



This Week in New York

Covering New York State and City Government

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In the News – State



Governor and Comptroller Fulfill Deal on Procurement Oversight Power

Governor Andrew M. Cuomo and Comptroller Thomas P. DiNapoli finalized an agreement that would return oversight of procurement and contracting to the comptroller's office, powers that had come under scrutiny after the arrest of a close former aide to the governor, upstate developers and the president of SUNY Polytechnic on corruption charges.

The agreement was laid out in a memorandum of understanding dated August 15, 2019. The memo will set in motion the restoration of authority to the Comptroller's office to review state university system contracts of \$250,000 and greater. Review of contracts at the Office of General Services will be set at \$85,000 and higher.

The memo also stipulates SUNY officials will work with officials at the Research Foundation for the State University of New York, which includes the economic development entities Fort Schuyler Management Corp. and Fuller Road Management Corp. to approve pre-audit authority for construction-related contracts of \$1 million or more.

The agreement takes effect in 30 days. If SUNY officials fail to act on the agreement, Cuomo will introduce legislation restoring the oversight powers as a codification in law.

Another provision in the agreement provides oversight of Comptroller DiNapoli's office as well. The comptroller's office will deliver contracts of \$250,000 or more to the inspector general's office for review. The stipulation comes after the 2016 arrest of Navnoor Kang, the director of the common retirement fund, who was accused of receiving \$1 million in bribes.

In 2011 state lawmakers moved to rollback the pre-audit authority of the comptroller in order to streamline the bidding process for contracts.

Pre-audit review of contracts must be completed within 30 days, as stipulated in the memorandum.

Calls for restoring the oversight power was raised after the 2016 arrest of Joe Percoco, a prominent former aide and confidant to the governor, as well as Alain Kaloyeros, the ex-president of SUNY Polytechnic and upstate developers who had participated in the "Buffalo Billion" economic development program, part of a sweeping bribery and fraud case.



Attorney General Announces Lawsuit over Public Charge Rule

Attorney General Letitia James announced a lawsuit against the Trump Administration's Public Charge Rule. The new rule that aims to deny green cards and visas to immigrants that use or have used government assistance programs. The suit, filed in the Southern District of New York and joined by the States of Connecticut and Vermont and the City of New York, challenges the Trump Administration on grounds that it specifically targets immigrants of color, while putting these communities at risk.

In the suit, the coalition argues that the Department of Homeland Security's new public charge definition disregards clear congressional intent and a century's worth of case law holding that immigrants who use basic, non-cash benefits are not considered public charges because they are not primarily dependent on the government. Additionally, they argue, the public charge rule weaponizes the public charge inquiry to specifically target immigrants of color, immigrants with disabilities, and low-income immigrants. Finally, the group asserts that the rule fundamentally misunderstands that these non-cash programs are designed to help immigrants who arrive in this country with limited means move out of poverty and achieve upward mobility.

Critics of the rule argue that the overall health and wellbeing of New York's immigrant communities that use vital public benefit programs will be negatively impacted by the new rule. "Generations of citizens landed on the welcoming shores of Ellis Island with nothing more than a dream in their pockets," said Attorney General Letitia James. "The Trump Administration's thinly veiled efforts to only allow those who meet their narrow ethnic, racial and economic criteria to gain a path to citizenship is a clear violation of our laws and our values. Quite simply, under this rule, more children will go hungry, more families will go without medical care and more people will be living in the shadows and on the streets. We cannot and we will not let that happen."

"The new 'public charge' rule creates fear, confusion, and distress for our immigrant communities," said NYC Corporation Counsel Zachary Carter. "The new rule broadens the definition of a public charge, increasing the number of non-citizens who may be found inadmissible, denied a green card, or denied a visa on public charge grounds. As a result of this new rule, families may forego benefits and services to which they are legally entitled because they fear that accepting those benefits or services may jeopardize their ability or the ability of family members to stay in the United States. In this lawsuit, the City will challenge the new rule on the grounds that it violates the federal Administrative Procedure Act and the Constitution. The City will defend immigrant New Yorkers from this unlawful expansion of the public charge rule."

This case is being handled by Senior Trial Counsel Elena Goldstein, Civil Enforcement Section Chief of the Labor Bureau Ming-Qi Chu, and Assistant Attorneys General Abigail Rosner, Amanda Meyer, and Ajay Saini, under the supervision of Chief Counsel for Federal Initiatives Matthew Colangelo.



Governor Cuomo and Attorney General James Announces Lawsuit Against EPA over Hudson River Cleanup

Governor Andrew M. Cuomo and Attorney General Letitia James announced this week that they have filed a [lawsuit](#) against the United States Environmental Protection Agency for the “Certificate of Completion” it issued to the General Electric Company for its removal of polychlorinated biphenyls from the Hudson River. The EPA issued its Certificate of Completion on April 11, 2019 to General Electric.

Governor Cuomo and Attorney General James argue that the issued Certificate is in violation of federal law due to the EPA’s own conclusion in its Five-Year Review that the cleanup was not adequately protective of human health and the environment. The EPA further concluded that the Agency does not have sufficient information to make such a determination.

"The Hudson River is among New York's most precious natural and economic resources, but despite years of dredging, levels of PCB contamination are still unacceptably high in the river and in fish" said Governor Cuomo. "We have an obligation to protect the health and vitality of both the Hudson River and the communities along its banks for current and future generations. Since the EPA has failed to hold GE accountable for restoring the river, New York is taking action to demand a full and complete remediation."

"We will not allow the EPA to let big polluters like General Electric off the hook without a fight," Attorney General James said. "The facts are clear: Hudson River fish remain much too contaminated with PCBs to safely eat, and EPA admits they don't know when - or if - they ever will be. EPA can't ignore these facts - or the law - and simply pronounce GE's cleanup of PCBs complete. That is why we filed this lawsuit to force EPA to follow the law and require GE to truly complete its PCB cleanup and finally return the full use of the Hudson River to the people of New York."

The Hudson River PCB Superfund site encompasses a nearly 200-mile stretch of the Hudson River from Hudson Falls, New York, downstream to the Battery in New York City. The site is divided into two major areas: the Upper Hudson River, which runs from Hudson Falls downstream to the Federal Dam at Troy (a distance of approximately 40 miles); and the Lower Hudson River, which runs from the Federal Dam at Troy 140 miles downstream to the southern tip of Manhattan at the Battery in New York City.

In February 2002, the EPA finalized a Record of Decision (ROD) for the Upper Hudson River Superfund site to address the contaminated river sediments. The EPA's 2002 ROD selected sediment dredging of highly-contaminated areas to address PCB contamination in the Upper River. GE implemented targeted dredging of approximately 2.65 million cubic yards of PCB-contaminated

sediment pursuant to the terms of a 2006 Consent Decree, under EPA oversight. This dredging began in spring 2009 and was completed in fall 2015.

Recent data reveals PCB concentrations in Hudson River fish remain high - three times higher than the ROD's objective - and, in fact, have remained largely unchanged in the three years since dredging ceased. Studies by the New York State Department of Health and the public interest groups Scenic Hudson and Sierra Club found that many people are eating fish caught from the PCB-contaminated portion of the Hudson River.

The remedial dredging left far more PCBs in river sediments than had been projected in the ROD, and the EPA's evaluation shows the cleanup left behind roughly 13 tons more PCBs in the Upper River than the ROD anticipated. Approximately 54 tons of PCBs remain in the Upper River.



Chapters of the Laws of 2019

Chapter 170 – Sponsored by M of A Goodell / Senator O’Mara -- Designates state route 394 in the village of Lakewood, county of Chautauqua, as the "Lance Corporal Aaron M. Swanson Memorial Highway"

Chapter 171 – Sponsored by M of A Cusick / Senator Stavisky -- Relates to publishers or manufacturers providing printed instructional materials for college students with disabilities

Chapter 172 – Sponsored by Senator Little / M of A Jones -- Designates a portion of the state highway system as the "Steve Godlewski Memorial Bridge"

Chapter 173 – Sponsored by Senator Mayer / M of A Buchwald -- Designates portion of the state highway system as "NYPD Det. TSgt. Joseph G. Lemm Memorial Bridge"

Chapter 174 – Sponsored by Senator May / M of A Magnarelli -- Relates to the sale of alcoholic beverages for consumption at the New York state fair; repealer

Chapter 175 – Sponsored by Senator Hoylman / M of A Gottfried -- Prohibits vessels from operating, anchoring or mooring in the navigable waters of the state while operating a digital billboard board

Chapter 176 – Sponsored by Senator Persaud / M of A Weinstein -- Defines "victim of domestic violence"; prohibits employers from discriminating against victims of domestic violence.

In the News – City



City Council Introduces Healthcare Access Legislation

New York City Council Speaker Corey Johnson, Health Committee Chair Mark Levine, and Hospitals Committee Chair Carlina Rivera introduced legislation to create a citywide health access program that would greatly increase access to care in the five boroughs and connect all participants to coordinated, personalized care in their communities.

The bill would require the City to develop and administer a program that would offer individuals a medical home – a model of providing care where participants have a primary care physician and/or practitioner to develop, direct, and coordinate their treatment, testing, and service – and assign each participant a patient navigator to serve as a personal medical concierge. The concierge will assist with coordinating primary and specialty care, accessing medication, and understanding/minimizing costs. This program would benefit individuals without health insurance, including undocumented New Yorkers, who want care in their communities and are looking for “culturally competent care” as well as insured individuals seeking coordinated care or just need help navigating the healthcare system in the City. “Culturally competent care” includes serving the linguistic needs of patients through clinicians or interpreters and provides a diverse workforce representative of patients that is responsive to predominant social and cultural practices.

If enacted, this legislation would provide for medical homes that would be available in every community district in the City. Medical homes would include NYC Health + Hospital facilities, as well as federally qualified health centers (FQHCs), and other not-for-profit and private medical service providers. A hospital partner providing specialty care would be guaranteed in every borough. The City would be required to select providers that provide care that meets the primary cultural and language needs of those they serve, as well the needs of special populations, including the LGBT community. The health access program would also provide telemedicine and require providers to assist in sharing medical records. Program participants would not pay any participation fees, but may be required to pay for services on a sliding scale based on their ability to pay for provided medical services.

Hundreds of thousands of New Yorkers, from undocumented immigrants to the under- or uninsured, feel they are forced to use the emergency room if they have any sort of medical condition. The consequences to their health and for the City’s overall public health system are dire. The legislation attempts to guarantee that primary care is an option for every New Yorker in every neighborhood, at a public hospital or at a community-based clinic.



New Yorkers Applying for Affordable Apartments Can Avoid Credit Checks

The Department of Housing Preservation and Development and the Housing Development Corporation this week announced major changes to HPD's affordable housing lottery application in an attempt to further increase access for a wide range of New Yorkers to qualify for affordable housing. The expanded guidelines will have an immediate impact for New Yorkers, offering the option to show positive rental history instead of submitting to credit checks, or provide their own credit checks, and allowing for additional occupants per unit.

The new policies are meant to reduce the chances of a tenant being denied a unit due to poor credit history, with the introduction of the option for applicants to provide 12 months of positive rent payment history rather than a landlord-initiated credit check. This change also will also allow applicants to apply for affordable housing without the need to provide a Social Security Number or an Individual Taxpayer Identification Number for every adult in the household. The policy updates also lower credit check fees to sync with the new State rent laws, which limit credit check fees to \$20 per application, and lets applicants avoid fees altogether by providing a recent credit check to the landlord.

The City has also broadened the range of unit sizes for which households can qualify, by increasing the permitted number of occupants per unit, and removing the assumption that married or similarly committed couples share a bedroom.

To better equip some of the lowest income applicants in their housing search, HPD is also refining its outreach efforts to better educate applicants with rental assistance vouchers about source of income discrimination. The agency clarified language in the notices applicants with vouchers receive during the lottery process, and collaborated with the City Commission on Human Rights to give HPD's Housing Ambassadors clear guidelines to deal with allegations of landlords discriminating against tenants based on their source of income.

These policy updates reflect the De Blasio administration's fair housing efforts, and support the "Where We Live NYC" initiative, a comprehensive planning process to study, understand, and address patterns of residential segregation and how these patterns impact New Yorkers.

Briefs

Governor Signs Legislation Strengthening Protections for Minors Against Felony Sex Offenders

Governor Andrew M. Cuomo signed legislation (S.2836C/A.4784C) that will prevent minors from being placed in the custody of any individual who has been convicted of certain felony sex offenses. The new law prohibits courts from placing children in the care of individuals convicted of rape in the first or second degree, sexual conduct against a child in the first degree or predatory sexual assault against a child. The legislation was sponsored by State Senator Diane Savino (D-Staten Island/Brooklyn) and Assembly Member Charles Fall (D-Staten Island).

"No child should have to endure the trauma of sexual abuse and it is critical that children going into the custody of another individual are safe," Governor Cuomo said. "This new law is common sense: it mandates that minors not be placed in the custody of or have unsupervised visits with anyone who committed a felony sex offense against them and ensuring the future wellbeing of these vulnerable children."

Senator Savino said, "The effects that abuse can have on a child over their course are wide-ranging, from depression to alcohol and drug abuse to withdrawal and suicide attempts. It is our duty to ensure that they are protected when it comes to custody and visitation rulings. Those convicted of sex offenses should have to prove that they are suited to have custody or unsupervised visits, not the other way around. I thank Gov. Cuomo for signing this bill into law and to seeing the improvements it ultimately makes in our family court system."

I want to thank Governor Andrew Cuomo for signing my first piece of legislation I introduced as the representative of the 61st Assembly District" Said Assembly Member Fall said. "I also want to thank Senator Diane Savino for taking the lead on this important bill in the New York State Senate. The underlying intent of Marie's Law is to protect and prevent victims of sexual abuse who are related to each other who may come into contact and be revictimized with that registered offender."

Governor Signs Legislation Expanding Employment Nondiscrimination Protections for Victims of Domestic Violence.

Governor Andrew M. Cuomo signed legislation (A.5618/S.1040) to increase employment nondiscrimination protections for victims of domestic violence. The bill, sponsored by State Senator Roxanne Persaud (D-Brooklyn) and Assembly Member Helene Weinstein (D-Brooklyn), will change the Human Rights Law to include victims of domestic violence as a protected class.

This new law lists the reasons an employer would need to allow a victim time off. These would including medical attention, victim services including for domestic violence or rape crisis, counseling, safety planning or relocation, and seeking legal services or cooperating with prosecution or appearing in

court. The victim must be allowed to charge time if they have it available. The new law also expands the definition of victims of domestic violence.

"Victims of domestic violence are forced to deal with far-reaching, lasting ramifications that can understandably interfere with their work schedules," Governor Cuomo said. "By signing this measure into law we are strengthening our nation-leading domestic violence protection laws and ensuring survivors never have to fear losing their job as they deal with the aftermath of these unthinkable traumas."

This legislation, which will expand assistance to allow those victims who are employed to take the necessary time off to heal from trauma that no one should ever have to go through; and protect them from unnecessary discrimination in the workplace" said Senator Persaud.

Each year, an estimated 400,000 domestic violence incidents are reported to law enforcement in New York, and approximately 300,000 calls are received by hotlines throughout the State. Over 300,000 orders of protection were issued by New York Courts in 2013 alone.

Comptroller Stringer and Senator Biaggi Seek Bronx Bus Network Redesign

Earlier this week, New York City Comptroller Scott M. Stringer and State Senator Alessandra Biaggi (D-Bronx/Westchester) sent a [letter](#) to New York City Transit President Andy Byford. The letter advocates for a new redesign of the Bronx Bus Network. On average, 450,000 people ride the MTA Bronx buses.

Comptroller Stringer and Senator Biaggi also released demographic data on bus riders across the City's boroughs. The Bronx had the largest share of female riders (69%) and ethnic minority (95%) riders. Bronx bus riders were further the poorest by median income at \$20,200 per year. The Bronx also were the second highest percent of foreign born riders (after only Queens) with 59%.

"We simply cannot allow New York City's buses to continue to crawl at the slowest speeds in the nation. For generations, we've failed bus riders and it's a snapshot of who has been prioritized in this city and who hasn't," said New York City Comptroller Stringer. "With the Bronx Bus Network Redesign, we have an opportunity to deliver the frequent, reliable and fast service New Yorkers deserve, but we need to get this right. This isn't just about faster commutes, it's about fairness and a thriving five borough economy. Bronx bus passengers are overwhelmingly working class people of color – and they deserve high quality transit. That's why we're calling for the MTA and DOT to do right by Bronx bus riders, and spare no expense in delivering reliable bus service that keeps New Yorkers moving."

"Bronx residents have been shortchanged by our bus system for years. Riders, who are overwhelmingly working-class, continue to face unreliable, infrequent service and slow speeds once they board" said State Senator Biaggi. "The Bronx Bus Redesign is a critical opportunity to bring the reliable and comprehensive bus service our borough deserves, but it will only succeed if the Metropolitan Transportation Authority and the Department of Transportation fully invest in the project. Because our state government retains so much control over the MTA, both the city and state must provide the necessary attention and resources to build a more fair and just transportation system for Bronxites,"

State Holds Online Survey for New License Plate Design

Governor Andrew M. Cuomo announced this week that New York State will be holding an online survey for selecting the new design of the State's official license plate. Voting is open [online](#) now until September 2nd at the Governor's website.

These new plates will be replacing the blue and white "Empire Plates" that were first issued in 2001. These new plates will be issued when customers go to renew their vehicle registrations and will cost \$25. Cars with the 2010 yellow-heavy "Empire Gold" plates will not be required to replace their license plate. The new plates will begin being issued in April 2020.

There are five separate plate design options to choose from. All five plates will have navy blue letters and numbers as well as "New York" in navy blue across the top. Designs 1, 2 and 4 prominently feature the Statue of Liberty on a white plate and utilize navy blue and yellow as supporting colors. Design 3 features the new bridge at Tappan Zee in various shades of blue. Design 5 features a white plate with a navy blue and light blue rendering of Niagara Falls, the Adirondack Mountains and the Lower Manhattan skyline.

172nd Annual New York State Fair Opens

The 172nd Great New York State Fair [opened](#) this week in Syracuse. It will run until Labor Day, September 2nd.

Governor Andrew M. Cuomo [announced](#) a number of "GreenFair" initiatives for the State Fair at the ribbon cutting ceremony. These initiatives include making the State Fair energy-independent by 2023, increasing recycling at the fair and ending the use of some plastic items. The energy-independent initiative will involve the installation of solar panels and construction of wind turbines.

It was further announced that anyone who uses Amtrak to arrive at the Fair will be admitted free of charge when showing their Amtrak ticket. The Fair has its own Amtrak station appropriately named "New York State Fair, NY (NYF)".

Coming Up

New York State

Tuesday September 3rd

Electric Power System Reliably

Joint Senate Standing Committee on Energy and Telecommunications, Committee on Corporations, Authorities and Commissions, and Joint Assembly Standing Committee on Energy and Committee on Corporations, Authorities and Commissions

Assembly Hearing Room, 250 Broadway, Room 1923, Floor 19, New York, 10 a.m.

New York City

The City Council has no scheduled meetings

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