



# This Week in New York

**Covering New York State and City Government**

*A Publication of Pitta Bishop & Del Giorno LLC*

*May 5, 2017 Edition*



## *In the News – New York State*



### **IDC's New Legislation Protects the Right to Join a Union and Fights Union-Busting Laws Spreading Across the Nation**

New York State Senate Labor Chairwoman Marisol Alcantara (D-Manhattan), joined by members of the Independent Democratic Conference (IDC) and leaders of major labor unions, introduced legislation on May Day (International Workers' Day) to combat union-busting tactics used in right-to-work states spreading nationally.

According to the IDC, Right-to-work, a misnomer, strips unions of their collective bargaining power and these laws in place in 28 states are being considered on a federal level, which could lead to the erosion of the right to organize for better wages, benefits and workplace environment.

“As a proud former labor leader, we must continue to fight for workers’ rights that are being threatened on a national level,” Senator Diane Savino (D-SI/Brooklyn) asserted. “Unions provide good-paying jobs, benefits and excellent workplaces for New Yorkers and we will not allow anyone to take that away. Our labor leaders go to the bargaining table to make sure that their employees have these rights and this legislation prevents any attempt to chip away at collective bargaining.”



Labor leaders across the state echoed the Senator’s sentiments.

“...We will fight for the rights of all our brothers and sisters to live and work in the City they love with the dignity and respect that they deserve,” Communications Workers of America Local 1182 President Syed Rahim affirmed. “Let’s show Washington our resolve to say no to Right to Work laws. Let’s uphold legacies left behind by our labor leaders of the past and fight like hell for the living.”

Senator Alcantara's legislation (S5778) simplifies the process for an individual to join a public employee union and helps the union have the resources to provide services to that member. Assemblymember Peter Abbate, chair of the Governmental Employees Committee, has introduced companion legislation (A7601) in the Assembly.



"We cannot allow right-to-work to demolish the labor movement that was born in New York. We cherish the right to organize and this legislation ensures that everyone pays their dues to receive the protections and benefits that unions provide. Right-to-work means a right to lower wages and a lower quality of life and we will fight against that for our brothers and sisters in labor," Senator Alcantara (D-Manhattan) said.

According to organized labor proponents, the Right to Work Law is of pressing concern with the recent confirmation of Supreme Court Justice Neil Gorsuch. In a case brought before the Supreme Court, *Friedrichs v. California Teachers Association*, in which California teachers challenged that state's law allowing unions to collect agency fees, the union prevailed in a 4-4 decision due to a vacancy on the court. That seat is now filled by Justice Gorsuch.

Other cases pending including *Janus et al. v. AFSCME Council 31* in Illinois and *Yohn et al. v. California Teachers Association*, all share the aim of the court handing down an anti-union decision that failed to come with the *Friedrichs* case.

"...We are reminded that right around the corner there is a very clear danger to the benefits and securities that we enjoy as union members," Correction Officers' Benevolent Association President Elias Husamudeen explained. "A national Right to Work law is being discussed in the halls of Washington DC at this very moment. Right to Work is a deceptively named law that hurts all workers. Right to work will decimate agency shop and gravely damage our union as well. We reject the right to work for less, we reject losses to our health insurance and we reject curtailing service to our members when they need us the most."

The state AFL-CIO came out strongly against a Constitutional Convention asserting that it could lead to a diminishment of worker rights. Similar concerns were voiced by other members of organized labor.

"... The worker protections that we all enjoy have been won over many decades of collective bargaining and sacrifice. Our Sanitation Workers know that we must remain vigilant to protect the rights we have fought so hard to gain. As a Constitutional Convention in New York State looms on the horizon, we know how important it is to celebrate our accomplishments and to fight to preserve them..." said Uniform Sanitationmen's Association Local 831 President and Chair of New York City Municipal Labor Committee Harry Nespoli.



## Department of Financial Services Issues Regulations to Crack Down on Title Insurance Business Abuses

### *New Proposed DFS Regulations Crack Down on Business Gifts, Limits Ancillary Fees and Encourages Independence from Affiliates*

The State Department of Financial Services this week issues two new proposed regulations to protect New Yorkers and crack down on unscrupulous practices in the title insurance industry.

These new protections were drafted following an investigation by the state Department of Financial Services that revealed that title insurance companies and agents have spent millions of dollars on inducements, which the industry has charged back to consumers as "marketing costs."

"For far too long, meals and entertainment have been used as inducement for title insurance business," Superintendent Maria T. Vullo said. "These practices must stop. DFS will protect consumers from unfair practices in the title insurance industry. Many New Yorkers who buy or refinance a home have been footing the bill without explanation for excessive fees that contribute to high closing costs. This action lets title insurers and agents know that these unscrupulous practices stop now."

The first proposed regulation clarifies the rules about expenses such as meals and entertainment, and ancillary fees that title agents or title insurers may charge. The second proposed regulation requires title insurance companies or agents that generate a portion of their business from affiliates to function separately and independently from any affiliate and obtain business from other sources. Specifically, the regulations clarify that the New York anti-inducement statute is not limited to situations in which there is a direct quid pro quo for business by:

- Limit the ancillary fees and expenses that may be charged consumers.
- Require a title insurance agent or corporation that accepts business from an affiliated person to: Function separately and independently from the affiliate, including being staffed by its own employees; engage in all or substantially all of the core title services with respect to the affiliated business; and make a good faith effort to obtain, and be open for, title insurance business from all sources and not business only from affiliated persons.

DFS investigators found that under the guise of "marketing expenses," meals, entertainment, gifts, and vacations have been provided to attorneys and real estate professionals who order title insurance on behalf of their clients in exchange for referring business to the title insurance company or agent.

Since the DFS investigation, DFS proposed earlier versions of both of these regulations and adopted emergency regulations which are currently in effect. The emergency regulations also address issues relating to the fiduciary duties of agents and brokers, and will be in effect until the final adoption of these regulations. Once final regulations are adopted, the emergency regulations currently in effect will no longer apply.

## **Bills Passed by Both Houses**

**A567 Sponsored by M of A Abinanti/ Senator Marchione** – Removes the requirement that a witness to a party designating petition or an independent nominating petition must reside in the district of the office in the petition.

**A1189 Sponsored by M of A Cusick/Senator Lanza** -- Extends, until December 31, 2018, the authorization of residential property owners in high risk brush fire areas on Staten Island to cut and remove reeds.

**A1310 Sponsored by M of A Zebrowski/ Senator Carlucci** -- Establishes a process for the revocation of a code enforcement officer's certificate

**A2382B Sponsored by M of A Hooper/ Senator Phillips** – Extends until fiscal year 2028 the authorization for Nassau County to provide for an abatement of county taxes on residences owned by senior citizens who receive Enhanced STAR.

**A5287 Sponsored by M of A Glick/** -- To authorize certain licensed health care professionals from other jurisdictions to practice in New York State with respect to six major events sanctioned by New York Road Runners.

**S1859 Sponsored by Senator DeFrancisco/M of A Magnarelli** -- The bill would exempt vehicle glass repair shops from Section 2610 subsection (c) of the NYS Insurance Law which bans insurance companies suggesting or recommending certain repair shops

**S4265 Sponsored by Senator Griffo/M of A Magee** -- To allow for the sale of wine ice cream in packages that are less than one pint.

**S4998 Sponsored by Senator Hamilton/M of A Seawright** -- The purpose of this bill is to continue for two years the existing statutory authority for licensed lenders to charge annual fees on open-end personal loans.

## *In the News – New York City*

# De Blasio Administration Releases Domestic Violence Task Force Report

The de Blasio administration this week released the Domestic Violence Task Force Report aimed at reducing domestic violence in New York City.

According to Mayor Bill de Blasio, domestic violence crime is rising in New York City. Specifically, the number of intimate partner homicides rose from 26 in 2015 to 37 in 2016, and the number of domestic violence incident reports rose from 74,684 in 2015 to 91,617 in 2016.

In addition, the Mayor explained, in 2007, 4.8% of all major crimes in the City were related to domestic violence, defined to include offenses involving members of the same family or household as well as those related to intimate partners. By 2016, that percentage had reached 11.6%. Domestic violence now accounts for one in every five homicides—and two in every five reported assaults—citywide.

“Domestic violence is disturbingly common, and affects every neighborhood in NYC. It’s only by confronting this crime that we will end the vicious cycle that perpetuates it,” said Mayor Bill de Blasio. “This report sends a loud and clear message – we will not tolerate domestic violence, survivors have the City’s full support, and abusers must be held accountable. We will do everything we can to ensure that New York City is safer for everyone, everywhere, at all times.”

The Domestic Violence Task Force, convened in November 2016, was charged with developing a coordinated response that included both criminal justice and social services intervention. Recommendations include:

- **Expanding the Child Trauma Response Teams:** Expanding the program to an additional location will provide immediate intervention for more victims of child trauma who have witnessed domestic violence in their homes, which has been shown to reduce the odds of Post-Traumatic Stress Disorder by 65% for children who have witnessed violence.
- **Investing in enhanced evidence gathering:** Purchasing state-of-the-art technology, including alternative light source cameras, which can reveal evidence of strangulation often missed by traditional cameras, and mobile evidence gathering technology, which can be a critical source of information in stalking cases. Forensic evidence can help validate a victim’s experience by substantiating abuse in a way that can be used to support criminal prosecution, inform victims of domestic violence of available options, and increase the strength of a criminal case to hold the abuser accountable.

- **Expanding the Early Victim Engagement Program:** Expanding this early engagement program to an additional two locations will provide critical information to more victims at the time of an offender’s arraignment enhancing safety, access to resources and prosecutions. An evaluation of the EVE program in Brooklyn found that it increased the conviction rate in cases of intimate partner violence prosecuted by 9%, from 23.6% vs. 32.6%.
- **Providing Immigrant Legal Services:** Linking domestic violence services with immigration legal services to ensure that survivors can seek help without fear or immigration consequences

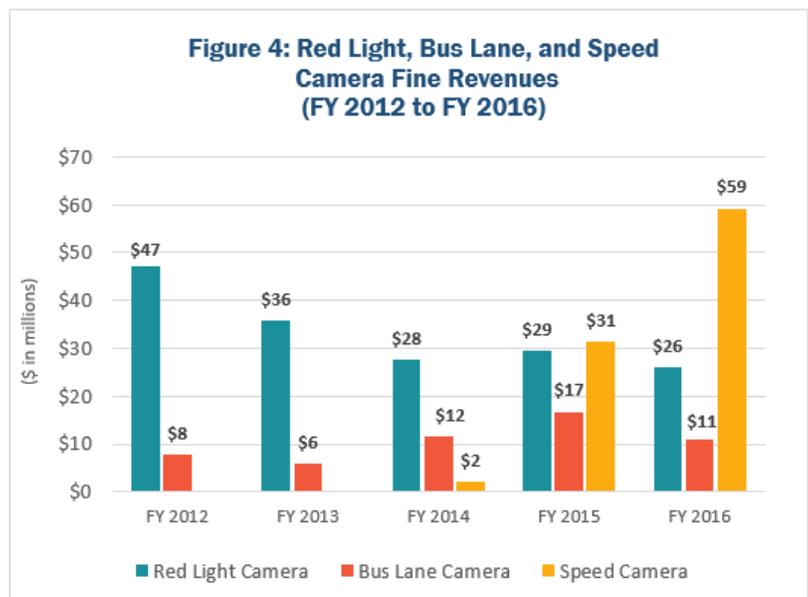
## Comptroller Stringer: City Fines Generate New, Record-high Revenue

New York City collected \$993 million in fines in FY 2016, a new record high for fine collection and a 16 percent increase since FY 2012, according to new data released this week by Comptroller Scott Stringer.

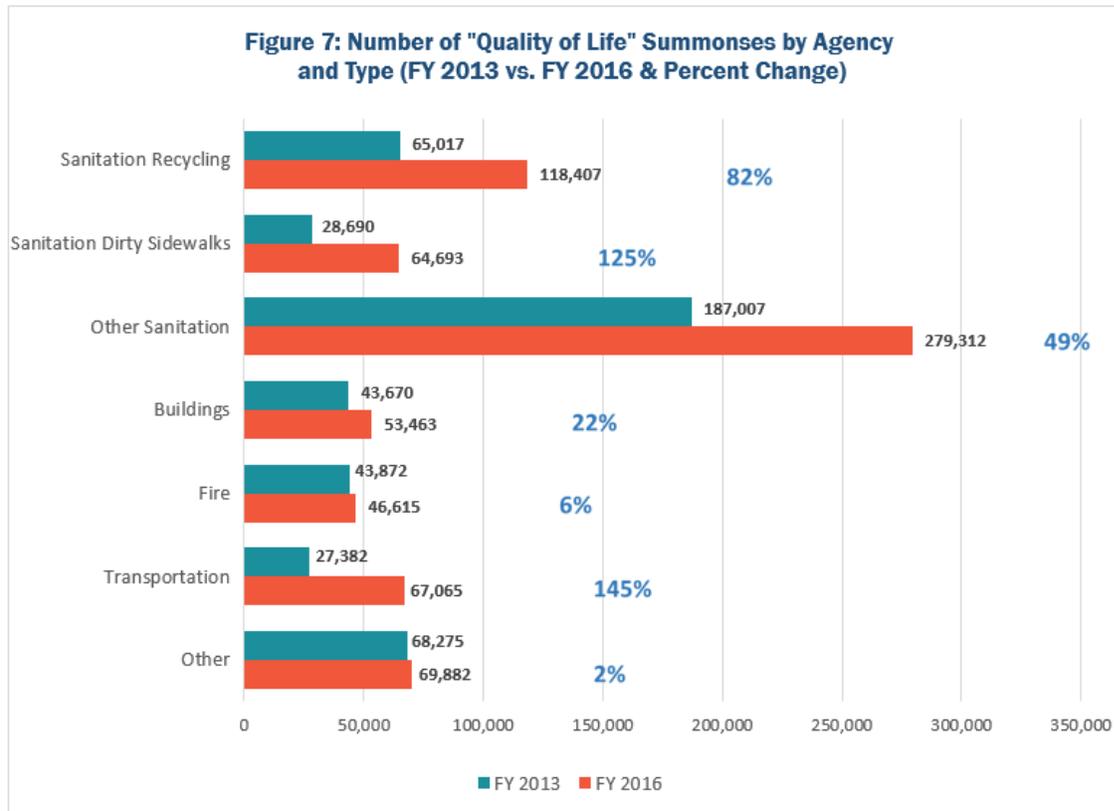
While parking violations account for, by far, the largest category of fines, the rise was fueled by a spike in quality of life violations. The City issued nearly 700,000 quality of life violations in FY 2016, up 51 percent since FY 2013, generating a total of \$184 million. Parking violations accounted for 55 percent of all revenues from fines in FY 2016, now reaching \$545 million in FY 2016.

New York City imposes fines for violations of various City laws and regulations, including regulations related to parking, building codes, consumer affairs, and public health and safety. Among fines:

- The City issues anywhere between 9 and 11 million parking tickets per year. In FY 2016, parking violations raised \$545 million, or 55 percent of all total City revenues from fines. Revenue from parking tickets has risen \$32 million between FY 2012 and FY 2016.
- Since 2010, speed cameras have been installed at 150 intersections. Red light camera revenues peaked in FY 2011 at \$71 million and have been falling since as the number of tickets dropped, likely due to increased motorist awareness.



“Quality of Life” violations such as littering and noise pollution, sidewalk violations and public health and safety violations generated \$184 million, rising \$41 million between FY 2012 and FY 2016. Approximately 700,000 “quality of life” violations were issued last year, roughly two-thirds of which came from the Department of Sanitation for improper waste disposal, dirty sidewalks, and other trash or public cleanliness infractions.



## Briefs

### Governor Cuomo Launches Taste NY Inaugural Craft Beer Challenge in Celebration of American Craft Beer Week

*Nearly 70 Breweries from Across New York Participating in Competition*

[Vote For Your Favorite Brewery](#)

Governor Andrew Cuomo this week announced the launch of the Taste NY Inaugural Craft Beer Challenge, in which New Yorkers are invited to vote for their favorite New York craft brewery in celebration of the diversity, range, and quality of New York’s craft beer industry. The Governor will host a final tasting event for the five New York breweries with the most online votes on May 17 in New York City, coinciding with American Craft Beer Week, which runs from May 15-21 and celebrates craft beer across the country.

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## **Mayor Signs Bill Prohibiting Salary Inquiries in Employment Searches**

Mayor Bill de Blasio this week signed Intro. 1253 which prohibits all employers from inquiring about a prospective employee's salary history. Sponsored by Public Advocate Letitia James, it expands upon the Mayor's 2016 Executive Order 21 to include both private and public employers.

Intro. 1253, which goes into effect in 180 days, dictates that it is an unlawful, discriminatory practice for an employer to inquire about or rely upon the salary history of a job applicant to determine their salary amount during the hiring process, including the negotiation of a contract. An applicant's salary history includes current or prior wage, salary, benefits or other compensation.

The bill allows employers to discuss with job applicants their expectations about salary, benefits and other compensation. If an applicant, voluntarily and without prompting, discloses salary history to an employer, the employer may consider salary history in determining salary, benefits and other compensation for such applicant, and may verify that salary history.

Individuals can file a complaint with the NYC Commission on Human Rights, which has the ability to fine employers with civil penalties of up to \$250,000 for willful and malicious violations of the law, and can award compensatory damages to victims, including emotional distress damages and other benefits. The Commission will also create educational materials on this protection and conduct community outreach to ensure that NYC workers' know their rights

## **Bayonne Bridge Project to be Completed June 30<sup>th</sup>**

The \$1.6 billion Bayonne Bridge project will be completed by June 30<sup>th</sup>, allowing the Port of New Jersey to accommodate large container ships, according to New Jersey Governor Chris Christie. The project, when completed, will raise the bridge span to 215 feet, up from 151 feet.

The Port Authority of New York and New Jersey originally estimated that the project would be complete in time for an influx of supertanker ships following the opening of the newly widened Panama Canal last summer. In 2015, the agency pushed its estimated completion date to late 2017, due to harsh weather conditions and engineering difficulties.

## **Stringer Audit Reveals Serious Gaps in MTA's Maintenance and Repair of Elevators and Escalators**

An audit released this week by New York City Comptroller Scott Stringer found that the New York Metropolitan Transportation Authority (MTA) did not perform all scheduled preventive maintenance on nearly 80 percent of the sampled escalators and elevators and that one-third of the MTA's scheduled preventive maintenance assignments in the sample were completed late – if at all.

In addition, the audit found that the MTA does not systematically track whether and how quickly all of the defects found in its elevators and escalators are corrected.

# Coming Up

## New York State

*Legislature is in session Monday, May 8<sup>th</sup> through Wednesday, May 10<sup>th</sup>*

## New York City

### Monday May 8<sup>th</sup>

*Committee on Finance*, Council Chamber – City Hall, 10 a.m.

*Committee on Fire and Criminal Justice Services*, Council Chamber – City Hall, 10 a.m.

*Committee on Housing and Buildings*, Committee Room – 250 Broadway, 14<sup>th</sup> Floor, 10 a.m.

*Committee on Aging*, Council Chamber – City Hall, 12 p.m.

*Subcommittee on Senior Centers*, Council Chamber – City Hall, 12 p.m.

*Committee on Environmental Protection*, Council Chamber – City Hall, 1:45 p.m.

*Committee on Environmental Protection*, Council Chamber – City Hall, 2 p.m.

### Tuesday May 9<sup>th</sup>

*Committee on Economic Development*, Council Chamber – City Hall, 10 a.m.

*Committee on Small Business*, Council Chamber – City Hall, 10 a.m.

*Committee on Finance*, Council Chamber – City Hall, 10 a.m.

*Committee on Health*, Council Chamber – City Hall, 12 p.m.

*Committee on Transportation* Committee Room – 250 Broadway, 14<sup>th</sup> Floor, 1 p.m.

*Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services*, Council Chamber – City Hall, 2 p.m.

*Committee on Education*, Committee Room – 250 Broadway, 14<sup>th</sup> Floor, 2 p.m.

### Wednesday May 10<sup>th</sup>

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

*Committee on Rules, Privileges and Elections*, Council Chambers – City Hall, 10:30 a.m.

*City Council Meeting*, Council Chambers – City Hall, 1:30 p.m.

### ***Thursday May 11<sup>th</sup>***

*Committee on Housing and Buildings*, Council Chambers – City Hall, 10 a.m.

*Committee on Finance*, Council Chambers – City Hall, 10 a.m.

*Committee on Immigration*, Council Chambers – City Hall, 2 p.m.

### ***Friday May 12<sup>th</sup>***

*Committee on Finance*, Council Chambers – City Hall, 10 a.m.

*Committee on Sanitation and Solid Waste Management*, Council Chambers – City Hall, 10 a.m.

*Committee on Governmental Operation*, Council Chambers – City Hall, 12 p.m.

*Committee on Sanitation and Solid Waste Management*, Committee Room – 250 Broadway, 16<sup>th</sup> Floor, 2 p.m.

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