



# This Week in New York

## Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC  
February 3, 2017 Edition

## In the News – New York State

### NYC Transit President Veronique Hakim Appointed Interim Executive Director of the MTA

Governor Andrew M. Cuomo announced this week that Veronique Hakim will serve as the interim Executive Director of the MTA. Ms. Hakim is a lifelong transportation professional who has spent more than 24 years at the MTA, including serving as President of New York City Transit since December 2015.

Current MTA Chairman and CEO Tom Prendergast is retiring from public service tomorrow after a 25-year career at the MTA.

“Ronnie Hakim is ready to embrace the challenge of running the nation’s largest transportation network during this transition. She is a true transportation professional who has dedicated her life to improving the commute for millions of New Yorkers and I am confident that in this new role she will continue doing that as we reimagine and modernize the MTA for the 21<sup>st</sup> century,” Governor Cuomo said. “Under the leadership of Tom Prendergast, the MTA has made dramatic progress - most recently with the successful opening of the long-awaited Second Avenue Subway – and I have directed the search committee to identify candidates who will build on his record of accomplishments. I look forward to receiving their recommendations.”

Ms. Hakim has served as President of New York City Transit since December 2015. Prior to that she served as the Executive Director of NJ TRANSIT for a year and a half, which operates 12 commuter rail lines, three light rail lines, 261 bus routes and Access Link paratransit service across the state of New Jersey. She previously served nearly four years as Executive Director of the New Jersey Turnpike Authority.

“Governor Cuomo rightly recognizes that the MTA will be in good hands with Ronnie Hakim,” said Tom Prendergast. “Ronnie has a deep understanding of our regional transportation network from her exemplary stewardship of New York City Transit to her time leading regional commuter rail and highway agencies.”

A seven member committee will conduct a search for a permanent appointment. The members of the search committee will be recommending candidates to the Governor in the coming weeks.



MTA Vice Chairman Fernando Ferrer will serve as Acting Chairman. Other members are:

- **Tom Prendergast**, Chairman and Chief Executive Officer of the Metropolitan Transportation Authority
- **Joseph Lhota**, Senior Vice President and Vice Dean, Chief of Staff of NYU Langone Medical Center and Former Chairman and Chief Executive Officer of the Metropolitan Transportation Authority
- **Fernando Ferrer**, Vice Chairman of the MTA Board
- **Kathryn Wylde**, President and Chief Executive Officer of Partnership for NYC
- **Scott Rechler**, Chairman, Regional Planning Association and former Vice Chairman of the Port Authority of New York & New Jersey
- **John Samuels**, Executive Vice President of the Transport Workers Union
- **Rodney Slater**, Former United States Secretary of Transportation

## Bipartisan Legislative Effort Designates Crimes Targeting Law Enforcement Officers & First Responders as Hate Crimes



Legislators from both sides of the aisle join to support law enforcement officials & first responders.

New York State Legislators have launched a bipartisan initiative, the Community Heroes Protection Act (S1114A/A2962A), which would designate crimes that specifically target police, firefighters, corrections officers, and other emergency service workers punishable as hate crimes.

Under the Act, these offenses are designated as hate crimes only if they are intentionally aimed at first responders based on the profile of their career.

"We are living in a time where our nation is divided and crimes against first responders and police officers are on the rise," Senator Fred Akshar said. "Thousands of men and women voluntarily put their uniforms on every day to protect and serve our communities in a capacity no other could, even when there are very few willing to stand up for them."

In current law, when a person is convicted of a hate crime and the specified offense is a misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense or one category higher than the offense level applicable to the defendant's conviction. Police officers and first responders are not included in the current definition of a hate crime.

Assemblyman Peter Abbate said, "I'm honored to sponsor the Community Heroes Protection Act in the Assembly – it is common sense to protect those who keep us safe every day. We need to be clear - violence against our police officers, firefighters, and first responders will not be tolerated and those who commit these vicious acts will be held accountable."



COBA president Elias Husamudeen & M of A Pamela Harris

Assemblymember Pamela Harris, a former New York City Correction Officer, recounted her personal experience in very emotional terms. While working as a Correction Officer she was seriously injured as the result of an assault by a detainee. Elias Husamudeen, President of the Correction Officers Benevolent Association (COBA) representing more than 9000 members, pointed out that more than 620 NYC officers were assaulted in 2016 just because they were correction officers.

Researchers have found that between 2015 and 2016, there was a 68% increase in firearms related fatalities among law enforcement. In addition, numerous studies across the country found that law enforcement officers are not the only first responders being violently targeted. In New York alone, areas such as Cape Vincent and Webster have seen Community Heroes like EMTs, Firefighters, and 911 Dispatchers injured or killed in numerous ambush-style acts of violence.

"Each day, our brave and dedicated law enforcement officers, firefighters, corrections officers, and medical service personnel put their lives on the line for our safety," Senator Martin J. Golden (R-C-I, Brooklyn), a former New York City Police Officer, said. "Sadly, these same individuals are being targeted with violence simply because they wear a uniform and are an officer or a first responder. The Community Heroes Protection Act will classify these bias attacks against our law enforcement officers and first responders as hate crimes. This will allow our prosecutors and judges to ensure that an offender receives a punishment that fits this heinous crime."

## In the News – New York City

### City Comptroller Identifies Potential for Cost-Shifting in the Executive Budget

Testifying at the State Legislative budget hearings in Albany this week, New York City Comptroller Scott Stringer identified language in the Executive budget would allow the State to shift any cuts in federal funding to localities.



"This Executive Budget does include some provisions that I hope you will reject," Comptroller Stringer said to the members of the Senate Finance Committee and Assembly Ways & Means Committee. "...the appropriations bills contain language that would give the budget director unilateral authority to push the burden of federal aid cuts down the food chain onto local governments."

A review of the budget bills found the below language included 335 times in the Aid to Localities Budget:

*Notwithstanding any law, rule or regulation to the contrary:*

*In the event that receipts, including but not limited to receipts from the federal government, are less than the amounts assumed in the 2017-2018 financial plan, as determined by the director of the budget, the amount available for payment under this appropriation may be reduced by the director of the budget in accordance with a written allocation plan promulgated by the director of the budget to offset that loss in receipts. Such written allocation plan shall specify the uniform percentage reductions of the appropriations and related cash disbursements subject to such plan, and be filed with the state comptroller, the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee and posted on the website of the New York state division of the budget within five business days of such filing. The director of the budget may revise the written allocation plan subsequent to its filing with the state comptroller, the chairperson of the senate finance committee and the chairperson of the assembly ways and means and shall repost revisions that materially alter such plan; and*

*The commissioner of education shall have the authority to take such actions as he or she deems necessary to implement and/or achieve the reductions set forth in the written allocation plan, subject to the approval of the director of the budget, including, but not limited to, reducing spending and liabilities for statutorily authorized programs. Such reductions shall be made in compliance with any applicable federal law, and to the extent practicable shall be made:*

- (a) uniformly against existing liabilities and spending; and*
- (b) in a manner that maximizes federal financial participation, if applicable.*

“When you look at some of the language, the one thing I don’t want to see is that one budget director deciding cuts if, in fact, President Trump gets his way,” the Comptroller said in a interview following his testimony. “Because I do think we should have the most robust conversation between New York City and both houses of the Legislature, as well as the governor.”

Governor Andrew Cuomo and New York City Mayor Bill de Blasio released spending plans that did not account for actions on the federal level. Both Executives acknowledged the possibility of impact, however neither amended appropriations in light of the possibility.

“I would urge you, the Legislature, to reject such an approach that would bypass this body, and do tremendous harm to cities and counties throughout the State,” Comptroller Stringer said. “I would also ask you to reject cost shifts for foster care, public health, and special education that single out New York City.”

## Bills Approved by the Council

**Introduction 436-A**, sponsored by *Council Member Rafael Espinal*, would allow supermarkets to cure first time item pricing violations rather than paying civil penalties. A store would have to submit proof to the Department of Consumer Affairs that it has cured the violation within 30 days of receiving a notice of violation.

**Introduction 1024-A**, sponsored by *Council Member Fernando Cabrera*, would supplement the efforts made by the Department of Finance and require other city agencies to disseminate information about SCRIE. Specifically, the bill would require DFTA, the City Clerk, Community Boards, DCA, NYCCHR, HPD, DOHMH, HRA, Parks and other agencies at DOF's discretion to coordinate with DOF to implement and administer a distribution program to provide information about SCRIE. The aforementioned agencies would also be required to offer information about SCRIE alongside any written applications or forms for services provided by those agencies, in the same languages as those applications or forms, where practicable.

**Introduction 1164-A**, sponsored by *Council Member Corey Johnson*, would require the Human Resources Administration (HRA) to provide rental subsidy recipients with a written statement explaining eviction protections and procedures. Three-quarters house operators often unlawfully evict their tenants, most of whom use HRA rental subsidies to pay their rent. This legislation would ensure that such occupants are aware of their rights and help to prevent such unlawful evictions.

**Introduction 1167-A**, sponsored by *Council Member Ritchie Torres*, would remove the time limitation for applying to the Department of Housing Preservation and Development (HPD) for relocation assistance following the issuance of a vacate order and would make clear that any tenant who moves out while a vacate order is in effect is entitled to appropriate relocation assistance. This bill would ensure that when tenants are forced to leave their homes due to a vacate order they are able to receive relocation assistance.

**Introduction 1168-A**, sponsored by *Council Member Ritchie Torres*, would prohibit landlords from mandating medical treatment as a condition of occupancy, with the exception of landlords who are family members or legitimate programs, such as rehabilitation clinics. This bill would also provide a cause of action to tenants who face such a mandate, allowing them to receive damages and reasonable attorney's fees and court costs.

**Introduction 1171-A**, sponsored by *Council Member Jumaane Williams*, would allow tenants to verify their occupancy at a building which received a vacate order by, at a minimum, submitting a lease or two forms of certain alternative documentation. This legislation would assist three-quarters housing occupants, who often encounter difficulties in proving their occupancy, in qualifying for HPD relocation assistance.

**Introduction 1294-A**, sponsored by *Council Member Elizabeth Crowley*, would require the FDNY to publish a report regarding the use of smoke detectors in civilian fire-related deaths that would include the technology used in such detectors. This information would also be disaggregated by the cause of death, to examine possible correlations between the use of certain types of smoke detectors and certain types of

fire-related deaths. This bill would take effect immediately and require an annual report to be issued for five years, after which the law would be repealed.

*Introduction 1309*, sponsored by Council Member Margaret Chin and Council Member Andrew Cohen, extends the revised income eligibility requirements for the SCRIE and DRIE programs through 2020, providing assistance for individuals who earn between \$29,000 and \$50,000 per year. This legislation would take effect immediately upon enactment and be retroactive to July 1, 2016.

## City and PBA Reach Tentative Five Year Agreement

*Deal advance important policing reforms, including the outfitting of all patrol officers with body cameras by the end of 2019*

Mayor Bill de Blasio and Patrolmen's Benevolent Association (PBA) President Patrick Lynch this week announced a tentative contract agreement covering 23,810 NYPD employees. With this settlement, the City has secured deals with each of its uniformed unions through the 2010-2017 round of bargaining.

"With this contract settled, the country's finest police department can keep doing the great work the NYPD has long been known for - devoting all of our energy to fight crime, keeping this city safe, and continuing to build trust with the community," said Police Commissioner James P. O'Neill.

The tentative contract agreement is consistent with the established city pattern. Wage increases will constitute 11 percent over seven years when combined with the previous two-year arbitration award reached in 2015: August 1, 2012 – 1.0%; August 1, 2013 – 1.0%; August 1, 2014 – 1.5%; August 1, 2015 – 2.5%; August 1, 2016 – 3.0%.

As part of the agreement, the PBA has agreed to drop its body camera litigation against the City and the NYPD can expand the use of body cameras to the entire workforce. All patrol officers will be outfitted with cameras by the end of 2019. Additionally, the PBA has agreed to withdraw and refrain from pursuing litigation related to the administration emergency overdose treatment and has agreed that such duties are a term and condition of employment.

The City has agreed, effective March 15, 2017, all officers shall be entitled to a neighborhood policing differential in the amount of 2.25 percent of base salary.

With this settlement, the PBA joins other uniformed unions in reaching a deal on accidental disability. The City and the PBA have agreed to jointly support State legislation that would provide three-quarter of salary in the event of disability. The pension benefit is expected to be consistent with the other uniformed unions and includes a 1 percent employee contribution. Savings from the labor agreement were used to lower the required employee contributions.

# Briefs

## \$19.5 Million Community Health Care Revolving Capital Fund

### Funding Will Provide Low-Cost Loans to Community Health Providers to Improve Access to Care

The Cuomo Administration this week announced the establishment of a \$19.5 million Community Health Care Revolving Capital Fund. The public-private partnership will deliver low-cost loans to health care providers across the state for capital projects.

The Dormitory Authority of New York State (DASNY), in consultation with the New York State Department of Health, selected the Primary Care Development Corporation to administer the fund. The fund is designed to improve access to capital for clinics and other organizations that have limited resources and are seeking to broaden access to primary care services.

Borrowers will be chosen by PCDC through an application process that is approved by DASNY and NYSDOH. The funds will be used to provide loans for projects at eligible facilities. Eligible projects may include construction, renovation, expansion and upgrading costs. The funds may also be used for credit enhancement and loan and debt service reserves to allow a facility to stimulate greater private sector investment.

## Heastie: Hearings May Be Held On Plastic Bag Fee

Assembly Speaker Carl Heastie is considering holding hearings on the pending surcharge for plastic bags in New York City.

"I think at this point we'd like to take some time to maybe have some hearings," Speaker Heastie said, according to published reports. "That might be one of the proposals we look at. Members are not ready to go forward with the city's law, though we still have concerns on not adhering to the city's wishes, but for those of us who represent the city those are our constituents."

The bag fee, a 5-cent surcharge was due to take effect last year, but was delayed until next month.

## NYC Bar Supports State Judiciary Budget

The New York City Bar Association this week urged the State Legislature to accept the Judiciary's 2017-2018 Budget request in its entirety. This year's proposed budget is \$2.18 billion, an increase of \$42.7 million, 2.0% over last year's budget.

The budget seeks to increase court clerk, officer, interpreter, and reporter staffs by 200 employees; to fund capital improvements – primarily new computer software for the courts’ data management and computer network systems; to increase Small Claims Court hour and to increase support for Special Advocates for at-risk children.

In 2011-12, \$170 million was cut from the prior year’s budget, ultimately resulting in a loss of 2,000 staff positions in the court system. In the next two years, there were zero increases to the budget. In 2014-15 and 2015-16 increases of 2.5% were granted, and last year, there was an increase of 2.4%.

“Despite these cuts, and through remarkably difficult times, coping with reduced resources over the past few years, the Judiciary has made necessary adjustments, maintained the high level of justice that the State of New York and its citizens,” according to NYC Bar testimony submitted in conjunction with the State public protection budget hearing. “Statewide, the number of older cases still pending has declined, as has the backlog affecting more recent cases. In 2015 (the most recent year for which statistics are available), the average age of a civil case in Supreme Court statewide declined to 564 days, about where it was before the 2011 budget cuts. In New York City, the average age of a civil case in Supreme Court declined to 806 days, also about where it was in 2009-10.”

## Legislator Asserts Assembly “Dragging its Feet” on Committee Broadcasts Adopted Last Year

Staten Island Assemblymember Nicole Malliotakis this week slammed the Assembly Majority for failing to implement a previously-adopted rules reform that would publicly broadcast committee meetings on the Assembly website (*Assembly Rule 4 Section 2 Subdivision G*). The proposal, approved overwhelmingly by the Assembly last March, has still not been implemented.

“The committee process is a vital portion of Assembly operations that our constituents should be able to watch. It is disappointing that the Assembly Majority is still dragging its feet nearly one year after its adoption last March,” said Assemblymember Malliotakis. “The Senate has been broadcasting its meetings for years so there is no excuse. Our constituents deserve to see what occurs behind the scenes, and this measure is necessary to bring much-needed transparency to the committee process, in which bills are rubber stamped with little or no discussion.”

## New York’s First Commercial Casino Opens

Governor Andrew Cuomo this week announced the grand opening of the del Lago Resort & Casino in the Town of Tyre, Seneca County. The resort is a \$440 million private investment featuring a 94,000 square-foot gaming floor, a 2,400-seat performance space, and multiple dining and retail options. Built on 85 acres of undeveloped land, the project generated more than one million construction hours and created 1,500 permanent jobs in the region. It is the first of four casinos authorized in New York State.

"The opening of del Lago means new jobs, increased economic activity and one more step forward in our efforts to strengthen and transform the Finger Lakes region," Governor Cuomo said. "For decades, New Yorkers looked beyond our borders to spend their entertainment dollars, but with this resort destination casino, we will attract New Yorkers and visitors alike to explore all this region has to offer."

The Upstate New York Gaming and Economic Development Act of 2013 mandated that all state revenue from del Lago be returned to localities. Ten percent of the state's tax revenue from the casino is split between the Town of Tyre and Seneca County for hosting the facility, and Broome, Chemung, Tompkins, Schuyler and Wayne counties share another 10 percent. The remaining 80 percent of revenue is distributed statewide to support public education and provide tax relief to New Yorkers.

Del Lago Resort & Casino is a partnership between Rochester-based Wilmorite Inc., and Peninsula Pacific. Peninsula Pacific comprises of the former leadership team from Peninsula Gaming, which has a combined 50 years in developing and managing regional casinos in five states. JNB Gaming will manage the casino. JNB and its principals are widely recognized throughout the country as premier casino developers and operators.

New York's second casino, Rivers Casino in Schenectady, will open next week, February 8<sup>th</sup>. In total, the four commercial casinos – del Lago, Tioga Downs, Montreign and Rivers -- when fully operational will generate \$325 million in gaming taxes, of which \$65 million will be directed to localities and \$260 million will support public education.

## **National Right to Work Legislation Introduced in Congress**

Republicans in Congress recently introduced HR 785, the National Right to Work Act. This bill would prohibit workers nationwide from being forced to support a union.

The national right to work legislation likely would be a major blow to organized labor because it would allow millions of workers to opt out of union membership for the first time.

Representatives Joe Wilson of South Carolina and Steve King of Iowa are sponsoring the legislation, which would amend the National Labor Relations Act and the Railway Labor Act to prohibit what unions call "security clauses." These are provisions that permit union-management contracts that require all employees to join a union or pay one a regular fee as a condition of employment.

## ***Coming Up***

### ***New York State Monday, February 6<sup>th</sup>***

***The Age of Criminal Responsibility and its Impact in New York State.***

Joint Assembly and Senate Hearing, Hearing Room A, Legislative Office Building, 2nd Floor, Albany, 11 a.m.

**Nomination of Rowan D. Wilson for Associate Judge of the New York State Court of Appeals.**  
Senate Standing Committee on Judiciary Hearing, Room 124, Capitol, Albany, New York 11 a.m.

**Mental Health**, Joint Assembly and Senate Budget Hearing, Hearing Room B, Legislative Office Building, Albany, 1 p.m.

### **Tuesday February 7<sup>th</sup>**

**Taxes.**, Joint Assembly and Senate Budget Hearing, Hearing Room B, Legislative Office Building, Albany 9:30.m.

### **Wednesday February 8<sup>th</sup>**

**Human Services**, Joint Assembly and Senate Budget Hearing, Hearing Room B, Legislative Office Building, Albany, 9:30 a.m.

**Government oversight of forensic science laboratories**, Assembly Hearing, Assembly Hearing Room, 250 Broadway, Room 1923, 19th Floor, New York, 10 a.m.

### **Thursday February 9<sup>th</sup>**

**Housing**, Joint Assembly and Senate Budget Hearing, Hearing Room B, Legislative Office Building, Albany 9:30 a.m.

## **New York City**

### **Monday, February 6<sup>th</sup>**

**Committee on Technology**, 250 Broadway—Committee Room 16<sup>th</sup> FL 1 p.m.  
T2017-5506 Oversight-Economic Impact of the Film and Television Industry on NYC.

### **Tuesday February 7<sup>th</sup>**

**Subcommittee on Landmarks**, 250 Broadway—Committee Room 16<sup>th</sup> FL 11a.m.

**Subcommittee on Planning, Dispositions and Concessions**, 250 Broadway, 16<sup>th</sup> FL 11a.m.

**Committee on Veterans**, 250 Broadway—Committee Room 14<sup>th</sup> FL 1 p.m.  
T2017-5500 Oversight-Veterans Advisory Board Update.

**Committee on Aging**, Council Chambers – City Hall, 1p.m.  
T2017-5504 Oversight-Social Adult Day Care Follow-Up.

### **Wednesday February 8<sup>th</sup>**

**Committee on Public Safety**, Council Chambers – City Hall, 10 a.m.  
T2017-5580 Oversight-NYPD Recruitment. Diversity and Path to Promotion.

## **Thursday February 9<sup>th</sup>**

**Committee on Consumer Affairs**, 250 Broadway—Committee Room 16<sup>th</sup> FL 10a.m.  
T2017-5505 Oversight-Regulation of the City's Towing Industry.

Int 1173-2016 in relation to increasing maximum charges for towing motor vehicles.

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

**Committee on Finance**, Committee Room – City Hall, 1p.m.  
Int 0799-2015 in relation to the commercial rent tax.

Int 1107-2016 in relation to an exemption from the commercial rent tax.

Int 1376-2016 in relation to requiring department of finance to issue an annual report on commercial rent tax.

T2017-5597 in relation to exempting certain grocery stores from the commercial rent and occupancy tax.

**Committees on Higher Education and Women's Issues**, Council Chambers – City Hall, 10 a.m.  
T2017-5502 Oversight-Child Care Centers at the City University of New York.

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120 Broadway, 28th Floor  
New York, New York 10271  
Telephone (212) 652-3890  
Facsimile (212) 652-3891

111 Washington Avenue, St. 401  
Albany, New York 12210  
Telephone (518) 449-3320  
Facsimile (518) 449-5812

25 Hyatt Street, St. 202  
Staten Island, New York 10301  
Telephone (718) 943-1050  
Facsimile (718) 943-1051