City public schools following an agreement with Mayor Eric Adams and state lawmakers.

The Governor agreed to delay the law from fully taking effect until 2028, with implementation starting next fall, according to the approval message accompanying her signature.

“While the current bill would require the five-year phase-in to be complete by September 2027, implementation of this initiative will require significant strategic planning. I have secured agreement with the Legislature to require a full phase-in of the plan by September 2028,” the Governor wrote. “In doing this, the amended legislation directs the parties to commence the plan development process immediately in order to prepare for implementation beginning in September 2023.”

# ***Coming Up***

## ***New York State***

***Tuesday, September 13<sup>th</sup>***

***Office for People with Developmental Disabilities’ Statewide Comprehensive 5.07 Plan***

Assembly Standing Committee on People with Disabilities

Hamilton Hearing Room B, Legislative Officer Building, 2<sup>nd</sup> Floor, Albany, 10 a.m.

## ***New York City***

***Tuesday, September 13<sup>th</sup>***

***Committee on Land Use***, Committee Room, 11 a.m.

***Committee on General Welfare***, Council Chambers, 1:30 p.m.

**Wednesday, September 14<sup>th</sup>**

**City Council**, Council Chambers – City Hall, 1 p.m.

**Thursday, September 15<sup>th</sup>**

**Committees on Parks and Recreation & Resiliency and Waterfronts**, Committee Room, 10 a.m.

Oversight – Resiliency of the City’s Breaches and Waterfronts.

**Committee on Public Safety**, Council Chambers, 10 a.m.

Oversight – Community Problem-Solving Courts.

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