



This Week in New York

Covering New York State and City Government

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In the News – New York State

Governor Cuomo Pledges to Maintain Health Care Coverages

Amid uncertainty at the federal level, Governor Andrew Cuomo this week directed the New York State Department of Financial Services (DFS) to promulgate emergency regulations mandating health insurance providers do not discriminate against New Yorkers with preexisting conditions or based on age or gender, in addition to safeguarding the 10 categories of protections guaranteed by the Affordable Care Act.



"We will not stand idly by as ultra-conservatives in Washington try to roll back the progress we have made to expand access quality, affordable health care, putting our most vulnerable New Yorkers at risk," Governor Cuomo said. "As long as I am Governor, New Yorkers will not be subject to price discrimination based on age, gender, or pre-existing conditions, and essential health benefits will continue to be the rule, not the exception. These aggressive actions will make certain that no matter what happens in Congress, the people of New York will not have to worry about losing access to the quality medical care they need and deserve."

In addition, at the Governor's direction, the Department of Health will ban all insurers who withdraw from offering Qualified Health Plans on the State Health Marketplace from future participation in any program that interacts with the marketplace, including Medicaid, Child Health Plus, and the Essential Plan. The Governor will also direct state agencies and authorities to ban insurers who withdraw from the State Health Marketplace from contracting with the state.

"It's more of a stake in the ground to the industry itself," Jim Malatras, president of the Rockefeller Institute of Government and former high ranking Cuomo Administration staffer. "What the Governor and the administration did today was to tell the industry, 'Don't think that you are going to change your behavior somehow, if the federal government loosens its requirements.'"

Under the new regulations, DFS will require that individual and small group accident and health insurance policies, which provide hospital, surgical, or medical expense coverage, as well as student accident and health insurance policies cover the same categories of essential health benefits and be subject to the same benchmark plan rules that currently apply through the Affordable Care Act. Insurers must comply with the new regulations as a requirement of their license in New York.

The 10 categories of protection are:

1. Ambulatory patient services, such as office visits, ambulatory surgical services, dialysis, radiology services, chemotherapy, infertility treatment, abortion services, hospice care, and diabetic equipment, supplies and self-management education.
2. Emergency services, such as emergency room, urgent care services, and ambulance services.
3. Hospitalization, such as preadmission testing, inpatient physician and surgical services, hospital care, skilled nursing facility care, and hospice care.
4. Maternity and newborn care, such as delivery, prenatal and postnatal care, and breastfeeding education and equipment.
5. Mental health and substance use disorder services, including behavioral health treatment, such as inpatient and outpatient services for the diagnosis and treatment of mental, nervous and emotional disorders, screening, diagnosis and treatment for autism spectrum disorder, and inpatient and outpatient services for the diagnosis and treatment of substance use disorder.
6. Prescription drugs, such as coverage for generic, brand name and specialty drugs, enteral formulas, contraceptive drugs and devices, abortifacient drugs, and orally administered anti-cancer medication.
7. Rehabilitative and habilitative services and devices, such as durable medical equipment, medical supplies, prosthetic devices, hearing aids, chiropractic care, physical therapy, occupational therapy, speech therapy, and home health care.
8. Laboratory services, such as diagnostic testing.
9. Preventive and wellness services and chronic disease management, such as well child visits, immunizations, mammography, gynecological exams including cervical cytology screening, bone density measurements or testing, and prostate cancer screening.
10. Pediatric services, including oral and vision care, such as preventive and routine vision and dental care, and prescription lenses and frames.

DFS will also mandate under existing New York law that health insurers:

- Provide coverage for all contraceptive drugs and devices and cover at least one form of contraception in each of the FDA-approved contraceptive delivery methods without co-pays, coinsurance, or deductibles, regardless of the future of the Affordable Care Act.
- Provide coverage for the dispensing of an initial three-month supply of a contraceptive to an insured person. For subsequent dispensing of the same contraceptive covered under the same policy or renewal, an insurer must allow coverage for the dispensing of the entire prescribed contraceptive supply, up to 12 months, at the same time

- Provide coverage for abortion services that are medically necessary without co-pays, coinsurance, or deductibles (unless the plan is a high deductible plan).
- Provide full and accurate information about coverage.

Bills Passed Both Houses of the Legislature

A1956 – Sponsored by M of A Bronson/Senator Phillips -- Requires the Department of Labor to annually publish and post on its website a catalogue listing and describing multiple state and federal funding programs and tax credits for workforce development and preparation, adult education, and skills training.

A2348 – Sponsored by M of A Abbate/ Senator LaValle -- Provide employers with a tailored graded contribution rate when amortizing a portion of their contributions to the retirement system.

A2380 – Sponsored by M of A Brindisi/Senator Griffo -- Relates to the reporting of sudden, unexpected death in epilepsy.

A2750A – Sponsored by M of A Paulin/ Senator Gallivan -- Require the court to issue reasonable attorney's fees when an agency denies access to freedom of information requests and the petitioner has substantially prevailed and the court finds that the agency involved had no reasonable basis for denying access to the records sought.

A2806 – Sponsored by M of A Lavine/ Senator Boyle -- Relates to adding certain animal fighting conduct as a designated offense for an eavesdropping or video surveillance warrant.

A4703 – Sponsored by M of A Jenne/ Senator Hannon -- Authorizes the delivery of telehealth services at any elementary or secondary school, or child care program or center within the state.

A6857 – Sponsored by M of A Ortiz/ Senator Bailey -- Defines necessary court appearance for purposes of determination of crime victim's award to provide for transportation reimbursement.

A6903A – Sponsored by M of A Brindisi/Senator Marchione -- Creation of a study by the commissioner of the office of children and family services regarding staffing levels.

A7701 – Sponsored by M of A Williams/Senator Murphy -- Extends certain provisions of law relating to the resale of tickets to places of entertainment through June 30, 2018.

S1567A – Sponsored by Senator Avella/ M of A Seawright -- Requires the state board of elections and local boards of elections to publish the campaign website addresses of candidates for public office

S1694A – Sponsored by Senator Marcellino/M of A Nolan -- Establishes that all school districts are approved evaluators of preschool students suspected of having a disability.

S2098B – Sponsored by Senator Murphy/M of A Paulin -- Enacts the "elephant protection act" to prohibit the use of elephants in entertainment acts.

S3128 – Sponsored by Senator Addabbo/M of A Pheffer Amato -- Extends certain prior approved work permits relating to Hurricane Sandy.

S3213 – Sponsored by Senator LaValle/M of A Englebright -- Relates to water quality testing for land clearing debris and compost facilities in Nassau and Suffolk counties.

S4407B – Sponsored by Lanza/ M of A Paulin – Prohibits marriage of minors under seventeen years of age.

In the News – New York City



New York City Council Adopts FY 2018 Budget

The New York City Council this week voted to adopt the Fiscal Year 2018 budget, an \$85.2 billion spending plan that accounts for \$1.2 billion in General Reserve, \$4.2 billion in Retiree Health Benefits Trust Fund, and \$250 million in the Capital Stabilization Reserve.

Late last week, Mayor Bill de Blasio and City Council Speaker Melissa Mark-Viverito shared the earliest “handshake” budget agreement since 1992. However, the budget passed by the Council includes language that the Mayor characterized as a “difference of opinion” on immigrant defense spending

“NYIFUP [New York Immigrant Family Unity Project] has become a national model that has helped stop hundreds of unjust deportations and keep families together,” Council Spokeswoman Robin Levine stated Tuesday, according to published reports. “The Speaker and City Council are fully committed to defending the integrity of this vital program and to upholding due process for all New Yorkers, which is why we have amended the budget to ensure continued, unrestricted access to legal services for all detained immigrants facing deportation.”

The Office of the Mayor asserts that it has the discretion regarding how the program is funded through the City’s contracting process. In addition, the Mayor has veto power.

"There is a clear, respectful difference of opinion between us and the Speaker on this issue," said City Hall spokeswoman Freddi Goldstein, according to published reports. "Our position remains unchanged. We expect this to be resolved during the contracting process."

Items approved include:

Social Services/Health:

- \$18.4 million expansion of the Emergency Food Assistance Programs
- \$4 million in continued support for the Nurse Family Partnership
- \$19 million in additional funding to the Work, Learn, Grow Year Round Youth Jobs Program, amounting to an extra job openings for city young people
- \$14.8 million in investment for Special Childcare Vouchers
- \$16 million to maintain COMPASS afterschool initiative
- \$2 million in funding for the Unaccompanied Minors Initiative
- \$10 million for senior center operations
- \$6.5 million toward increasing Homecare Services
- \$1.2 million in funding to improve Case Management Services
- \$1.2 million to extend the Weekend Meals Program
- \$4 million to launch a new Caregiver Support Program
- \$10 million for the New York Immigrant Family Unity Project
- Continued funding for the Immigrant Healthcare Initiative
- \$6.4 million to continue deployment of rapid-response "Fly Cars" in the Bronx, continue strategic placement of emergency vehicles in high-need locations, place EMS personnel at Bronx hospitals, and \$17 million in capital to replace the existing EMS 17 facility.

Education

- \$100 million in capital funding for improvements to public library systems
- \$22 million to restore the Teacher's Choice Program
- \$12.5 million expansion of the Free School Breakfast and Lunch programs
- \$12 million in allocations for Adult Literacy programs

Workforce/Administration

- \$4 million to provide fire fighters with a second pair of boots
- \$2.9 million investment toward modernizing the Board of Elections
- \$2.67 million to expand the law enforcement division of the Human Rights Commission
- \$12.7 million for model budgets for the Administration for Children's Services contracts, runaway homeless youth shelter operators and adult protective services contracts
- Support for frontline social service providers by increasing the rate for Human Service Contracts by 10% over 5 years, for a total of \$70 million



De Blasio Administration Seeks Design Build Authorization

De Blasio Administration officials this week announced that New York City is ramping up its campaign for Design Build authority for major infrastructure projects that will maintain New York City's economic strength and mobility.

DOT Commissioner Polly Trottenberg and DDC Commissioner Feniosky Peña-Mora were joined by elected officials, business leaders and advocates in front of the Brooklyn Queens Expressway (BQE) in downtown Brooklyn. The Administration has dedicated \$1.9 billion in capital funding over the next five years to completely rehabilitate the aging sixty-year old roadway. They stressed the need for Albany passage of Design-Build authority to fund and complete the infrastructure work there -- and for seven other major projects.

State legislation under consideration in Albany, A8134/S6427, sponsored by Assembly member Michael Benedetto and Senators Andrew Lanza and Martin Golden, would grant New York City authority to use Design-Build for eight designated major projects with a combined proposed budget of \$2.5 billion.

The Design-Build legislation would give the same benefit and cost savings to City agencies that New York State has realized on its projects, including eight projects that were authorized in the most recent State Budget. Design-Build contracts would be subject to applicable federal, state, and local requirements for disadvantaged business enterprises and minority and women-owned business enterprises. The City proposal includes Project Labor Agreements (PLAs) for all projects utilizing Design-Build. Projects that utilize Design Build typically realize cost savings of at least 6 percent and an average time savings of 18 months.

"The history of Design Build in New York State shows that important City projects could benefit greatly if we were allowed to use this more efficient method for project delivery," said DDC Commissioner Peña-Mora. "Police precincts, highways and public hospitals could be built with shorter construction times at lower cost if the City had the Design-Build process that agencies such as the State DOT and State Thruway Authority have already employed on projects such as the new Tappan Zee Bridge. I am grateful to the legislators who are working to get this passed in Albany, and to the Mayor for sending a strong message of support."

The eight projects including in the legislation are:

1) BQE - Atlantic to Sands, Brooklyn (Department of Transportation)

Budgeted cost: \$1.89 billion (\$1.72 billion for DOT; \$170 million for Parks)

The project will include: 1) increasing vertical clearance along the Queens-bound BQE; 2) widening lanes and where feasible, adding standard shoulders to address high-crash rates and to bring the roadway up to national interstate standards; 3) making pedestrian improvements and increasing access to Brooklyn Bridge Park, especially at the Atlantic Avenue interchange; 4) improving drainage and lighting throughout the corridor.

2) Rodman's Neck Training Facility, Bronx (Department of Design and Construction on behalf of NYPD) Budgeted cost: \$275 million.

This project consists of the renovation of NYPD's Rodman's Neck Firearms Training Facility. The 48.7-acre site contains six open firing ranges and 21 wood frame and modular buildings.

The project consists of administrative spaces, armory, climate-controlled ammunition storage, a tactical village for enhanced training and additional shooting points to increase number of officers who can be trained simultaneously. The new facility will offer enhanced capabilities for movable targets and tactical training environments.

3) Crossroads Youth Facility, Brooklyn (DDC on behalf of Administration for Children's Services) Budgeted cost: \$129 million.

The City is undertaking a major renovation and upgrade of its Crossroads Juvenile Center in Brooklyn. The project's design and construction will be managed by DDC.

4) Horizons Adolescent Facility, Bronx (DDC on behalf of Administration for Children's Services) Budgeted cost: \$170 million.

DOC plans to rebuild the Horizon Detention Center in the Bronx. The project's design and construction will be managed by DDC.

5) New NYPD Precinct - SE Queens (DDC on behalf of NYPD). Budgeted cost: \$70 million.

This project would create a new NYPD Precinct, the 116th in Southeast Queens, created out of the southern portions of the existing 105th precinct. The new precinct would serve the communities of Laurelton, Rosedale, Brookville and Springfield Gardens.

6) Staten Island Ferry Resiliency (DOT). Budgeted cost: \$25 million.

In 2012, as a result of Superstorm Sandy, ferry passenger terminals in both Staten Island and Manhattan, along with the Ferry Maintenance Facility on Staten Island, were subject to heavy flooding and major mechanical/electrical system damage. This major resiliency project includes the assessment, design and construction of systems necessary to ensure that this vital transit system is well-prepared and sufficiently resilient to withstand major flooding and increased incidents of severe weather in the future.

7) Pelham Parkway Bridge over Hutchinson River Parkway, Bronx (DOT)

Budgeted cost: \$54.5 million

The project will bring the bridge into a state of good repair.

8) Elmhurst Hospital Emergency Room Renovation, Queens (Health + Hospitals)

Budgeted cost: \$20 million

Located at 79-01 Broadway, the project consists of renovating and expanding the Emergency Department at NYC Health + Hospitals/Elmhurst, one of New York City's busiest Trauma Centers with approximately 1200 trauma admissions per year. The project addresses the demand for additional space to accommodate the hospital's increased volume. Plans include more than 10,000 additional square feet of new space, an increase in treatment bays (48 to 80), an increase in nursing support areas, five additional isolation rooms, and centralized radiology services.

PA James Recommends Easing of Criteria to Obtain Affordable Housing in NYC

Public Advocate Letitia James this week released a report recommending improvements to New York City's Tenant Selection Criteria for affordable housing.

According to the Public Advocate, the current criteria set forth by the City's Housing Preservation and Development (HPD) bars low-income New Yorkers, families, those experiencing homelessness, and the elderly from access to safe and stable housing. Public Advocate James' report suggests that the current criteria puts too great an emphasis on past financial challenges rather than a household's ability to pay rent, and that the housing lottery process needs greater transparency and accessibility.



“We are in the midst of one of the worst affordable housing crises our City has ever experienced, and our government must do everything it can to ensure that New Yorkers most in need have access to safe and stable housing,” said Public Advocate James. “The City’s affordable housing is meant to support New Yorkers, yet the selection criteria to qualify for the housing does not take into consideration the real lives and economic circumstances of many of these families. Our goal should be to help individuals and families get back on their feet, not to adopt strict criteria that shuts them out.”

According to the Public Advocate, HPD updated its selection criteria so that bad credit cannot be the sole criterion for rejecting applicants, but for those same people, their likelihood of falling into one of the disqualifying categories is still disproportionately high, mitigating the value of the policy change.

The report recommends:

- Modifying tenant selection criteria to focus on current evidence of ability to pay rent, not past financial challenges.
- Banning the use of debt, delinquencies, and bankruptcies, as criteria for all City-owned and City-subsidized affordable units for homeless referrals.
- Requiring all developers participating in the affordable housing plan to partner with a City registered and qualified not-for-profit housing organization to assist applicants with the lottery process and to help address selection criteria issues. Increase the transparency of the lottery process.

As of now, individuals with negative financial history, debt and delinquencies, or prior evictions have a small likelihood of qualifying for the subsidized housing. Factors that can still deem one ineligible for the affordable housing lottery include:

- Filing for bankruptcy less than two years ago;
- Total outstanding debt (excluding rent) per household exceeding 25% of the household's annual gross income (30% if debt includes significant medical-related bill);
- Prior for-cause eviction or if they have a history of multiple landlord-tenant actions (for non-homeless referrals);
- Multiple prior for-cause evictions or if they have a history of multiple landlord-tenant actions (homeless referrals);
- Gross rent and monthly minimum credit card and loan debt exceeding half of monthly income -- 60% if the debt includes medical bills.

Public Advocate James asserted that the existing criteria predominantly harm minority communities and people in low-income neighborhoods. Forty three percent of adults in low-income neighborhoods are uncredited compared to 15 percent of adults in high income neighborhoods. Nearly 39 percent of people living in predominantly African American communities and 34 percent of those living in predominantly Latino communities have credit scores below 620, compared to 13 percent of those in predominantly white communities.

Briefs

State Releases New Regulations to Bring Ride Sharing to Upstate and Long Island by Fourth of July

DMV Regulations Available [Here](#), DFS Regulations Available [Here](#), and Workers' Comp Regulations Available [Here](#)

New York State released new regulations for the implementation of ride sharing across New York. Required regulations have been issued by multiple state agencies to allow ride sharing services to be offered by June 29th. The Governor signed the legislation this week to expedite the implementation of ride sharing by 10 days to allow ride sharing over the Fourth of July weekend. The regulations include:

For Passengers: The new regulations require that the fare or estimated fare be provided on the ride sharing app to the customer before the ride begins. The app must display: A photo of the driver; Make, model and color of the vehicle; and the vehicle's license plate number.

Ride sharing vehicles must also display a prominent emblem on the passenger side of the vehicle's front windshield to verify to passengers the company they work for. DMV is required to establish complaint procedures for license violations of ride sharing companies. Additionally, ride sharing companies must establish a process for consumer complaints.

For Ride Sharing Companies: To become an approved ride sharing company, an application must be completed and submitted to DMV and companies must have an app to connect with riders. There is a \$100,000 application fee, \$90,000 of which is refunded if the company is not approved. There is also an annual renewal fee of \$60,000.

Ride sharing companies will have to provide vehicle liability insurance for \$1.25 million whenever a passenger is being driven and companies must provide workers compensation coverage for their drivers.

Companies are also required to adopt anti-discrimination policies for all passengers, including those with disabilities. The New York State Transportation Network Company Accessibility Task Force will analyze and advise companies on how to maximize effective and integrated services for persons with disabilities.

For Ride Sharing Drivers: Drivers must pass a criminal background check before they can transport passengers, which includes a review of their driving record. Ride share companies must enroll drivers in DMV's License Event Notification System, which tracks and reports traffic ticket convictions, suspensions, revocations, reinstatements and other events.

Drivers must have a valid license issued by DMV and be at least 19 years old. DMV does not have specific vehicle requirements, but the ride sharing companies may set standards.

New York's Health Care Exchange Insurers Calls for 16% Rate Increase

Insurers who offer plans on New York's Health Care Exchange have submitted requests to state regulators that would boost rates by an average of more than 16% in 2018 for individual plans. The increases range from 47% for the Buffalo-based HealthNow New York to 4.4% for the Rochester-based Excellus, according to a spreadsheet by the state's Department of Financial Services.

State officials will now review the insurers' requests and publish the actual rates later this summer. In previous years, the final rates were significantly lower than what the insurers had sought.

Record Number of Television Shows Shooting in NYC

Mayor Bill de Blasio and Mayor's Office of Media and Entertainment Commissioner Julie Menin announced a record-breaking 56 episodic television series filmed in New York City during the 2016-17 season. The new high is up from 52 last year

The number of pilots filmed throughout the five boroughs also rose, to 17 pilots in the 2016-2017 season (including network, cable and digital) up from 15 last year, an increase of 14 percent. The increase is all the more notable since the total number of network pilots has reportedly declined and the industry has moved away from the traditional pilot commissioning process.

Overall, New York City's film entertainment industry contributes nearly \$9 billion to the local economy and creates 130,000 full-time jobs.

State Audit Shows Need to Improve Response to Noise Complaints in NYC

The growing number of noise complaints related to nightlife establishments in New York City highlights the need for the New York State Liquor Authority (SLA) and the New York City Police Department (NYPD) to better communicate and crack down on bars and clubs with persistent noise problems, according to an audit released today by State Comptroller Thomas DiNapoli.

"The number of noise complaints in New York City more than doubled between 2010 and 2015, including tens of thousands involving nightlife, but my auditors found limited communication between the SLA and NYPD to address the grievances," Comptroller DiNapoli said. "Establishments with hundreds of complaints lodged against them faced little or no repercussions. For the sake of city residents, more action must be taken to address noisy clubs and bars. We commend the NYPD for acknowledging the problem and taking steps to improve their response."

Comptroller DiNapoli's auditors found the number of noise complaints called in to the city's 311 system rose from 86,365 in 2010 to 179,394 in 2015. Over the same period, the annual number of noise complaints involving nightlife establishments increased from 38,401 to 93,412. The NYPD and the SLA are responsible for responding to noise complaints stemming from nightlife establishments. Auditors determined that 277 locations had 100 or more complaints lodged against them.

Coming Up

New York State

Legislature is in session Monday, June 12th through Thursday, June 15th

Wednesday June 14th

State Supplement Program

Assembly Standing Committee on Social Services, Roosevelt Hearing Room C, Legislative Office Building, 2nd Floor, Albany, 11 a.m.

New York City

Monday June 12th

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

Committee on Civil Service and Labor, Committee Room, 16th Floor – 250 Broadway, 1 p.m.

Tuesday June 13^h

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

Committee on Aging, Council Chamber – City Hall, 1 p.m.

Wednesday June 14th

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

Committee on Higher Education, Committee Room, 16th Floor – 250 Broadway, 10 a.m.

Committee on General Welfare, Council Chamber – City Hall, 1 p.m.

Thursday June 8th

Committee on Land Use, Council Chambers – City Hall, 1 p.m.

Committee on Recovery and Resiliency, Committee Room – City Hall, 1 p.m.

Committee on Parks and Recreation, Committee Room – City Hall, 1 p.m.

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