



# This Week in New York

**Covering New York State and City Government**

A Publication of Pitta Bishop & Del Giorno LLC

November 17, 2017 Edition



## *In the News – New York State*

### **Governor Cuomo Signs Legislative Package to Further Support New York Veterans**

In conjunction with Veterans Day, Governor Andrew Cuomo signed five pieces of legislation to further support New York veterans by improving healthcare and services.

"Our veterans risked their lives in order to defend the ideals and principles that this nation was founded upon and it is our duty to do everything we can to support them when they return home," Governor Cuomo said. "From improving access to healthcare treatments and services, to removing barriers to employment, all five of these bills take important steps to ensure that veterans have every opportunity to continue succeeding when they return home."

The package includes:

***Adding Post Traumatic Stress Disorder as a qualifying condition in New York's medical marijuana program:*** Chapter 403 (S.5629 (Senator Savino)/ A.7006 (M of A Gottfried)), adds Post Traumatic Stress Disorder (PTSD) as the twelfth condition that makes New Yorkers eligible to access the state's medical marijuana program.

PTSD is a serious condition that involves a person developing symptoms after experiencing a traumatic stressor, including anger, flashbacks, nightmares, night sweats, numbing, insomnia, and avoidance. According to Governor Cuomo, it is estimated that approximately 19,000 patients with PTSD in New York could benefit from the use of medical marijuana. This includes military veterans, police officers and fire fighters, as well as survivors of domestic violence, rape, violent crime, and accidents.

***Providing combat veterans employed by the State with additional days of paid leave to obtain health services, counseling and access to other benefits:*** Chapter 406 (S.2911 (Senator Croci)/A.3198 (M of A Paulin)), provides combat veterans employed by the state with additional days of leave to obtain health services, counseling and access to other benefits.

***Waiving the civil service examination fee for veterans who were honorably discharged:*** Chapter 404 (S.946 (Senator Croci)/A.1105 (M of A Hunter)), supports veterans seeking employment by waiving the application fee required to take a civil service examination.

***Requiring the Department of State and Division of Military and Naval Affairs to maintain a public list of all not-for-profit corporations that solicit funds for the armed forces of the United States:*** Chapter 405 (S.1853 (Senator Croci)/A.6038 (M of A Dinowitz)), requires the New York Department of State and Division of Military and Naval Affairs to maintain a public list of all not-for-profit corporations that solicit funds on behalf of the armed forces. Current law requires the Adjutant General of the New York National Guard to sign off on any not-for-profit that solicits funds or other benefits for the armed forces of the United States, a foreign country, or the auxiliaries of any state. Making this information publicly available will help New Yorkers, who wish to make donations to not-for-profits incorporated for the purpose of supporting our armed forces, ensure that they are donating to approved organizations.

***Directing the Office of General Services to set aside a publicly accessible location within the State Capitol building for a POW/MIA chair and plaque to honor those veterans who have not yet returned home.*** Chapter 407 (S5540 (Senator Lazna)/A7506 (M of A DenDekker)) directs the New York State Office of General Services to place POW/MIA chair and plaque in the State Capitol to memorialize the thousands of service members who remain unaccounted for since World War I. The memorial chair and plaque will be placed in the Capitol's first floor lobby near the State Street entrance.



**Department  
of Labor**

## **New Regulations on Employee Scheduling**

The State Labor Department is advancing regulations on "just in time", "call-in" or "on-call" scheduling.

In September, Governor Andrew Cuomo directed State Labor Commissioner Roberta Reardon and the Department of Labor to hold public hearings on employee scheduling. The regulations were developed in conjunction with the hearings. Once finalized, these scheduling protections will apply statewide.

The initial release was met with uncertainty in relation to the impact the regulations will have on recently enacted New York City law. Earlier this year, New York City Mayor Bill de Blasio approved legislation (Intro 1387-a) that prohibits retail employers from engaging in "on-call scheduling."

Asserting that "jurisdictions throughout the country have rushed headlong into hastily-drafted proposals," retail representatives lauded the Governor's proposal as "consistent and uniform policy for the entirety of New York State." Labor leaders, on the other hand, questioned whether the Governor's regulations would supersede City law and negate the recently passed local law.

On Friday afternoon, the Cuomo administration released a statement to dispel the uncertainty surrounding the morning announcement.

“The newly released state regulations - which cover many industries, including retail, beauty salons and barbers, construction, and more - work in concert with the city's ordinance and strengthen protections for workers,” administration spokesman Abbey Fashouer said in a statement.

New York City Law restricts certain scheduling practices of retail employers with 20 or more employees at one or more stores within New York City. These employers may not:

- Schedule a retail employee for any on-call shift;
- Cancel any regular shift for a retail employee within 72 hours of the scheduled start of such shift;
- Require a retail employee to work with fewer than 72 hours' notice, unless the employee consents in writing; or
- Require a retail employee to contact a retail employer to confirm whether or not the employee should report for a regular shift fewer than 72 hours before the start of such shift.

The regulations released last Friday:

- Establish a 14-day advance notice standard for scheduling and provide 2 hours' extra pay for last-minute assignments.
- Expand existing reporting pay of at least four hours to now include last-minute cancellations and assignments and on-call shifts requiring workers to be on stand-by to come into work.

The Governor's regulations are scheduled to be published in the *State Register* on November 22<sup>nd</sup>. Following publication the regulations are subject to a 45-day comment period. The draft regulation can be accessed at: [www.labor.ny.gov/schedulingregs](http://www.labor.ny.gov/schedulingregs).

## **Governor Cuomo Announces the Launch of the Suicide Prevention Task For High-Risk Groups Including Adolescents, Veterans and LGBT Community**

Governor Andrew M. Cuomo this week announced the formation of the New York State Suicide Prevention Task Force that includes leaders from state agencies, local governments, not-for-profit groups, and other recognized experts in suicide prevention. The creation of the Task Force was first announced in Governor Cuomo's 2017 State of the State.

"The rise in the number of suicides nationwide is unacceptable, and New York will continue to make suicide awareness and prevention a top priority until we put an end to this epidemic," Governor Cuomo said. "The Suicide Prevention Task Force will focus on high-risk communities and groups to build on our efforts to address this challenge, and help build a stronger, healthier New York for all."

The Task Force will be co-chaired by Christopher Tavella, PhD, Executive Deputy Commissioner of the New York State Office of Mental Health, and Peter Wyman, PhD, Professor Department of Psychiatry at the University of Rochester School of Medicine and Dentistry. A full list of Task Force members can be found [here](#).

Task Force members will examine and evaluate current suicide prevention programs services, and policies. Members will then make recommendations to increase access, awareness, and support for children, adolescents and adults in need of assistance. The Task Force will also explore methods to address and prevent bullying and cyber-bullying, which negatively impact an individual's mental health and in some cases have caused a number of children and young adults to take their own lives.

The Task Force will focus on suicide prevention targeting high-risk demographic groups and special populations, including members of the LGBT community, veterans, individuals with mental illness, and individuals struggling with alcohol and drug use. Veterans in New York State represent more than 15 percent of suicides, while nationally, LGBT adolescents are four times more likely to have attempted suicide than their non-LGBT peers. Other high risk populations include middle-aged men and Latina adolescents.

According to Governor Cuomo, New York has the fifth largest total number of suicides in the nation, with 1,652 in 2015, and it is estimated that for every suicide death there are 25 non-fatal attempts. In 2014, there were more than 21,000 hospitalizations and emergency department visits for self-inflicted injuries in New York State, and adolescents made up a disproportionately high number of these injuries.

## *In the News – New York City*



## **Housing New York 2.0: Mayor de Blasio Releases New Road Map to Build and Preserve 300,000 Affordable Homes**

Mayor Bill de Blasio this week released his "Housing New York 2.0" plan laying out new tools and programs to build and preserve affordable homes for 300,000 New York families – up from the previously announced goal of 200,000 homes.

Housing New York 2.0 include initiatives that will help create 200,000 affordable homes two years ahead of schedule, by 2022, and reach a new goal of 300,000 homes by 2026.

Under the accelerated plan, the City will boost the number of affordable homes for seniors and families to 25,000 per year, while also increasing resources and strategies for affordable homeownership programs and not-for-profit organizations purchasing rent-regulated buildings to preserve affordability.



“Building on the incredible affordable housing accomplishments of our first term, Housing New York 2.0 commits us to creating 25,000 affordable homes a year and 300,000 homes by 2026. Making New York a fairer city for today and for future generations depends on it,” said Mayor Bill de Blasio

Housing New York 2.0 requires an additional \$150 million a year in the current 4-year financial plan bringing the City’s investment to approximately \$1.3 billion per year over the next nine years.

Housing New York 2.0 will:

- **Create more homes for seniors** by setting aside underutilized public lots for new affordable senior housing, and make new and preserved affordable housing accessible to seniors and people with disabilities.
- **Build a "firewall against displacement"** in fast-changing neighborhoods by helping non-profits purchase as many as 7,500 traditional rent-stabilized apartment buildings and keep them affordable to current residents.
- **Protect affordability at Mitchell-Lama buildings**
- **Unlock the potential of vacant lots** long considered too small or irregular for traditional housing with innovative smaller homes, and develop more affordable housing on lots long used for parking at existing Mitchell-Lama and federally regulated senior affordable housing complexes.
- **Capitalize on advances in technology and innovative design to expand modular building and micro-units** that can lower the cost of construction, build new homes faster, and respond to the city’s changing demographics.



## Comptroller Stringer Releases Report on the City's Growth in the 3<sup>rd</sup> Quarter of 2017 & Launches New Interactive Website Analyzing the City's Economy

During the third quarter of 2017, New York City's economy expanded by 3.6%, according to an analysis released by City Comptroller Scott Stringer. The report also shows that while average wages grew moderately, 45% of those new jobs were created in low-wage industries.

### **Job Growth Remained Robust, But Concerns About Low-Wage Jobs Lingered**

- In the 3rd quarter, New York City added 29,000 private sector jobs, for a seasonally-adjusted annual rate of growth of 2.7%. Job growth in the city accelerated from last quarter, and was once again stronger than the rest of the country;
- The City's unemployment rate, adjusted for seasonality, was 4.9% in the 3rd quarter — up from an all-time low of 4.3% in the 1st and 2nd quarters of the year — but initial unemployment claims continue below trend;
- Continuing a years-long trend, most of the new private-sector jobs added in the 3rd quarter — 13,100 jobs, or 45.0% — were in low-wage industries. An almost equal number, 13,000 jobs (44.9%) were in medium-wage industries;
- The remainder of the jobs created in the 3rd quarter, 10.1%, were in high-wage industries.
- Just 36% of new jobs were in the export sector, which provides goods and services to those outside the NYC metro area, while the remainder were in the local job sector. Export sector job growth typically leads to the creation of more local sector jobs.

### **Average Wages in New York City Rose Modestly**

- Average hourly earnings for private employees in New York City rose 2.7% compared to the 3rd quarter of 2016 to \$34.95. This was the largest third-quarter gain since 2015;

- Similarly, Personal Income Tax (PIT) revenues rose 7.8% year-over-year. PIT revenues are made up of two sources, which account for income based on wages and from non-wage sources:
- Withholding tax revenues on wage income rose 14.0% compared to the 3rd quarter of 2016;
- Estimated tax payments on non-wage income, such as interest, rental income, and capital gains, fell 5.7% year-over-year.

### **Venture Capital Registered a Record High**

- After multiple quarters of falling venture capital investment, New York City saw an uptick in the 2nd quarter of 2017. That growth continued in the 3rd quarter, and venture capital investment in the New York City metro area reached an all-time high of \$4.23 billion;
- This massive increase in New York City-based venture capital was in a large part due to a \$3 billion investment in WeWork.

### **New York City's Real Estate Markets Showed Mixed Data**

- In the 3rd quarter of 2017, new commercial leasing activity in Manhattan reached 8.1 million square feet — 17.2% higher than the 3rd quarter of 2016, and the highest level of 3rd quarter leasing since 2006;
- The Manhattan housing market softened in the 3rd quarter of 2017. After nine straight quarters of growth, average sales prices and average price per square foot fell to \$2 million (down 1.3% year-over-year) and \$1,678 (down 11.5% year-over-year), respectively;
- Similarly, housing market prices in Brooklyn softened, as the average sales prices fell 0.2% year-over-year to \$981,623;
- In Queens, however, the average sales price rose 9.3% year-over-year to \$614,492;
- The rental market was mixed, with the number of new leases in September 2017 declining 10.7% in Manhattan, falling 4.1% in Brooklyn, but increasing 0.7% in Queens, when compared to September 2016;
- Over the same time period, average asking rents fell 0.6% in Manhattan and 2.3% in Brooklyn, while they grew 3.5% in Queens.

## *Bills Approved by the Council*

**Introduction 508-A**, sponsored by Council Member Ben Kallos, would require the Campaign Finance Board (CFB) to create a website and mobile application that allows individuals to complete voter registration forms online. All notices and information on an existing voter registration form would be presented to the user, as well as additional information regarding timeframes and deadlines. The CFB would then collect and transmit those forms to the Board of Elections.

**Introduction 1116-A**, sponsored by Council Member Jimmy Van Bramer, would codify the Vision Zero View portal in the Administrative Code and would require the Commissioner of Transportation to publish a map showing the approximate locations of motor vehicle related injuries and fatalities in the city in a manner that allows users to disaggregate crash data by year, month, and time of day of occurrence. Additionally, this bill would require the Commissioner to publish summaries of recent design improvements that the Department of Transportation has made to city streets for the purpose of enhancing motorist, passenger, cyclist or pedestrian safety.

**Introduction 1257-A**, sponsored by Council Member Jimmy Van Bramer, would require the Department of Transportation to develop strategies for enhancing pedestrian and traffic safety near schools in the city and to provide a report on a biennial basis describing such strategies, including information on whether the safety strategies have been implemented and their implementation status.

**Introduction 1267-A**, sponsored by Council Member Rory Lancman, would prohibit the nonconsensual distribution of sexually explicit videos or images of another person, with the intent to cause harm to the person depicted in such videos or images. The bill also prohibits any legitimate threat to do so. The bill creates both a criminal penalty and a civil cause of action, and contains limited exceptions.

**Introduction 1463-A**, sponsored by Council Member Ydanis Rodriguez, would require the City to establish an alert system to notify the public and media of hit-and-run incidents resulting in serious injury or fatality, in order to assist in the identification of drivers responsible for these incidents.

**Introduction 1528-A**, sponsored by Council Member James Vacca, would require updates to the agency compliance plan, to include the names of public datasets provided in response to Freedom of Information Law requests when such datasets were not included on the Open Data Portal.

**Introduction 1557-A**, sponsored by Speaker Melissa Mark-Viverito, would require every City agency to report on their data collection, retention, and disclosure policies and current practices. A newly established Chief Privacy Officer and interagency committee would review those reports and develop new, detailed protocols for protecting identifying information.

**Introduction 1579-A**, sponsored by Council Member Carlos Menchaca and Speaker Melissa Mark-Viverito, would restrict access to non-public areas of City property, as well as locations where human services contractors provide services. Under the bill, non-local government personnel authorized to enforce civil or criminal laws will not be permitted to access non-public areas of city property, unless:

- the city has entered into an agreement, contract, or cooperative agreement granting access;

- access is required by a judicial warrant or local, state, or federal law;
- access furthers the purpose or mission of a city agency;
- or exigent circumstances exist.

These access requirements would also apply to human services contractors, whether or not their services are provided on city property.

**Introduction 1588-A**, sponsored by Council Member Jumaane Williams and Speaker Melissa Mark-Viverito, would require City employees and contractors to protect all identifying information—including contact information, sexual orientation, religion, and immigration status—by limiting its collection, disclosure, and retention, except where required by law. Requests for the collection or disclosure of identifying information would be processed by a newly established privacy officer within each agency who would analyze whether the collection or disclosure would further the purpose or mission of the agency.

**Introduction 1637-A**, sponsored by Council Member Corey Johnson, would create a long-term energy plan in 2019 and every four years thereafter and establish a city energy policy advisory subcommittee of the City's sustainability advisory board.

**Introduction 1707-A**, sponsored by Council Member James Vacca, would extend the time agencies have to complete their open data compliance plan; it would codify agency's existing practice of designating an employee to be the agency's open data coordinator; it requires the Department of Information Technology and Telecommunications to collect, analyze, and publish site analytics of the open data portal; and it requires the creation of a master list to track all public data sets scheduled for publication.

**Introduction 1722-A**, sponsored by Speaker Melissa Mark-Viverito, would amend the administrative code of the city of New York, in relation to providing notice to class two property owners about registration of rent-stabilized units and housing affordability programs.

## **Briefs**

### **Governor Vetoes County Corrections and Deputy Sheriffs Retirement Bill**

Governor Andrew Cuomo this week vetoed legislation (S.1850 (Senator Ortt)/A.6277 (M of A Abbate)) that would have allowed county correction officers and deputy sheriffs to participate who are engaged in a special 20-year retirement plan. The plan would have provided a benefit of one-half of final average salary upon retirement, if the employing county elected to provide such benefits.

In his veto message 172 Governor Cuomo asserted that this bill would provide retirement enhancements without any funding source to cover the increase in cost.

"I support our corrections officers and deputy sheriffs, and I recognize their important public safety responsibilities," the Governor explained. "However, I have repeatedly vetoed similar or identical bills because they offer additional pension benefits without any funding."

The Governor estimated that the fixed costs associated with this retirement enhancement would account for approximately 5% to 7% of a county's payroll on an ongoing basis, plus past-service costs that would be calculated separately, which could total \$100 million annually.

### **Thruway budget continues Tappan Zee spending**

The New York State Thruway Authority still plans to spend more of its capital budget next year on the replacement Tappan Zee Bridge than on the rest of the system, according to a budget adopted this week. The authority's budget spending plan totals \$1.56 billion in the coming calendar year: \$459 million on construction of the Tappan Zee, \$405 million on capital improvements around the system, \$408 million on operating expenses and \$298 million on debt service.

The authority is not planning any toll increases, and will use \$900 million of state funding from foreign bank settlements.

### **Mid-Year Budget Report Shows Shortfall**

Governor Andrew Cuomo and the State's legislative leaders will be faced a budget deficit of as much as \$4.4 billion next year, according to a report released by the State Division of Budget. In subsequent budget years, deficits could run between \$6 billion and as high as \$8 billion.

State Comptroller Thomas DiNapoli's office projected the deficit could be almost twice the \$4 billion figure if the State tax collections continue to weaken. For example, the budget division found that revenue from the personal income tax was down by \$1.1 billion.

### **Mayor's Monument Commission to Hold Hearings**

The Mayoral Advisory Commission on City Art, Monuments, and Markers will hold public hearings in each borough regarding,

Date	Borough	Time	Location
Nov 17	Queens	10:00 am	Queens Borough Hall Atrium, 120-55 Queens Blvd, Jamaica
Nov 21	Brooklyn	10:00 am	Brooklyn Borough Hall, Community Room, 209 Joralemon St, Brooklyn
Nov 22	Manhattan	10:00 am	Manhattan DCAS Health Building, 2nd Floor Atrium, 125 Worth St, NY
Nov 27	Bronx	10:00 am	Bronx Borough Hall, Rotunda, 851 Grand Concourse, Bronx
Nov 28	Staten Island	10:00 am	Staten Island Borough Hall, Room 125, 10 Richmond Terrace, Staten Island,

## Coming Up

### *New York State*

#### *Monday November 20<sup>th</sup>*

*Nursing home quality of care and patient safety and enforcement*

Joint Assembly Committees on Health & Committee on Aging  
Assembly Hearing Room, 250 Broadway, Room 1923, New York, 11 a.m.

### *New York City*

#### *Monday November 20<sup>th</sup>*

*Subcommittee on Zoning and Franchises*, Council Chambers – City Hall, 9:30 a.m.

*Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services*, Committee Room, 14<sup>th</sup> Floor – 250 Broadway, 10 a.m.

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

*Subcommittee on Landmarks, Public Siting and Maritime Uses*, Committee Room– City Hall, 11 a.m.

*Subcommittee on Planning, Dispositions and Concessions*, Committee Room – City Hall, 1 p.m.

*Committee on General Welfare*, Committee Room, 16<sup>th</sup> Floor – 250 Broadway, 1 p.m.

*Committee on Housing ad Buildings*, Committee Room, 16<sup>th</sup> Floor – 250 Broadway, 1 p.m.

#### *Tuesday November 21<sup>th</sup>*

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

*Subcommittee on Zoning and Franchises*, Committee Room – City Hall, 10:30 a.m.

*Subcommittee on Planning, Dispositions and Concessions*, Committee Room, 16<sup>th</sup> Floor – 250 Broadway, 10:30 a.m.

*Committee on Land Use*, Committee Room – City Hall, 11 a.m.

*Committee on Environmental Protection*, Council Chambers – City Hall, 1 p.m.

*Committee on Consumer Affairs*, Council Chambers – City Hall, 1 p.m.

*This Week in New York's* next issue will be December 1.  
Happy Thanksgiving!

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