



# This Week in New York

**Covering New York State and City Government**

*A Publication of Pitta Bishop & Del Giorno LLC*

*November 9, 2017 Edition*



## ***In the News – New York State***

### **The Voters Have Spoken**

#### *2017 Ballot Measures*

##### *Question 1 - Constitutional Convention*

*Holds a convention to explore proposals for revisions or amendments to the State Constitution.*

##### **Vote**

Yes

##### **Tallies**

558,142

##### **Percentage**

16.8%

No

2,772,406

83.2%

99% reporting (15,476 of 15,526 precincts) – New York Times

**Constitutional Amendment 2 - Pension Reform**

*Allows judges to reduce or strip the state pension of elected officials convicted of felonies related to their duties.*

<u>Vote</u>	<u>Tallies</u>	<u>Percentage</u>
Yes	2,379,004	72.9%
No	882,611	27.1%

99% reporting (15,476 of 15,526 precincts) – New York Times

**Constitutional Amendment 3 - Adirondacks Land Use**

*Creates a 250-acre land bank so that towns can use small pieces of state preserves for critical public projects.*

<u>Vote</u>	<u>Tallies</u>	<u>Percentage</u>
Yes	1,661,207	52.1%
No	1,525,658	47.9%

99% reporting (15,476 of 15,526 precincts) – New York Times

## **New Funding Needed for MTA Improvements to Prevent Unplanned Fare and Toll Hikes**

If new funding sources for the Metropolitan Transportation Authority (MTA) are not identified, the authority may have to raise fares and tolls faster than planned, according to an analysis of the MTA's financial plan released today by State Comptroller Thomas DiNapoli.



"Maintaining, modernizing and expanding the largest mass transit agency in the nation is critically important to the future of the New York metropolitan region," Comptroller DiNapoli said. "In the absence of adequate funding, the system could fall into further disrepair and riders could face unplanned fare hikes. The state and city need to find solutions to prevent these possibilities from becoming reality, and the MTA must make the best use of its resources."

In July, the Comptroller detailed, the MTA announced a two-phase Subway Action Plan to address the deterioration of the system. Phase 1, with an estimated cost of \$836 million, focuses on stabilizing and improving the subway system. The MTA has suggested that the state and the city split the cost of Phase 1, but an agreement has not yet been reached. In the absence of a funding agreement, the MTA has been drawing on its reserves to begin Phase 1.

According to the Comptroller, the MTA had projected that Phase 1 would be completed in 2019, but it now hopes to complete Phase 1 by the end of 2018. The MTA still has not explained how the cost of increased subway maintenance will be funded after state and City funds are exhausted. After the completion of Phase 1, recurring costs could exceed \$300 million annually, the equivalent of an unscheduled fare and toll increase of about 4 percent.

Phase 2, with an estimated cost of \$8 billion, will focus on modernizing the system and will be included in the 2020-2024 capital program. The MTA has not yet indicated how these costs would be funded.

Comptroller DiNapoli explained that the MTA is counting on the federal government to fund almost one-quarter of its current capital program, but there is uncertainty regarding these funds. For example, the President has proposed eliminating the New Starts program, which the MTA assumes will fund one-third (\$2 billion) of the estimated cost of Phase 2 of the Second Avenue Subway.

Regarding State Funding, the report found that although the state has committed to contributing \$8.5 billion to the 2015-2019 capital program, it has not yet identified the source of \$7.3 billion of its commitment. Governor Andrew Cuomo indicated that the State intends to contribute an additional \$1 billion to the current capital program, but the source of that funding has also not been identified.

According to the Comptroller, the MTA projects a balanced operating budget through 2019, but it projects budget gaps in the following years, starting at \$112 million in 2020 and growing to \$493 million in 2021, despite planned biennial fare and toll increases of 4 percent in 2019 and 2021. (The MTA has already raised fares and tolls by 4 percent in 2017.) These estimates assume uninterrupted economic growth, \$1.4 billion in unidentified cost savings and the restoration by the state of \$65 million in annual funding to offset the revenue loss to the MTA from a reduction in the Payroll Mobility Tax on small businesses.

## ***In the News – New York City***



### **NYC Expands Paid Leave to Include Domestic Violence, Sexual Assault, Stalking & Trafficking Survivors**

New York City Mayor Bill de Blasio this week signed Intro. 1313-A that expands paid leave to domestic violence, sexual assault, stalking and trafficking survivors.. The bill was introduced by Council Member Julissa Ferraras-Copeland in October 2016.

“No New Yorker should ever have to decide between their safety and a paycheck,” said Mayor Bill de Blasio. “This new law will make it easier for survivors to get the care they need without jeopardizing their livelihood.”

The legislation, which takes effect 180 days after signing, expands New York City’s Paid Sick Leave law to allow workers to use paid leave to address safety and access critical services related to specified criminal offenses. This bill does not add to the total amount of leave, no less than 40 hours per year, that workers can take – instead it adds reasons for using the leave to allow a survivor of domestic violence, sexual assault, trafficking or stalking to take time off of work in order to plan their immediate next steps and focus on safety, without fearing a loss of income.

According to the Mayor, New York is the first city to pass paid safe leave legislation that includes survivors of human trafficking in addition to domestic violence, sexual abuse, and stalking. Examples of uses that will be allowed under this bill include: meeting with and safety planning with a social worker/advocate, meeting with a civil legal attorney, filing a police report, meeting with the District Attorney’s Office, attending a court appearance, an appointment with a financial counselor, moving into safe housing, and others. The bill also expands the definition of family member for all uses of paid time, Sick or Safe, under the law to recognize chosen families, not just biological ones.

The Department of Consumer Affairs has enforced the Paid Sick Leave Law since it took effect in 2014.

## ***Briefs***

### **Court of Appeals Rule Requires Prosecutors to Release Evidence**

New York State Court of Appeals Chief Judge Janet DiFiore this week issued a new rule requiring judges to order prosecutors to search their files and disclose all evidence favorable to the defense at least 30 days before major trials. The rule is set to take effect January 1<sup>st</sup>. Prosecutors will be required to both actively look for and speedily hand over exculpatory evidence. The order will give judges the power to level contempt charges against prosecutors who withhold evidence.

### **OASAS Announces Addiction Services Grants**

The New York State Office of Alcoholism and Substance Abuse Services (OASAS) today announced the availability of funding to establish or expand services for youth and young adults in recovery from addiction. Up to \$180,000 is being made available through a series of mini-grants, which will be administered by the Research Foundation for Mental Hygiene and OASAS. Up to 15 projects will be awarded up to \$12,000 each. This funding is part of the \$25.2 million federal State Targeted Response Grant that New York State received in early 2017.

## **NY State of Health Expands Outreach Efforts, Partners with Lyft and Uber to Reach Drivers Throughout New York State**

NY State of Health, the state's official health plan Marketplace, this week announced a new partnership with ride sharing companies Lyft and Uber. Through the partnership, Lyft and Uber will urge drivers to visit the Marketplace to shop for and enroll in quality, affordable health insurance. NY State of Health will work directly with Lyft and Uber to promote coverage options and enrollment opportunities for drivers through an email campaign, In-App notifications and in-person education on coverage options.

"Many of these drivers are self-employed and likely in need of health insurance coverage," said NY State of Health Executive Director Donna Frescatore. "NY State of Health thanks Lyft and Uber for recognizing the value of the Marketplace to their drivers, and for helping us connect with them to provide information on how to find quality, affordable health plans through the Marketplace."

The partnership is expected to reach approximately 200,000 drivers through both companies and runs through January 31, 2018, the end of the 2018 Open Enrollment Period

## **We're Open! NY State of Health Open Enrollment Period Begins**

NY State of Health, the state's official health plan Marketplace, began its 5<sup>th</sup> Open Enrollment Period this week. Consumers can enroll in Qualified Health Plans now through January 31, 2018. New York State extended the enrollment deadline beyond the federal deadline of December 15<sup>th</sup> to give consumers more time to consider their health plan options and enroll.

Consumers can enroll in a health plan by:

- Calling the Customer Service Center at 1-855-355-5777.
- Logging onto the website at [nystateofhealth.ny.gov](http://nystateofhealth.ny.gov).
- Meeting with an in-person assistor. Find an assistor [here](#).

Additional information regarding NY State of Health enrollment, reductions in the uninsured, health plan options and costs by region are included in the 2018 regional fact sheets which can be found at [here](#).

NY State of Health representatives will be available at many events across the state to educate New Yorkers about the Marketplace, and to enroll consumers in health plans. A list of locations is available on the [events map](#).

Consumers must enroll by December 15, 2017 for coverage beginning January 1, 2018. Enrollment in the Essential Plan, Medicaid and Child Health Plus is open all year.



<http://lohud.nydatabases.com/database/incentive-programs-film-and-tv-production>

## Incentive programs for film and TV production

As reported in *Politics on the Hudson*, the USA Today Network surveyed the country regarding state film-incentive programs and created a national database that shows how much each film and show received in tax breaks and incentives. USA Today found that programs vary across the country from “fierce competition” in New York, California, Georgia and Louisiana to states that have discontinued programs (Florida, Wisconsin and Michigan).

The database can be accessed <http://lohud.nydatabases.com/database/incentive-programs-film-and-tv-production>.

Five states did not disclose information: Georgia, Hawaii, Maine, New Mexico, and West Virginia and 16 states have discontinued or otherwise do not have an incentive program: (Alaska, Arizona, Delaware, Idaho, Indiana, Iowa, Kansas, Missouri, Montana, Nebraska, New Hampshire, New Jersey, North Dakota, South Dakota, Vermont, Wisconsin).

## Coming Up

### *New York State*

#### *Monday November 13<sup>th</sup>*

*Oversight of the economic development programs that leverage state funds to translate technology advancements into viable long-term business development*

Assembly Committees on Small Business & Committee on Economic Development  
Roosevelt Hearing Room C, Legislative Office Building, 2<sup>nd</sup> Floor, Albany, 10 a.m.

#### *Wednesday November 15<sup>th</sup>*

*To discuss the denial of accidental disability applications from those who participated in the World Trade Center rescue, recovery and clean up*

Senate Standing Committee on Civil Service; Senate Hearing Room, 250 Broadway, 19<sup>th</sup> Floor, New York City, 11 a.m.

# *New York City*

## *Tuesday November 14<sup>th</sup>*

*Subcommittee on Zoning and Franchises*, Committee Room, 16<sup>th</sup> Floor – 250 Broadway, 9:30 a.m.

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

*Subcommittee on Landmarks, Public Siting and Maritime Uses*, Committee Room 16<sup>th</sup> Floor – 250 Broadway, 11 a.m.

*Subcommittee on Planning, Dispositions and Concessions*, Council Chambers – City Hall, 1 p.m.

## *Wednesday November 15<sup>th</sup>*

*Committee on Consumer Affairs*, Committee Room, 16<sup>th</sup> Floor – 250 Broadway, 10 a.m.

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

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

*Committee on Oversight and Investigations*, Council Chambers – City Hall, 1 p.m.

*Committee on Public Safety*, Council Chambers – City Hall, 1 p.m.

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

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