



This Week in New York

Covering New York State and City Government

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May 19, 2017 Edition



In the News – New York State

New York Launches \$20 Billion Affordable Housing Plan

Flanked by labor leaders, state legislators and local officials, Governor Andrew Cuomo this week launched a \$20 billion, five-year plan to combat homelessness and advance the construction of affordable housing in New York State.

The action plan is made possible by the release of \$2.5 billion in capital funding delivered in the FY 2018 Budget.



"By making significant investments in rehabilitating, preserving and constructing safe and affordable housing, we will open doors for low-income residents and support hard-working New Yorkers in every region of the state," Governor Cuomo said, to the crowd of laborers and public officials.

The plan commits \$10 billion to create and preserve more than 110,000 units across the state, including approximately 12,000 units created through the newly enacted "Affordable New York" program formerly known as 421-a. The plan also includes a \$10 billion commitment to create 6,000 new supportive housing beds, including \$7.5 billion to end the homelessness crisis and support housing programs, rental subsidies and other shelter costs in New York City and across the state.

The capital funding delivered in the FY 2018 Budget includes:

Supportive Housing: \$950 million for the construction or operation of at least 6,000 supportive housing units throughout the state.

New Construction: \$472 million for new construction or adaptive reuse of rental housing affordable to households that earn up to 60 percent of area median income.



Members of Teamsters 237 rally around the Governor's plan

New York City Housing Authority: \$200 million for projects and improvements related at housing developments owned or operated by NYCHA.

NYC 100% Affordable: \$100 million for the construction and preservation of 100 percent affordable units in New York City.

Senior Housing: \$125 million for developing or rehabilitating affordable housing targeted to low-income seniors, aged 60 and above.

Rural and Urban Community Investment Fund: \$45 million for mixed-use affordable housing developments that may include retail, commercial or community development components.

Middle Income Housing: \$150 million for new construction, adaptive reuse, or reconstruction of rental housing affordable to households that earn between 60 percent and 130 percent of AMI.

Affordable Housing Preservation: \$146 million for substantial or moderate rehabilitation of existing affordable multi-family rental housing currently under a regulatory agreement.

Mitchell-Lama Rehabilitation: \$75 million to preserve and improve Mitchell-Lama properties throughout the State.

Public Housing: \$125 million for substantial or moderate rehabilitation and/or the demolition and replacement through new construction of public housing authority developments outside of NYC.

Small Building Construction: \$62.5 million for rehabilitation and/or the demolition and replacement through new construction of buildings of 5 to 40 units.

Home Ownership: \$41.5 million for promoting home ownership among families of low and moderate income and stimulating the development, stabilization, and preservation of New York communities.

Mobile and Manufactured Homes: \$13 million for mobile and manufactured home programs.

Main Street Programs: \$10 million for stimulating reinvestment in properties located within mixed-use commercial districts located in urban, small town, and rural areas of the state.



NY Employers Set to See 4.5% Workers' Comp Premium Reduction

The New York Compensation Insurance Rating Board, a non-governmental rate service organization, has submitted an overall workers' compensation rate decrease of approximately 4.5 percent, which will save New York employers about \$400 million this year in workers' compensation premiums.

In its rate filing, CIRB attributed the reduction in premium rates to certain cost savings measures passed as part of the 2018 budget and general system savings directed by the New York State Workers' Compensation Board.

"The reforms to the Workers' Compensation system in this year's budget will help New York businesses cut costs – enabling them to further reinvest, grow and create more jobs across the state," Governor Andrew Cuomo said. "With this rate decrease, New York is providing real savings to businesses helping to make them more competitive while strengthening protections for injured workers at companies across the state."

The rate submission must still be reviewed and approved by the Department of Financial Services and, if approved, would become effective October 1, 2017.

"The real work of government isn't about chasing a headline or giving a soaring speech, it's about getting results," Senator Majority Leader John Flanagan explained. "I'm pleased and proud that our Senate Republican conference was able to deliver for the people of New York on such an important issue. As a result, businesses, municipalities, and not-for-profits will be able to cut their costs, create jobs and grow for the future."

Workers' compensation premium rates are determined on an annual basis and take into account recent claims experience as well as implementation of any new policies and procedures. The 2018 Budget specifically addresses cost by applying limits to temporary disability payments prior to a permanency award, while providing an exemption process for the most seriously injured.

The budget also includes better protections for injured workers by:

- Expanding the safety net for seriously injured workers, so more are eligible to apply for reconsideration for lifetime benefits when their benefit caps are set to expire.
- Ensuring injured workers who are out-of-work and not receiving benefits will get a hearing within 45 days.
- Providing relief for first responders exposed to extraordinary stress in emergency situations.
- Strengthening the administrative tools available to the Board in its efforts to provide swift and appropriate delivery of benefits to injured workers.

The budget requires the Workers' Compensation Board to publicize new permanent impairment guidelines to reflect advances in modern medicine that result in better outcomes. Additionally, to ensure that injured workers receive high quality, cost effective medications, the Board will establish a prescription drug formulary.

In addition, the Workers' Compensation Board has developed new processes to ensure benefits are delivered more timely by utilizing alternative means to resolve disputes.

NYS Senate Republicans Move to Withhold State Funding from Amtrak

Senator Elaine Phillips (R-C, Manhasset) and Long Island's entire Senate Republican delegation this week announced the introduction of a new bill to help compensate commuters and hold Amtrak responsible for costly and frustrating Penn Station delays. The measure (S6421) would withhold New York State's payments to Amtrak, operator of Penn Station, and return the savings to commuters as they continue to experience repeated travel problems that jeopardize jobs and paralyze the region's economy.

"Poor maintenance and crumbling infrastructure at Penn Station are causing massive delays, cancellations and service disruptions that make commuting a living hell for Long Islanders. Amtrak's failures are preventing LIRR riders from getting the service they paid for; if service is decreasing, fares should too," Senator Phillips explained. "This legislation would help Long Island commuters get a much needed fare reduction."

The bill authorizes the Metropolitan Transportation Authority (MTA) to discontinue all payments to Amtrak as a way of compensating commuters affected by unscheduled delays and cancellations that result from Amtrak's inadequate maintenance. The payments could be withheld until December 31, 2017, unless service for trains arriving and departing at Penn Station is restored to 95-percent on-time performance for at least one month. The monies withheld by MTA would be directed back to commuters in the form of savings on fares.

According to Senator Phillips, lengthy unannounced delays, service disruptions, and dangerous track conditions have been ongoing for the Long Island Rail Road (LIRR) and other trains that use Penn Station. Recently, Amtrak forecasted additional reductions in LIRR service – potentially 25 percent – to complete overdue repairs of four tracks and other infrastructure this summer, which will likely lead to more unacceptable issues for New York commuters.

A state report released this year estimated that 7.5 million LIRR riders were delayed or had rides canceled or terminated before reaching their destination in 2016, resulting in more than \$60 million in lost productivity.

Joining Senator Phillips to cosponsor the bill are Senate Majority Leader John J. Flanagan; Senators Carl Marcellino (R, Syosset); Kemp Hannon (R, Nassau); Thomas Croci (R, Sayville); Kenneth LaValle (R-C-I, Port Jefferson); and Phil Boyle (R-C-I, Bay Shore).

In April, New Jersey Transit also announced it would stop paying Amtrak until an independent examination verifies that the tracks, signals, and other equipment are in a state of good repair. Combined, New York and New Jersey pay approximately \$150 million a year for the use of Penn Station. Currently New York pays Amtrak millions for lease payments and other improvements at Penn Station. In addition, the MTA's 2015-2019 Capital Program includes over \$240 million for projects to improve the passenger flow and customer experience at Penn Station.

In the News – New York City



De Blasio Administration Announces New Calorie Labeling Rules

Mayor Bill de Blasio this week announced that all New York City chain food retailers offering prepared foods, or “restaurant-type foods,” will be required to post calorie counts on menu boards.

In addition, chain restaurants and retailers will be required to have full nutritional information – not just calories – for standard menu items available on site, and they will have to post a statement about the daily recommended caloric intake of 2,000 calories. This rule is required for all chain restaurants with 15 locations or more nationwide, affecting approximately 3,000 restaurants and about 1,500 food retailer chains.

Starting May 22, the Departments of Health and Consumer Affairs will begin enforcing the updated calorie labeling rules by educating businesses during regular inspections. On August 21, both agencies will begin issuing notices of violation subject to fines for not following the updated rule. Chain restaurants and food retailers that are not in compliance will be subject to fines ranging from \$200 to \$600.

New Yorkers can look forward to several improvements in chain convenience stores, grocery stores and restaurants as a result of the updated calorie labeling rule, including:

- Calorie information about prepared foods sold in chain convenience stores and grocery stores.
- A new statement on menus and menu boards at all chain restaurants, chain convenience stores and grocery stores to give more information about calorie needs. The statement reads, “2,000 calories a day is used for general nutrition advice, but calorie needs vary.”
- Additional nutrition information about menu items available onsite upon request, including total calories, calories from fat, total fat, saturated fat, trans fat, cholesterol, sodium, total carbohydrates, dietary fiber, sugar, and protein.



NYC Freelancers Legislation Goes Into Effect

New York City's *Freelance Isn't Free Act* went into effect this week, giving freelance workers the legal right to written contracts, timely payment, and freedom from retaliation.

Under the Law, freelance workers can also file a complaint with DCA's Office of Labor Policy & Standards, which will also provide court navigation services to freelance workers pursuing their claims in court.

There are an estimated 500,000 freelance workers that will benefit from this legislation, based on a 2013 study by DOF of New Yorkers receiving 1099-MISC tax forms (a common income tax form for individuals operating as contingent "freelance" workers).

"Freelancers aren't free," said Mayor Bill de Blasio. "It's now the law in New York City that they be paid on time, have the written contracts they deserve and have the tools to defend their rights."

According to DCA Commissioner Lorelei Salas, the law is an important step toward securing financial stability for the many freelance workers who bring their talents to companies but then struggle to make ends meet because of unpaid wages and broken promises."

"By requiring hiring parties to issue written contracts, we can better ensure that workers are paid on time and in full. DCA's Office of Labor Policy & Standards is committed to working on behalf of all freelancers to create a more secure workforce for today's evolving economy," she said.

The Law protects freelance workers against non-payment by:

- Requiring contracts between freelance workers and hiring parties that are worth \$800 or more to be in writing, including agreements that total \$800 in any 120-day period.
- Requiring hiring parties to pay freelance workers on or before the date in the contract, or if the contract doesn't specify a date, within 30 days after the work is completed.
- Protecting freelance workers against retaliation for asserting their rights under the Law.
- Providing freelance workers the right to file a complaint with OLPS. Hiring parties must respond to the complaint in writing within 20 days. If a hiring party does not respond to a complaint within 20 days, the freelance worker receive a "rebuttable presumption" in their favor when they bring their complaint to court, which means the judge should presume the hiring party committed the violations.

- Creating a Court Navigation Program within DCA, which offers freelance workers information about the law, the court process, sample court forms, court services, worker classification, and more.
- Providing the right to sue in court to seek double the unpaid amount, damages for retaliation, damages for failing to enter into a written contract, and attorneys' fees and costs.

Briefs

Senate Passes Bill to Start Ride Sharing for Fourth of July

The New York State Senate this week passed a bill that would accelerate the availability of ride-sharing outside of New York City. The bill (S5814), sponsored by Senator Ranzenhofer (R-C-I, Amherst), would allow ride-sharing to be available for Fourth of July celebrations.

This bill would change the effective date included in the budget -accelerating it by 10 days to make ride-sharing available as early as June 29, 2017.

The bill is on the Assembly calendar and is sponsored by M of A Cahill.

Governor Orders Comprehensive Statewide Review of Compliance with “Enough Is Enough” Law to Protect Students from Sexual Assault on College Campuses

Governor Andrew Cuomo this week ordered a comprehensive review of compliance under the “Enough Is Enough” law at all higher-education institutions across the state. The statewide inspection will ensure that all colleges and universities are fulfilling their obligations under the law to protect students from sexual assault, dating violence, domestic violence and stalking, and are taking every measure to properly investigate allegations of sexual assault on campus.

A multi-agency team, with representatives from the New York State Police, Division of Criminal Justice Services, Department of Health, Office of Victims Services, Division of Human Rights and SED, will conduct a thorough review of the records and procedures of private and public colleges and universities across the state to ensure compliance with the law. Specifically, the review will evaluate each institution's compliance with requirements for adoption of procedures, student and staff training, notification of rights and conduct of investigations, under Article 129-B of the state education law.

The Governor has directed the review be completed for all schools by the beginning of the fall semester, with the issuance of a preliminary report by September 1, 2017.

Comptroller DiNapoli: ESD Falls Short in Reporting Results of Economic Development Programs

Empire State Development (ESD), New York state's chief economic development agency, failed to meet more than half of the reporting requirements for tax credit and job creation programs, diminishing transparency and accountability according to an audit released this week by State Comptroller Thomas DiNapoli.

Under various state laws and regulations, ESD is mandated to report on the outcomes of many of the programs it supervises. Reporting requirements for specific programs vary and some of the requirements are specified in the legislation that established each program. Auditors found:

- ESD failed to produce many of the statutorily-required performance and outcome reports that were due between April 2012 and September 2016. Auditors found 27 of 57 of general outcome reports, or 47 percent, were not finished (see Exhibit A in the report);
- 17 programs requiring independently prepared evaluations were not evaluated; and
- 93 of 152 program-specific reports, or 61 percent, were not completed (see Exhibit C in the report).

New York Secures \$4.2 Million in Federal Funding to Expand Apprenticeship Programs

New York State has received \$4.2 million in federal funding to support the expansion of New York's Apprenticeship Program. This funding includes \$3 million from the Middle Skills Training Fund and \$1.2 million in ApprenticeshipUSA State Expansion Grant funding for registered apprenticeships in emerging industries.

The Request for Applications is designed to incentivize increased business participation with a focus on the emerging fields of advanced manufacturing, healthcare and information technology, along with other high-demand occupations. It will also help registered apprenticeship sponsors develop new programs and enroll more apprentices in current programs by providing reimbursements of up to \$5,000 per apprentice for on-the-job training, related instruction, books and tools.

Information on apprenticeships: <https://labor.ny.gov/apprenticeship/appindex.shtm>.

In order to submit an application: <https://labor.ny.gov/workforcenypartners/fundingopps/apprenticeship-expansion-grant.pdf>.

Maternal Depression Screening at All NYC Health + Hospitals

All NYC Health + Hospitals locations citywide will now provide maternal depression screenings for pregnant women and new mothers. Through an expansion under ThriveNYC, depression screenings will be adopted as a routine part of care at pre-natal clinics at 12 NYC Health + Hospital sites, including all 11 hospitals and NYC Health + Hospitals/Gotham Health and Gouverneur.

The screenings are conducted through a series of questions known as the PHQ-9 tool, which is typically self-administered by patients during the intake process. In the last year, nine percent of pre-natal patients screened positive for maternal depression. A continued effort to address stigma through ThriveNYC public awareness campaigns and other forms of outreach aims to further reduce the number of women who refuse treatment or fail to appear for follow-up appointments.

Coming Up

New York State

Legislature is in session Monday, May 22nd through Wednesday, May 24th

New York City

Monday May 22nd

Committee on Public Safety, Council Chamber – City Hall, 10 a.m.

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

Tuesday May 23rd

Subcommittee on Health, Committee Room, 16th Floor – 250 Broadway, 9:30 a.m.

Wednesday May 24th

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

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

Thursday May 25th

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

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