



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 – State



Mid-Summer Legislative Activity



The Senate and Assembly returned to Albany this week determined to bring “normalcy” to the pandemic-shortened 2020 Legislative session. The houses debated a wide range of initiatives and doubled the number of bills obtaining two-house passage.

Over the course of the four-day session, the Legislature approved 220 bills, bringing the 2020 session total to 413 bills passed by both houses. The 2019 Legislature, led by Senate Majority Leader Andrea Stewart-Cousins and Assembly Speaker Carl Heastie, sent 935 bills to Governor Andrew Cuomo for consideration.

The 2020 session was scheduled to adjourn on June 2, but the COVID-19 pandemic brought a slew of changes including virtual committee meetings, virtual sessions, and an extended legislative calendar. Even before this mini session closed down there was talk of a Fall return.

Among the bills passed by both houses from July 20th through July 24th are:

A2176A Sponsored by M of A Solages/Senator Hoylman -- Exempts certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of such court proceeding.

A5630A Sponsored by M of A Weinstein/Senator Hoylman -- Reforms the statutory short form and other powers of attorney for purposes of financial and estate planning.

A7463B Sponsored by M of A Hunter/Senator Kennedy -- Limits the grounds for the suspension of a driver's license; provides for additional notification when a person is required to make an appearance; requires income based payment plans to be available for fines, fees and mandatory surcharges incurred as a result of a violation of the vehicle and traffic law and makes conforming changes.

A7812A Sponsored by M of A Rosenthal L/Senator Harckham -- Authorizes the use of opioid antagonists by persons or entities for opioid overdose prevention; defines "entity".

A 7820-A Sponsored by M of A Fall/ Senator Savino -- Relates to requiring new homeless shelters conduct a public hearing in the community where the proposed shelter is to be located before being sited.

A8127 Sponsored by M of A Dinowitz/Senator Gounardes -- Provides that in formulating its capital program plans, the metropolitan transportation authority shall develop criteria to determine how to best prioritize subway stations for accessibility improvements.

A9702 Sponsored by M of A Weprin/Senator Liu -- Prohibits the commissioner of corrections and community supervision from promulgating policy to require inmates to waive religious rights in order to participate in inmate programs.

A10463A Sponsored by Rules Committee (M of A Gottfried)/Senator Rivera -- Relates to the review of policies and practices pertaining to infectious disease outbreaks in correctional facilities, including the treatment and prevention of the disease among inmates and staff.

A10470A Sponsored by Rules Committee (M of A Fall)/Senator Savino -- Directs the commissioner of health to conduct a study of the delivery of ambulatory care on Staten Island.

A10500C/S8540C Sponsored by Rules Committee (M of A Gottfried)/Senator Rivera -- Requires all contact tracing information be kept confidential and may not be disclosed except as necessary to carry out contact tracing or a permitted purpose.

A10607A Sponsored by Rules Committee (M of A Lupardo)/Senator Metzgar -- Establishes a New York food supply working group to provide advice, guidance, and recommendations on New York's food supply and related supply chain logistics in the wake of COVID-19.

A10628 Sponsored by Rules Committee (M of A Hyndman)/Senator Parker -- Relates to designating June nineteenth as a public holiday.

A10674-A Sponsored by Rules Committee (M of A Otis)/Senator Mayer -- Requires written notice concerning mass layoffs to the unit or units of local government and the school district or districts in which the employment loss will occur and each locality that provides emergency services to the site of employment where the employment loss will occur.

A10741 Rules Committee (M of A Glick)/Senator Stavisky -- Relates to permitting the education department to renew limited and provisional permits for an additional twelve months.

S 5959-D Sponsored by Senator Savino/M of A Weinstein -- Establishes the right of publicity and provides for a private right of action for unlawful dissemination or publication of a sexually explicit depiction of an individual.

S6266D Sponsored by Senator Biaggi/M of A Hyndman -- Relates to minimum wage rates for covered airport workers.

S6533 Sponsored by Senator Montgomery/M of A Frontus -- Relates to requiring the video recording of interrogations of juveniles in juvenile delinquency proceedings in family court.

S6874-A Sponsored by Senator Gaughran/M of A Jean-Pierre -- Gives the Department of State greater discretion in disciplining a real estate broker or salesman found to violate provisions of the state Human Rights Law.

S7117 Sponsored by Senator Sanders/M of A Glick -- Relates to the minimum cumulative grade point average admission requirement for graduate-level teacher and educational leader programs; removes the minimum 3.0 or higher requirement.

S8046 Sponsored by Senator Sepulveda/M of A Weprin -- Permits the correctional association to access, visit, inspect, and examine all state correctional facilities without advance notice to the department.

S8129 Sponsored by Senator Gounardes/M of A Pheffer Amato -- Relates to the September 11th worker protection task force act.

S8617B Sponsored by Senator Gounardes/Rules Committee (M of A Abbate) -- Requires public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease.

S8806 Sponsored by Senator Gianaris/ M of A Wallace -- Establishes an electronic personal voter registration process.

S8828 Sponsored by Senator Ramos/M of A De La Rosa -- Establishes a registry of workplace fatalities to record information pertaining to all incidents under which an employee suffers a fatal injury.

S8831 Sponsored by Senator Kaminsky/M of A Wallace -- Requires judges who recuse themselves to provide the reason for the recusal.

S8832 Sponsored by Senator Liu/M of A Magnarelli -- Relates to the use of an electronic signature on tax documents.

S8833 Sponsored by Senator Gianaris/Rules Committee (M of A Zebrowski) -- Relates to the functioning of the independent redistricting commission.

S8835 *Sponsored by Senator Sepulveda/Rules Committee (M of A Kim)* -- Relates to amending provisions regarding health care facilities and professionals during the COVID-19 emergency.

State Legislature Approves Bill to Limit Immunity for Health Care Services

The State Legislature, under the direction of Senate Majority Leader Andrea Stewart-Cousins and Assembly Speaker Carl Heastie, passed legislation ([S.8835/A.10840](#)) to narrow the scope of immunity afforded to certain health care professionals who treat patients during the COVID-19 state of emergency. The immunity was granted in the State Fiscal Year 2020-21 Budget.

“The legislation that was advanced during the budget and at the height of the pandemic provided enhanced immunity to COVID effected healthcare facilities and professionals. Our health care system and workers were facing an unprecedented challenge in a crisis situation and protections were needed,” Majority Leader Stewart-Cousins said. “The heroic work of our health care workers has allowed us to move forward past the initial crisis stage. Therefore, it makes sense to limit the scope of immunity to ensure all New Yorkers are protected.”

The 2020-21 Adopted Budget enacted the "Emergency or Disaster Treatment Protection Act" that provides liability protections for health care facilities and medical professionals that treat, or arrange for treatment of COVID-19 patients, and any other individual who sought health care services during the COVID-19 emergency declaration. This limited protection, as created by Part GGG, applies if the healthcare facility or healthcare professional complies with all other applicable law and directives and the treatment of the individual is impacted by the facility or healthcare professional's response to COVID-19. The protection does not cover gross negligence, intentional criminal, or reckless misconduct, or intentional infliction of emotional distress.

The legislation passed yesterday amends the definition of the health care services that are eligible for immunity from liability by removing “prevention” of COVID-19 from the definition of health care services. This legislation will also clarify that the immunity applies to the assessment or care of an individual with a confirmed or suspected case of COVID-19 and will remove immunity protections for a health care facility or health care professional that is “arranging for” health care services.

According to the legislative leaders, the legislation is not meant to disregard the immense sacrifices made by the medical community during the height of the COVID-19 pandemic, but instead it seeks to prospectively balance the protections afforded to our heroic health care workers while recognizing the rights of their patients when provided care.

“There is no doubt that our health care system has faced unprecedented challenges in the wake of the COVID-19 pandemic,” said Speaker Heastie. “We could never possibly repay our heroic health care workers for all of their selfless service during this health crisis. This legislation ensures that New Yorkers have access to legal recourse against bad actors, while acknowledging the unimaginable sacrifices of our health care workers.”

The legislation was sponsored by Senator Luis Sepulveda and M of A Ron Kim. It now goes to Governor Andrew Cuomo for consideration.

“The issue addressed in this legislation has had a profound impact on both my community and my family,” said Assembly bill sponsor Ron Kim. “This legislation will ensure that New Yorkers have a right to recourse should they encounter neglect or misconduct by unscrupulous health care providers or facilities. This is a good step toward restoring the rights of patients and nursing home residents that were taken away from them during this pandemic. Moving forward, nursing homes and other healthcare facilities will be held accountable for failing to prevent the spread of COVID-19 and that is a big win for our families, residents and workers.”

In the News – City



Federal Judge Blocks Release Of NYPD Disciplinary Records

Orders NYCLU To Keep Records Secret

A federal judge this week issued a temporary restraining order blocking the de Blasio Administration’s plan to release New York City Police (NYPD) disciplinary records.

Judge Katherine Polk Failla issued the order until at least August 18th, when she is scheduled to hear arguments in the lawsuit filed by the New York City Police Benevolent Association challenging the release of the information.

“I believe there to be serious issues that transcend reputation, that affect employment, that affect safety,” Judge Failla said during a conference call on Wednesday.

Following enactment of State legislation to repeal Section 50-a of the New York Civil Rights Law in June, the de Blasio administration announced that they would release two databases containing police disciplinary records. The databases would originate from the Civilian Complaint Review Board (CCRB) and the NYPD. The Mayor’s Office said that both databases would contain records on complaints that were not yet adjudicated or “unsubstantiated,” according to published reports.

Police unions assert that the public should not be able to see “unsubstantiated” complaints and requested a temporary restraining order so the matter can be litigated.

Judge Failla ruled in favor of the unions and directed the City to curtail the release of any information related to “complaints that are unsubstantiated or unfounded, those in which the officer has been exonerated, those that are pending, non-final.”

She also ordered the New York City Liberties Union not to release records previously obtained from the CCRB and to direct any entities with whom it had already shared the records to do the same.

“I am ordering you not to disclose those materials any further than you have internally or externally, and I am ordering you to advise...to whom you have disclosed them to not disclose them further,” Judge Failla said.



City Announces Landlord-Tenant Mediation Project for Housing Security

Mayor Bill de Blasio announced a new program to provide housing security to tenants across the City who may be facing hardship due to the COVID-19 pandemic. Starting immediately, the Citywide Landlord-Tenant Mediation Project will address rent-related issues in a mediation setting, outside of the housing court system, with a focus on hardest hit communities.

Through this project, non-profit Community Dispute Resolution Centers (CDRCs) will assist tenants and small landlords in finding solutions to rental issues due to the COVID-19 pandemic. The goal is to resolve cases before they reach litigation and avoid the long-term effects of an eviction proceeding. Priority will be given to tenants and small landlords who do not have legal representation.

The City-Wide Landlord-Tenant Mediation Project will be managed by CDRCs in coordination with Department of Housing Preservation and Development (HPD), the Mayor’s Office to Protect Tenants (MOPT), and the Mayor's Public Engagement Unit (PEU), with support from the Human Resource Administration’s Office of Civil Justice (OCJ). Eligible tenants will be referred to CDRCs in each borough, and each CDRC will manage case intake, provide mediation sessions, and monitor case follow up for tenants.

Briefs

Senate Confirms Court of Claims Judges

The State Senate this week confirmed four nominees to the Court of Claims. The judges confirmed for nine-year terms are:

- Veronica G. Hummel
- Hon. Charles M. Troia
- Hon. Adrian N. Armstrong
- Adam W. Silverman

New York Bar Exam To Be Held Online in October

New York's State Board of Law Examiners announced this week that the September bar exam, which was canceled last week, will now be held online in October, according to a notice published Thursday.

The exam was initially set for July but had been pushed to September 9-10. On July 16th, the Board canceled the test, citing the coronavirus pandemic and concerns about participant safety. On Thursday, the Board said a remote version of the exam was rescheduled for October 5-6. Test-takers registered for the September exam will be automatically registered for the new date, according to a notice from the New York Court of Appeals.

"Because public health conditions across the country have not adequately abated and the pandemic remains an active and ongoing threat to public health in a growing number of states, at this juncture, an in-person examination is not a viable option," New York Court of Appeals Chief Judge Janet DiFiore.

Interim State Education Commissioner Shannon Tahoe To Step Down in August

Interim State Education Commissioner Shannon Tahoe is stepping down from her post on August 13th. She has led the Department since last year, following the departure of Education Commissioner MaryEllen Elia.

"The Board and I thank Interim Commissioner Tahoe for her leadership during this unprecedented time," Board of Regents Chancellor Betty Rosa and Vice Chancellor T. Andrew Brown. "When Ms. Tahoe took over the position, no one could have imagined that a global pandemic was on the horizon. Ms. Tahoe capably led the Department through one of its most challenging times and proved herself as a dedicated and personable leader. Throughout her 14 years at the Department, Ms. Tahoe served the Board of Regents and Department well with her expert legal counsel on critical policy matters and key initiatives. We wish her well in her next chapter."

An acting commissioner is expected to be appointed before Ms. Tahoe leaves the department.

Wall Street Firms Consider Moving Jobs from NYC, Study Says

Work from home and the reduced need for employees in New York's financial and professional-services industries have led some companies to consider reducing their presence in the City by at least 20%, according to a study by the Partnership for New York City. Approximately one in four office employers surveyed indicated they intend to reduce their footprint by at least a fifth, and about 16% expect to move jobs out of the City.

In addition, companies also expect only 10% of their employees to return to the office this summer and 40% by year-end, according to the survey conducted in May, according to published reports.

The study estimated that City and State tax revenue losses may exceed \$37 billion during the next two years and the City's economy could decrease as much as 13% this year.

Coming Up

New York State

The Legislature Has Adjourned at the Call of the Respective Leaders.

New York City

Tuesday, July 28th

Stated Council Meeting, Remote Hearing, 1:30 p.m.

**“We believe in the ideas of family, mutuality,
the sharing of benefits and burdens
for the good of all, feeling one another’s pain,
sharing one another’s blessing
recognizing that at the heart of the matter
we are bound to each other.”
-Mario M. Cuomo-**

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