



# This Week in New York

**Covering New York State and City Government**

*A Publication of Pitta Bishop & Del Giorno LLC*

*April 12, 2019 Edition*

## *In the News – City*



### **Mayor de Blasio and Teamsters Local 237 Reach Agreement for NYCHA Maintenance Workers**

Mayor Bill de Blasio and Greg Floyd, President of Teamsters Local 237, announced this week that the City of New York has reached a tentative contract agreement with Teamsters Local 237 that would benefit more than 1,300 maintenance workers citywide – including approximately 1,000 New York City Housing Authority maintenance workers.

Under this agreement, NYCHA maintenance workers will perform basic repairs seven days a week as part of their regularly scheduled work week for the first time in NYCHA history. The 48-month and 16-day agreement covers approximately 1,000 NYCHA maintenance workers, as well as about 350 maintenance workers at various other City agencies.

Previously, the only schedule for maintenance workers at NYCHA developments was Monday through Friday from 8:00 a.m. to 4:30 p.m. The new agreement adds three possible schedules that expand coverage to Saturdays and Sundays until 7:00 p.m.

“With expanded work hours, our maintenance workers are going to help improve the lives of nearly 400,000 NYCHA residents by offering basic repairs faster and more frequently,” said Mayor Bill de Blasio. “Combined with December’s agreement that expanded the work hours for building caretakers and supervisors, NYCHA residents will begin to see better maintained buildings and experience an overall better quality of life. Maintenance workers also will receive wage increases that are fair to workers and New York City taxpayers.”

This agreement covers a period from December 17, 2017 through January 1, 2022, and includes wage increases of 2.00 percent (January 17, 2018), 2.25 percent (December 17, 2018), and 3.00 percent (March 17, 2020).

The gross cost of this agreement is \$42.2 million, some of which is offset by \$8.5 million in healthcare savings for a net cost of \$33.7 million. This agreement will not require any additional funds to be added to the City’s financial plan.

NYCHA maintenance workers are responsible for the routine operation and repair of buildings, public spaces and NYCHA apartments, such as fixing leaky faucets, doors, lights and windows, among other repairs. This agreement comes after the December 2018 agreement between Teamsters 237 and the de Blasio Administration which implemented alternate work schedules for more than 2,700 NYCHA caretakers that expanded coverage to early mornings and Saturdays and Sundays until 7:00 p.m.

As part of the agreement, current Maintenance Workers at NYCHA developments who are assigned to the new schedules will receive a one-time \$1,500 bonus. All employees will continue to receive a 25 percent differential for working on Saturday as part of their regular workweek and a 50 percent differential for working on Sunday as part of their regular workweek.

The agreement also establishes the creation of a labor-management committee to discuss promotional opportunities for maintenance workers to prevailing wage titles.

Teamsters Local 237 membership must still ratify the agreement.



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N. Y. 10007

## **Mayor de Blasio Signs Executive Order to End City Reliance on Single-Use Plastic**

Mayor de Blasio signed an Executive Order this week that will end the direct City purchase of single-use plastics in favor of compostable or recyclable alternatives. New York City purchases at least 1.1 million pounds of single-use plastic foodware every year, which includes plastic straws, cutlery, plates, bowls, cups, and trays.

According to the Mayor, the Executive Order will reduce New York City's carbon emissions by approximately 500 tons per year, decrease plastic pollution, and reduce risks to wildlife. The City estimates this EO will reduce the purchase of single-use plastics by city agencies by 95%, and will begin implementation by the end of the year.

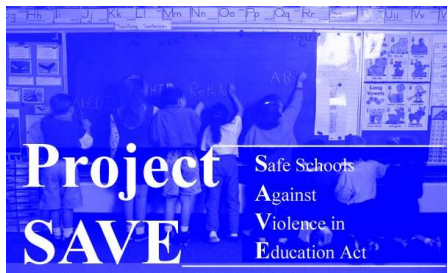
Mayor de Blasio also announced his support for pending City Council legislation to reduce the single-use plastic foodware in private establishments.

Under the EO, no new contracts will be signed for single-use plastic foodware other than to maintain a sufficient supply of certain items to be provided upon request. The Administration recognizes that certain single-use plastic items (including plastic straws) are a continued necessity for some individuals, including New Yorkers with disabilities who cannot use currently available alternative products. In addition, single-use foodware will still be used for emergency preparedness and medical uses.

All relevant agencies are directed to begin reducing their use of single-use plastic immediately and must also prepare a reduction plan within 120 days. Full implementation of these reduction plans is targeted for the end of the year.

Across New York City, approximately 36 million pounds of single use plastic foodware is collected from our residential waste stream. Tens of millions more pounds are collected from commercial establishments. Discarded plastics also get discarded as litter and washed into waterways, impacting water quality and harming plant and animal life in New York City's ecosystems.

## *In the News – State*



### **Comptroller DiNapoli: SED Comes Up Short in Oversight of School Safety Planning**

The State Education Department (SED) must improve its efforts to ensure school districts are following state requirements for school safety planning, according to an audit released this week by State Comptroller Thomas DiNapoli. The audit looked at schools outside New York City.

The audit found that SED did not make certain that the requirements under the Safe Schools Against Violence in Education (SAVE) Act were being met by school districts. For example, many of the audited school districts could not demonstrate they had adopted annual safety plans, held plan public hearings, appointed personnel to district-wide safety teams, or trained employees on the plans.

“Horrible school shootings across the country show the urgent need for schools to remain vigilant against threats to student and teacher safety,” Comptroller DiNapoli said. “...The State Education Department needs more staff and resources to help make sure those plans are being developed and sound.”

Enacted in 2000, the SAVE Act requires schools and districts to be prepared to respond to incidents when they occur. Specifically, it requires public school districts, charter schools, and BOCES programs to develop comprehensive district-wide safety plans and building-level emergency response plans. The requirements apply to public schools and districts, but not to private schools.

Comptroller DiNapoli's auditors examined SED's oversight of school safety planning requirements from Sept. 1, 2016 through Sept. 27, 2018. Auditors found that while SED has collected school safety planning information from the school districts, the department has not reviewed or verified what it has collected or monitored school districts' compliance with other requirements in the law or regulations. Two individuals were assigned to the program on a part-time basis.

The audit also found that SED has primarily focused on ensuring districts submitted their building plans to the State Police and had a 99 percent compliance rate. The law also requires that school districts submit a copy of each building plan to local law enforcement. Auditors found that due to the lack of a standardized procedure for submitting building plans to local law enforcement, SED does not have any assurance that this requirement is being met.

Finally, the Comptroller found that SED has never submitted a report on compliance with the law to the Governor and the Legislature, even though it has been required to do so annually since 2000. Therefore, state lawmakers do not have the information necessary to evaluate the law.

SED officials generally agreed with the audit recommendations and indicated they will act to address them. SED was awarded a five-year School Emergency Management Grant from the U.S. Department of Education in September 2018 and expects to use a portion of the funds to hire a full-time staff person to improve its oversight of emergency response planning requirements.



## Assembly Fights to Protect NY Tenants

The State Assembly Majority this week reaffirmed its commitment to strengthen rent regulation laws and to enact tenant protections across the State. Rent regulations are set to expire on June 15<sup>th</sup> and the Assembly will hold public hearings on May 2 and May 9 to discuss the proposals.

"The Assembly Majority has been a long-time champion of expanding and strengthening rent protections," Speaker Carl Heastie said. "In the state budget, we made the property tax cap permanent to provide stability to homeowners. Now we need to provide that same level of stability for tenants by reforming our rent and tenant protection laws."

According to the Speaker, across the New York City's five boroughs about 63 percent of total housing stock are rental units. According to the latest Housing & Vacancy Survey issued by the Rent Guidelines Board (RGB), only 3.63 percent of the total rentals were vacant.

This year's budget agreement included funding to support more staff and resources for the Office of Rent Administration (\$8 million) and the Tenant Protection Unit (\$5.5 million). On the legislative front, the Assembly is proposing:

***Eliminating Major Capital Improvement (MCI) & Individual Apartment Increases (IAI) Increases:*** Under current law, landlord costs for maintaining or improving buildings and apartments are billed to tenants. Legislation has been introduced to:

- Eliminate the major capital improvement (MCI) rent increase program, return rent for any tenant affected by an MCI increase to the pre-increase level, and mandate that all pending rent increase applications be denied (A.6322 - M of A Barnwell/ S3693 Senator Gianaris).
- Discontinue individual apartment improvement (IAI) rent increases (A.6465- M of A Richardson).

**Protecting Preferential Rent Tenants:** Landlords of rent regulated units currently have the authority to offer a preferential rent which is lower than the legal regulated rent. They also retain the right to adjust the rent charge up to the legal maximum upon lease renewal. Legislation has been introduced to:

- Require rent increases upon lease renewal to be based on the preferential rate which was charged to the tenant as opposed to the maximum legal regulated rent (A.4349- M of A Cymbrowitz/ S2845- A Krueger).

**Eliminating Vacancy Decontrol & Bonuses:** Vacancy deregulation allows a landlord to remove a unit from rent stabilization if it becomes vacant. In other localities, the decontrol threshold would vary based on adjustments by the applicable rent guidelines board. Legislation has been introduced to:

- Repeal that statute and provide for re-regulation of certain units to rebuild the regulated housing stock (A.1198- M of A Rosenthal/ S2591-A Senate Majority Leader Stewart-Cousins).
- Repeal this so called "vacancy bonus." Under the proposal, a vacancy lease would still be subject to RGB increases (A.2351- M of A Pichardo/S185 Serrano).

**Capping Rent Control Increases:** Currently, rent-controlled rent increases of up to 7.5 percent per year are authorized for most units. Legislation has been introduced to:

- Cap rent-controlled increases at the lesser of 7.5 percent or an amount equal to the average of the previous five RGB increases for one-year stabilized renewal leases. (A.167-A- M of A Rosenthal/ S299-A Senator Benjamin).

**Reforming the Overcharge Lookback:** Rent review has a four-year statute of limitations to make a complaint. Legislation has been introduced to:

- Extend from four to six years the statute of limitations for rent regulated tenants to file an overcharge complaint and allow the DHCR to consider a broader scope of rental history where necessary (A.5251- M of A Dinowitz/ S 4169-A – Senator Myrie).

**Preservation of Affordable Housing:** Legislation has been introduced to:

- Protect tenants living in former Mitchell-Lama buildings that have undergone a voluntary dissolution (A.3851- M of A Pretlow/S5119 – Senator Kavanagh).
- Clarifies that the "subtenant," or the individual receiving the housing, shall be considered the tenant for the purposes of rent regulation law enforcement (A.7115- M of A Joyner/S.3703 – Senator Kavanagh).
- Extend rent stabilization protection to low-income tenants living in former project-based Section 8 projects, regardless of when the buildings were initially occupied (A.7116- M of A De La Rosa).

**Statewide Option for Expansion of the Emergency Tenant Protection Act:** The Emergency Tenant Protection Act of 1974 currently applies the rent and eviction regulation system to New York City and municipalities in Nassau, Rockland and Westchester Counties.

- Allow municipalities across New York State would then be able to opt into the system if it has declared a housing state of emergency, which is based on a vacancy rate of five percent or less (A.7046- M of A Cahill).

**Tenant Protections:** Legislation has been introduced to:

- Limiting the landlord's ability to take possession of units for his or her personal use (A.5331-M of A Cymbrowitz/S5430 – Senator Kavanagh).
- Require residential landlords to mitigate damages to a tenant in cases where the tenant vacated the premises (A.1973- M of A Zebrowski/S5040 – Senator Breslin).



## Bills Under Governor's Consideration

**S659A (Sponsored by Senator Salazar / M of A Cahill)** -- Enacts the "comprehensive contraception coverage act."

**S1250 (Sponsored by Senator Sepulveda / M of A De La Rosa)** -- Enacts the Jose Peralta New York state DREAM Act.

**S1262 (Sponsored by Senator Mayer / M of A Benedetto)** -- Relates to state assessments and teacher evaluations.



## Bills Passed by Both Houses



**A220 (Sponsored by M of A Paulin / Senator Comrie)** -- Authorizes the authorities budget office to suspend local authority board members and executive staff.

**A433 (Sponsored by M of A Paulin / Senator Comrie)** -- Relates to the regulation of "key persons" in not for profit organizations.

**A2640 (Sponsored by M of A Lavine / Senator Carlucci)** -- Relates to electronic permit applications and electronic recordkeeping.

**A3002 (Sponsored by M of A Solages / Senator Kaminsky)** -- Requires each industrial development agency to live stream and post video recordings of all open meetings and public hearings.

**A4081 (Sponsored by M of A D'Urso / Senator Myrie)** -- Relates to the date for filing the certificate of nomination for new parties.

**A4204 (Sponsored by M of A Weprin / Senator Liu)** -- Prohibits discrimination against religious attire.

**A6188 (Sponsored by M of A Lentol / Senator Krueger)** -- Relates to harassment of a rent regulated tenant.

**A6962A (Sponsored by M of A Joyner / Senator Rivera)** -- Relates to the establishment of obstetric hemorrhage protocols.

**S4940B (Sponsored by M of A Mayer / M of A Pretlow)** -- Authorizes the county of Westchester to increase its sales and compensating use tax by 1%.

## **Briefs**

### **Governor Supports Free Tuition for Families of Fallen New Yorkers**

Governor Andrew Cuomo this week weighed into a legislative squabble over a bill which would afford tuition benefits to dependents of New York military service members who died in the line of duty.

“We have a moral obligation, a social obligation to help those families who lost their provider, their loved one, in service to this nation,” Governor Cuomo said in a radio interview in Buffalo. “So, I would support providing free college tuition to SUNY schools for the children of people who were lost in service to the military.”

Earlier this week, the Assembly Education Committee voted 15-11 to hold a bipartisan bill (A2991) sponsored by Assembly William Hawley to provide free tuition expenses for SUNY or CUNY to surviving dependent Gold Star family members. Assembly Democrats objected to the bill because it is a fiscal item and fiscal items should be negotiated in the context of the State’s fiscal plan. The bill was first introduced in 2005 and has never received Committee approval.

The Legislature passed a \$175 billion spending plan earlier this month. The budget included \$27 million to fund the Jose Peralta Dream Act which provides college tuition aid to undocumented immigrants.

Governor Cuomo suggested that the Legislature could find a way to pass the defeated legislation before the end of the session in June.

“It requires a legal change, but I would support that legal change, and we have many more weeks of legislative action,” Governor Cuomo said. “The legislature’s not going anywhere, so I would support it.”

## **H. Carl McCall to Retire as SUNY Board of Trustees Chairman**

H. Carl McCall, the Chairman of the Board of Trustees of the State University of New York, has announced his retirement. Mr. McCall announced this week that he will "pursue other interests" after more than 50 years in public service.

Mr. McCall served as State Comptroller from May 1993 through December 2002. A state senator representing a Manhattan district from 1975 through 1980, he also served as ambassador to the United Nations and Commissioner of the Port Authority of New York and New Jersey.

## **Excelsior Scholarship Program Sees Enrollment Increase**

New York's free tuition program for its public colleges saw a small increase in enrollment in its second year. SUNY officials estimate between 22,000 to 25,000 students received the Excelsior Scholarship last fall at SUNY and CUNY. The program covers the full \$6,870 annual tuition for income-eligible students who meet certain academic standards.

SUNY estimates that almost 22,000 students received free tuition in Fall 2017, the initial year of the program. According to Robert Megna, SUNY's senior vice chancellor and chief operating officer, the small increase was consistent with its estimates for the 64-campus system.

The program provides free tuition to students whose household income falls between about \$80,000 and \$110,000 and are ineligible for other tuition-assistance programs. This fall, the income eligibility increases to \$125,000. For students whose family income is above the threshold, tuition has risen each year by \$200.

There is also a separate program for private colleges in New York, Enhanced Tuition Awards, which allows the school and the state to split up to \$6,000 in tuition costs for students.

## **De Blasio Administration's Health Department Declares Public Health Emergency Due to Measles Crisis**

The de Blasio Administration this week declared a public health emergency in select zip codes in Williamsburg, following a measles outbreak affecting the Orthodox Jewish community. As part of the declaration, unvaccinated individuals living in those ZIP codes who may have been exposed to measles will be required to receive the measles-mumps-rubella (MMR) vaccine in order to protect others in the community and help curtail the ongoing outbreak.

Under the mandatory vaccinations, members of the City's Department of Health and Mental Hygiene will check the vaccination records of any individual who may have been in contact with infected patients. Those who have not received the MMR vaccine or do not have evidence of immunity may be given a violation and could be fined \$1,000.



The measles outbreak in New York has spread to two more counties with health officials confirmed cases in Westchester and Sullivan counties following the spike in infections in Rockland County and the Williamsburg section of Brooklyn. Almost 500 New Yorkers have contracted the disease.

## *Coming Up*

### *New York State*

*The Legislature is in recess until Monday, April 29<sup>th</sup>*

#### *Tuesday April 30<sup>th</sup>*

*To hear from experts and stakeholders on the issue of divesting the NYS Common Retirement Fund from fossil fuels as outlined in S.2126 / A.1536*

Senate Standing Committee on Finance

Van Buren Hearing Room A, Legislative Office Building, 2<sup>nd</sup> Floor, Albany, 10 a.m.

### *New York City*

#### *Monday April 15<sup>th</sup>*

*Committee on Public Housing*, Committee Room – City Hall, 10 a.m.

Oversight – NYCHA Management of Tenant Participation Activity Funds

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

*Subcommittee on Landmarks, Public Siting and Maritime Uses*, Committee Room – City Hall, 1 p.m.

*Committee on Fore and Emergency Management*, Committee Room – 250 Broadway, 1 p.m.

*Committee on Governmental Operations*, Committee Room – 250 Broadway, 14<sup>th</sup> Floor, 1 p.m.

#### *Tuesday April 16<sup>th</sup>*

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

*Committee on Contracts*, Committee Room – City Hall, 1 p.m.

*Committee on Parks and Recreation*, Committee Room – 250 Broadway, 14<sup>th</sup> Floor, 1 p.m.

#### *Wednesday April 17<sup>th</sup>*

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

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

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

**Committee on Juvenile Justice**, Crossroads Juvenile Detention Center Tour - Crossroads Juvenile Detention Center

## **Thursday April 18<sup>th</sup>**

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

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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