



This Week in New York

Covering New York State and City Government

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June 30, 2017 Edition

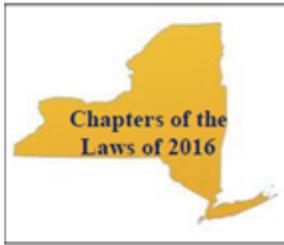


In the News – New York State



An Extraordinary Result: Chapter 61 of the Laws of 2017

- ***Local Tax Initiatives Extended for Three Years:*** Extends for three years the additional sales tax component for counties and cities; extends for three years various local occupancy, mortgage recording, and real estate transfer taxes; extends for three years business tax incentives for New York City and areas in Lower Manhattan; extends for three years New York City's personal income, business and various sales tax rates.
- ***Mayoral Control Extended for Two Years:*** Extends mayoral control of the New York City School District for two years, until June 30, 2019.
- ***Accidental Disability Benefits for NYC Uniformed Forces:*** Provides an accidental disability benefit to uniformed members of the New York City Police, New York City Fire, New York City Corrections, and the New York City Sanitation departments.
- ***Vernon Downs Racetrack:*** Modifies the distribution of funds for Vernon Downs racetrack to allow for future financial stability. The agreement allows the racetrack to reduce the administrative fees paid to the State Gaming Commission to 2.5%, down from 10%.
- ***Lake Ontario Flood Relief:*** Modifies the Lake Ontario-St. Lawrence Seaway Flood Relief and Recovery Grant Program. Specifically, the bill would modify grant award amounts and eligibility criteria, as well as allocate \$55 million for the program. In addition, it allows up to \$10 million municipalities in Monroe, Chautauqua, Cattaraugus, and Allegany Counties.
- ***North Country Emergency/Health Services:*** Adds up to 250 acres of land to be added to the Health and Safety Land Account and authorize municipalities in the Adirondacks and the Catskills, when necessary for public health or safety, to access the land account for road improvements and water well projects.
- ***Landmarks:*** Renames the Riverbank state park to Assemblyman Herman D. Farrell, Jr. state park; rename the National Purple Heart Hall to Senator William J. Larkin, Jr. National Purple Heart Hall; rename a portion of the state route 300 to Senator William J. Larkin, Jr. Highway; and rename the Governor Malcolm Wilson Tappan Zee bridge to the Governor Mario M. Cuomo bridge.



Bills Signed by the Governor

Chapter 61 (Sponsored by Speaker Heastie) - Enacts into law major components of legislation related to issues deemed necessary to the State.

Chapter 60 (Sponsored by Senator Croci/M of A Lentol) - Relates to criminal history of transportation network drivers and juvenile justice.

Bills on the Governor's Desk

A6516 – Sponsored by M of A Abbate/Senator Golden -- Extends for two years, from July 1, 2017 to July 1, 2019, the authorize the oversight of binding arbitration by the Public Employment Relations Board (PERB) between the Metropolitan Transportation Authority (MTA) and its labor representatives in order to promote settlements and avoid disruptions in transit service.

A7688 – Sponsored by M of A Gunther/Senator Young -- Extends the expiration of Kendra's law which provided the ability to order assisted outpatient treatment (AOT) from June 30, 2017, to June 30, 2022.

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

A7746 – Sponsored by M of A Gottfried/Senator Hannon -- Extends the effectiveness of certain health provisions through July 2020 including: (1) Medicare maximization for home care and nursing homes; (2) utilization thresholds for Medicaid; (3) approval of and reimbursement to Limited Home Care Services Agencies that serve individuals who are residents of adult homes and enriched housing programs; and (4) the provision of respite support by adult homes, residences for adults and enriched housing programs to non-residents for up to 120 days.

A7964 – Sponsored by M of A Abbate/Senator Golden -- Extends from June 30, 2017 to June 30, 2019 the provisions allowing a public employee to petition before the Public Employment Relations Board or the New York City Board of Collective Bargaining and receive injunctive relief for an improper practice charge.



No. 168

EXECUTIVE ORDER

DECLARING A DISASTER EMERGENCY IN THE FIVE BOROUGHS OF NEW YORK CITY AND THE COUNTIES OF DUTCHESS, NASSAU, ORANGE, PUTNAM, ROCKLAND, SUFFOLK AND WESTCHESTER THAT INCORPORATE THE MTA REGION IN THE STATE OF NEW YORK

Signs Executive Order Declaring State of Emergency to Expedite Subway Repairs and Replacements

Challenges MTA to Prepare Reorganization Plan in 30 Days and Review Capital Plan For New Equipment and Maintenance in 60 Days

Calls on Con Ed to Immediately Investigate Equipment, Transmission and Interlocks Throughout the Entire MTA System

Governor Andrew M. Cuomo this week announced the State of New York will contribute an additional \$1 billion to the MTA Capital Plan. The Governor also signed an executive order declaring a state of emergency to suspend procurement rules for the MTA, allowing the MTA to speed up repairs and the purchase of material and equipment to replace infrastructure.

In addition, Governor Cuomo tasked Con Ed to conduct an immediate investigation of their equipment, transmission and interlocks throughout the entire system. Con Ed will work with MTA to within 90 days to complete inspections of their equipment at all remaining subway stations and repair any problems found; replace vulnerable cable servicing subway stations as prioritized by MTA by end of year; add redundancy to subway stations without redundancy by end of year where feasible; and by end of year begin deploying remote monitoring equipment to speed up communications during crises.

In the News – New York City



Mayor de Blasio Announces "Smaller, Safer, Fairer: A Roadmap to Closing Rikers Island"

The de Blasio Administration has launched the “Smaller, Safer, Fairer: A Roadmap to Closing Rikers Island,” 18 steps the City is taking now to make it possible to close Rikers Island and replace it with a smaller network of facilities.

The Roadmap includes an additional \$30 million investment over the next three years to accelerate safe reductions in the size of the jail population. Additionally, the plan includes immediate steps to expand services and renovate facilities. Simultaneously, the City will begin the multi-year process of renovating and developing off-Island facilities.

According to Mayor Bill de Blasio, there are an average of 9,400 people per day in city jails in 2017. Because existing borough-based facilities have the capacity to house only approximately 2,300 people, there is no immediate way to close Rikers Island safely and house the population off-Island. To facilitate the closure, existing jails on and off Rikers Island will need renovations and physical upgrades, as well as expanded programs and services to support the thousands of staff and incarcerated individuals in the jails every year.

To coordinate the implementation of the Roadmap, the City is launching a Justice Implementation Task Force chaired by Elizabeth Glazer, Director of the Mayor’s Office Criminal Justice, and Zachary Carter, Corporation Counsel of the City of New York. The Implementation Task Force will coordinate the work government agencies, service providers, and community representatives. Working groups will focus on safely reducing the jail population; improving culture for both staff and incarcerated individuals; and designing and siting jails.

Reducing Prison Population

The Roadmap lays out a strategy to reduce the size of the average daily jail population by 25%, to 7,000, over the next five years. The Mayor announced a three-year, \$30 million investment in four new strategies:

- **Expanded pre-trial diversion for people with behavioral health needs:** The City is investing an additional \$2.3 million per year to expand Supervised Release, a citywide alternative to bail program.
- **Community alternatives to jail sentences less than 30 days:** Beginning in July, the City will invest \$3.5 million per year in new programs in the Bronx, Brooklyn and Manhattan to reduce the number of people held in jail on sentences of less than 30 days. By offering effective programs, judges will have the option to assign individuals to short-term programs that can include community service, transitional employment, case management, and behavioral health treatment.
- **Expanding alternatives to jail for homeless women:** Beginning July 1, 2017, the City will invest \$2.5 million per year to support a program focused on reducing the number of women in city jails. This new program will offer transitional housing to women who are homeless to make it easier for them participate in alternative to jail programs.
- **Reducing the number of people detained on low bail:** The City is investing \$490,000 per year to add 50 percent more capacity to the “bail expeditors” program citywide, expanding from 16 to 24 full-time staff.

Upgrading Facilities

The Department of Correction will utilize the more than \$1 billion in funding that the Administration has added to its capital plan over the last three years.

- **Repairing existing facilities over the next five years:** The City will continue to make long-needed physical improvements to existing jails on and off Rikers Island, which will help to accommodate new reentry and educational programs, maximize fire safety, expand air conditioning, make necessary repairs of heating and ventilation systems and support essential functions such as food service and healthcare facilities.
- **Expanding dedicated housing designed for individuals with serious mental illness:** Over the next five years, the City will triple the number of dedicated mental health units that have been shown to reduce violence and improve clinical outcomes.
- **Enhancing officer safety:** The City has allocated \$100 million for a new Department of Correction Training Academy and ongoing professional development opportunities for in-service staff.
- **Improving transparency, accountability, and safety in all jails through technological upgrades:** The City will have full camera coverage in all facilities by the end of 2017.

Culture & Professional Development

The Roadmap lays out a plan to create a productive culture inside jail that fosters the wellbeing of staff and those incarcerated. Key strategies include:

- **Preventing future returns to jail through expanded programming and reentry planning:** By the end of 2017, the City will offer reentry planning to every incarcerated person starting when they enter the jails as well as a minimum of five hours of educational, vocational, and therapeutic programming per day.
- **Jails to Jobs:** All people leaving jail after serving a city sentence will be offered placement in the Jails to Jobs program. Through this program sentenced individuals will be paired with a peer navigator to assist with the transition back into the community, paid transitional employment after leaving jail to help with securing a long-term job, as well as career advancement support.
- **Reducing isolation and fostering connections to the community:** The City will improve the visiting process by allowing for longer in-person visits, renovating visit areas, and piloting a new expedited transportation option to Rikers Island.
- **Further developing and refining alternatives to punitive segregation:** The City will continue to develop and refine alternative housing options to punitive segregation that can safely house people who commit acts of violence.
- **Prioritizing staff wellbeing and professional development:** The City will expand support services for correctional officers, including the Correction Assistance Response for Employees (CARE) Unit, a division that addresses the personal and family issues of uniformed and non-uniformed staff. The City will also implement the DOC Injury Treatment Service so officers who are injured on the job will have a dedicated clinic inside every facility by the end of 2018.

Briefs

Justice Paul G. Feinman Confirmed as Associate Judge on New York State Court of Appeals

The State Senate unanimously approved Justice Paul G. Feinman as an Associate Judge on the New York State Court of Appeals, the state's highest court. Justice Feinman was most recently an Associate Justice on the Appellate Division of the New York State Supreme Court and has served as a judge in New York for more than 20 years.

Justice Feinman has been nominated to fill the vacancy created earlier this year by the death of the Honorable Sheila Abdus-Salaam. Justice Feinman was elected to the Supreme Court in 2007 and appointed Associate Justice of the Appellate Division by Governor Cuomo in 2012. He previously served as an Acting Supreme Court Justice from 2004 to 2007. Prior to that, he was a Civil Court Judge, first elected in 1996 and re-elected in 2006.

He began his legal career at the Legal Aid Society of Nassau County, Criminal Appeals Bureau in 1985. From 1987 to 1989, Justice Feinman was Senior Staff Attorney with the Legal Aid Society, Criminal Defense Division in Manhattan. From 1989 to 1996, he was a Principal Law Clerk to Hon. Angela M. Mazzarelli. He received a B.A. from Columbia University in 1981 and a J.D. from University of Minnesota Law School in 1985.

He is the eighth person that Governor Cuomo has nominated to serve on the New York State Court of Appeals. The Governor previously appointed Chief Judge Janet DiFiore and Associate Judges, Jenny Rivera, Abdus-Salaam, Leslie Stein, Eugene Fahey, Michael Garcia, and Rowan D. Wilson to the Court.

AG Settles with College Athletic Scouting Company for Deceptive Advertising of Recruiting Services

Attorney General Eric Schneiderman this week announced a settlement with National Scouting Report, Inc. ("NSR"), a major high school athletic scouting and college recruiting business located in Alabaster, Alabama. An investigation by the Attorney General's office found that NSR's website and advertisements contained false claims about the success of their recruiting programs and that made promises about supposed services provided by scouts that went unfulfilled. Under the settlement agreement, NSR has agreed to reform their advertising practices and will pay restitution to those affected.

NSR advertised unverifiable claims, such as claiming to be the "highest rated scouting company," by citing unnamed "independent organizations" and stating they were "resourced by more college coaches than all other scouting services combined." NSR's advertisements also contained claims regarding their overall college-placement rates and their NCAA Division I placement rates which the company could not substantiate, including that 90 percent of all prospective student athletes received offers from schools, and that 25 percent went to NCAA Division I programs.

Under the settlement terms, NSR is changing its advertising, reforming its training and sales practices, and paying over \$20,000 in penalties, costs, and consumer restitution for the deceptive business practices and false advertising. NSR must remove any language from its website which they cannot substantiate and will modify their New York contracts to include the applicable notice of cancellation requirements, which were not previously included. NSR also vowed to notify consumers in a prompt manner when their scout leaves NSR.

Comptroller DiNapoli: Problems Persist at Many Hotels and Motels Used to House Homeless

State auditors examining hotels and motels used to house the homeless found poor conditions still exist at many facilities across New York state with significant problems including mold, water damage, exposed wiring, missing smoke detectors and garbage in rooms, according to an audit released this week by New York State Comptroller Thomas DiNapoli.

In 2016, Comptroller DiNapoli launched a major review of the state's homeless shelter system. This review encompassed 200 emergency shelters and 187 hotels and motels located across 48 different counties. Working with the comptrollers from Albany, Dutchess, Nassau, Onondaga, Suffolk and Ulster counties, auditors found one in five of those facilities were in poor condition. Shelters contained mold, unsanitary restrooms and vermin. The audit released today examined the state's efforts in addressing pervasive issues.

In the report, auditors visited 80 hotels and motels, finding 24 (30 percent) to be in unsatisfactory condition, confirming observations from the 2016 report. The October 2016 site inspections included re-visiting 19 of the 26 hotels and motels that were rated as very poor in the previous assessment. Of these 19 hotels and motels, 12 still had significant problems.

Coming Up

New York State

Legislature is not in session the week of July 3rd

New York City

City Council is not in session the week of July 3rd



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