



# This Week in New York

**Covering New York State and City Government**

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*July 3, 2019 Edition*



## *In the News – State*



### **Chapters of the Laws of 2019**

**Chapter 43 – Sponsored by M of A Pretlow/Senator Mayer** -- Relates to revising the period of authorization for the county of Westchester's additional one percent rate of sales and compensating use tax and the expiration of the Westchester county spending limitation act, such 1% increase shall expire on November 30, 2020.

**Chapter 44 – Sponsored by Senator Mayer/M of A Pretlow** -- Authorizes the county of Westchester to impose an additional rate of sales and compensating use tax; extends the Westchester county spending limitation act.

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**Chapter 45 – Sponsored by Senator Hoylman/M of A O'Donnell** -- Provides that it shall not be an affirmative defense for murder that the defendant's conduct resulted substantially from the discovery, knowledge or disclosure of the victim's sexual orientation, sex, gender, gender identity, gender expression or sex assigned at birth.



## Bills Delivered to the Governor



**A202 (Sponsored by M of A Cahill / Senator Metzger)** -- Authorizes the board of elections to provide special ballots to board of election employees anytime up to the close of polls on election day.

**A4081 (Sponsored by M of A D'Urso / Senator Myrie)** -- Changes the date for filing the certificate of nomination for new parties to the first of September preceding the general election.

**A4745A (Sponsored by M of A Dinowitz / Senator Hoylman)** -- Extends the authorization for the New York city marshals to exercise the same functions, powers and duties as sheriffs with respect to the execution of money judgments.

**A4959 (Sponsored by M of A Cusick / Senator Lanza)** -- Extends the moratorium on the issuance of certificates of environmental safety for the siting of facilities and certification of routes for the transportation of liquefied natural or petroleum gas.

**A6358 (Sponsored by M of A Cruz / Senator Salazar)** -- Extends provisions of law amending the education law relating to directing the commissioner of education to promulgate regulations limiting the engines of school vehicles to remain idling while parked or standing on school grounds.

**A6665 (Sponsored by M of A Otis / Senator Martinez)** -- Extends a provision of law regarding the disposal of surplus computer equipment by political subdivisions.

**A6694 (Sponsored by M of A Pretlow / Senator Stewart-Cousins)** -- Extends the expiration date of the personal income tax surcharge imposed by the city of Yonkers.

**A7123 (Sponsored by M of A Jacobson / Senator Myrie)** -- Relates to instituting additional ballot accountability practices.

**A7557 (Sponsored by M of A D'Urso / Senator Kaplan)** -- Extends the effectiveness of the "Cleaner, Greener NY Act of 2013".

**A7606 (Sponsored by M of A Lavine / Senator Kavanagh)** -- Relates to the form of primary ballots; removes color requirement.

**S3985B (Sponsored by Senator Stavisky / M of A Braunstein)** -- Increases the average assessed value threshold; relates to the eligibility of J-51 tax abatements to reflect cost of living adjustments.

**S4197B (Sponsored by Senator Jackson / M of A Weinstein)** -- Relates to the sale of bonds and notes of the city of New York, the issuance of bonds or notes with variable rates of interest, interest rate exchange agreements of the city of New York, the refunding of bonds, and the down payment for projects financed by bonds; amends the New York state financial emergency act for the city of New York; makes further amendments relating to the effectiveness thereof.

**S4488A (Sponsored by Senator Gounardes / M of A Abbate)** -- Relates to the rate of interest used in the actuarial valuation of liabilities for the purpose of calculating contributions to the New York city employees' retirement system, the New York city teachers' retirement system, the police pension fund, the fire department pension fund and the board of education retirement system of such city by public employers and other obligors required to make employer contributions to such retirement systems, the crediting of special interest and additional interest to members of such retirement systems, and the allowance of supplementary interest on the funds of such retirement systems.

**S5554B (Sponsored by Senator Liu / M of A Rozic)** -- Relates to the green roof tax abatement; authorizes a tax abatement for any tax year commencing on or after July 1, 2019 and ending on or before June 30, 2024, which shall be fifteen dollars per square foot of a green roof; provides that the amount of such tax abatement shall not exceed \$200,000.

**S6148 (Sponsored by Senator Addabbo / M of A Pheffer Amato)** -- Extends provisions reinstating prior approved work permits and waiving requirements as such provisions relate to rebuilding and repairing homes devastated by Hurricane Sandy in the city of New York.

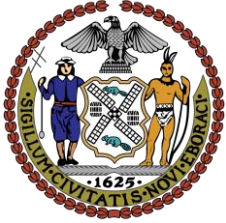
**S6318 (Sponsored by Senator Rivera / M of A Buttenschon)** -- Extends certain provisions providing enhanced consumer and provider protections under contracts with managed care organizations.

**S6319 (Sponsored by Senator Liu / M of A Benedetto)** -- Extends certain provisions relating to the New York city school construction authority to 2024.

**S6476 (Sponsored by Senator Benjamin / M of A Quart)** -- Extends the effectiveness of the estate tax treatment of dispositions to surviving spouses who are not United States citizens to July 1, 2022.

**S6497A (Sponsored by Senator / M of A Kavanagh Quart)** -- Relates to extending certain provisions relating to a partial tax abatement for residential real property held in the cooperative or condominium form of ownership in a city having a population of one million or more.

## *In the News – City*



### **City Council Releases Report on Business Integrity Commission**



The City Council Committee on Oversight and Investigation has released a much-anticipated report on the Business Integrity Commission (BIC). Copies of the 46-page report were handed out at the Council's Committee on Sanitation and Solid Waste meeting on Thursday, June 27<sup>th</sup>, according to published reports. The BIC is charged with regulating the private waste industry.

The investigation was launched in reaction to the BIC's handling of Sanitation Salvage, a private waste company that continued to operate after a company driver struck and killed an off-the-books worker with his truck.

The BIC was formed in 1996. Its mission, according to its website, "is to eliminate organized crime and other forms of corruption and criminality from the public wholesale markets, the trade waste and shipboard gambling industries. BIC's goals are numerous: to ensure that the regulated businesses are able to compete fairly; that the marketplaces remain free from violence, fraud, rackets and threats; that the customers receive fair treatment; and that the businesses which are allowed to operate in these industries conduct their affairs with honesty and integrity."

According to published reports, the report criticized BIC's handling of labor violations, stating the BIC "only sporadically exercised its rulemaking and enforcement authority to hold commercial carters accountable for the unsafe driving practices of their employees." It asserts that the BIC's limited review of property records has allowed bad actors to continue working with the industry, and that the agency has "rarely exercised" its ability to impose civil penalties on carters.

Councilmember Ritchie Torres, chair of the Oversight Committee, said that the "central finding" of the investigation was that "there was something incomplete" about the BIC's regulation of "both organized crime and health and safety within the industry."

The reports included the following recommendations:

- Passage of Intro 1575 that would require the BIC to impose specific civil financial penalties for certain offenses.
- Passage of Intro 1611 that would expand BIC's regulatory authority to review applications and renewals for waste transfer stations.
- "Careful review" of property records to ensure carters are not operating on land owned by individuals banned from working in the commercial waste industry.

# *Briefs*

## **Attorney General James Announces \$5.8 Million Multistate Settlement With Lexisnexis**

### ***LexisNexis Resold State Crash Reports Without Paying NYS Agencies***

Attorney General Letitia James this week announced a multistate settlement with LexisNexis Risk Solutions and several of its affiliates (LexisNexis) for defrauding state law enforcement agencies. The Attorney General asserted that LexisNexis deliberately failed to pay those agencies agreed-upon fees for the resale of car crash reports. New York's share of the settlement is approximately \$1.7 million, or 30 percent of the total \$5.8 million multistate settlement.

Law enforcement agencies generate reports of automobile crashes, which are purchased by individuals and by insurance companies for use in claim adjustment. Companies, like LexisNexis, enter into agreements with agencies to obtain crash reports and resell them to customers, agreeing to pay a fee to those agencies every time a report is sold.

LexisNexis defrauded law enforcement agencies in New York and other states by paying law enforcement agencies for only the first crash report sold, and not for each subsequent report resold, as their contracts required. As part of the settlement, LexisNexis will pay the fees it previously evaded and will discontinue its fraudulent resale practices.

## **DFS to Investigate Claims That Advertisers Use Facebook Platform to Engage in Discrimination**

Governor Andrew Cuomo this week called on the Department of Financial Services (DFS) to investigate reports that state-regulated advertisers are using Facebook, Inc.'s advertising platform to discriminate against protected classes.

According to reports, Facebook's advertising platform allows advertisers to modify or block ads using ZIP code information to exclude consumers based on race, color, national origin, religion, familial status, sex and disability, among other classifications. Facebook describes its advertising platform as a means for housing and housing-related advertisers to reach desired consumers. In addition to the specific tools made available to advertisers, Facebook also allegedly uses machine learning and predictive analytics to categorize users to project each user's likely response to a given ad, which may recreate groupings defined by their protected class.

## **Comptroller Stringer Audit Finds NYC Parks Sidewalk Inspections and Repairs Move at “Snail’s Pace”**

***Homeowners waited 101 days on average for an inspection; 419 days for a repair***

New York City Comptroller Scott Stringer this week released an audit of the New York City Department of Parks and Recreation (NYC Parks) which found that homeowners waited on average 101 days after submitting a service request to have their tree-damaged sidewalks inspected – 71 days longer than NYC Parks’ 30-day response target. Comptroller Stringer’s audit also found that NYC Parks’ average time from inspection to repair of tree-damaged sidewalks during Fiscal Year 2017 was 419 days, with one repair taking over a decade to complete.

The audit notes that unrepaired sidewalks could present tripping hazards and a potential liability for the City. For example, during Fiscal Year 2017, the City settled six claims totaling \$1.3 million with individuals who reported being injured as a result of sidewalk defects caused by the roots of City trees.

## **Westchester County Enacts Safe Time Leave Law**

County Executive George Latimer signed legislation requiring all Westchester private employers with five or more employees to provide up to 40 hours of paid leave for victims of domestic violence and human trafficking. The law goes into effect in October and applies to full-time and part-time employees who are employed in Westchester County for more than 90 days in a calendar year.

The Safe Time Leave Law allows eligible employees who are victims of domestic violence or human trafficking to use up to 40 hours of paid safe time in a calendar year to “attend/testify in criminal and/or civil court proceedings...or move to a safe location.”

## **SALT Cap Repeal to Benefit Rich**

Repealing the \$10,000 cap on state and local tax deductions would primarily benefit the rich, according to a new analysis by the Joint Committee on Taxation.

The Committee found that \$77 billion that would be saved by 13 million taxpayers by repealing the cap in 2019. The savings would be distributed as follows:

- \$40 billion to individuals earning more than \$1 million;
- \$14 billion to individuals earning between \$500,000 and \$1 million;
- \$18 billion to individuals earning between \$200,000 and \$500,000;
- \$ 4 billion to individuals earning between \$100,000 and \$200,000; and
- \$400,000 to individuals earning less than \$100,000.

# Coming Up

## New York State

**Monday, July 15<sup>th</sup>**

**NYS Joint Commission on Public Ethics (JCOPE) Filing Deadline for Lobbyist Bimonthly Reports.**

**Wednesday, July 31<sup>st</sup>**

**NYS Joint Commission on Public Ethics (JCOPE) Filing Deadline for Client Semi Annual Reports.** Due to a delay in the availability of new forms required by the State Lobbying Act, JCOPE has extended the deadline for client filers to July 31<sup>st</sup>. Forms will be available beginning July 8<sup>th</sup>.

## New York City

**Wednesday July 10<sup>th</sup>**

**Committee on Housing and Buildings**, Council Chambers – City Hall, 1 p.m.

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

**Monday, July 15<sup>th</sup>**

**Clerk of the City of New York Filing Deadline for Lobbyist Bimonthly Reports.**

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