



# This Week in New York

**Covering New York State and City Government**

*A Publication of Pitta Bishop & Del Giorno LLC*

*July 12, 2019 Edition*



## *In the News – State*



### **Governor Cuomo Signs Pay Equity Legislation to Close the Gender Wage Gap**

Governor Cuomo this week signed legislation that expands equal pay laws to prohibit unequal pay on the basis of a protected class for all substantially similar work (Chapter 93) and forbids employers from asking prospective employees about their salary history (Chapter 94).

The Governor signed the measures, key components of his 2019 Women's Justice Agenda, at the ticker-tape parade celebrating the world champion U.S. Women's Soccer Team.

"There is no rationale why women should not get paid what men get paid. These are women's soccer players, they play the same game as the men's soccer players, and they play it better - so if there is any economic rationale, the men should get paid less than the women," Governor Cuomo said. "New York will continue to lead the way forward and stand in solidarity with women and girls in every corner of this state. By signing this legislation, we are not only doing the right thing, we are also doing the moral thing and equal pay for equal work is now the law in the State of New York."

The legislation prohibits all employers, public and private, who do business in New York State, from asking prospective employees about their salary history and compensation and expands the definition of "equal pay for equal work." These measures build on two executive orders signed by the Governor last year to eliminate the wage gap by prohibiting state entities from evaluating candidates based on wage history and requiring state contractors to disclose data on the gender, race, and ethnicity of employees statewide.

In 2017, the Governor directed the Department of Labor to issue a report on the gender pay gap in New York. After holding pay equity hearings across the state, the Department of Labor released its report last Spring.

The pay equity legislation was sponsored by Senator Alessandra Biaggi (D Bronx) and Assemblymember Karen McMahan (D Williamsville). The salary disclosure bill was sponsored by Senator David Carlucci (D Rockland) and Assemblymember Marcus Crespo (D Bronx).



## Chapters of the Laws of 2019

**Chapter 46 (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.

**Chapter 47 (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.

**Chapter 48 (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.

**Chapter 49 (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.

**Chapter 60 (Sponsored by M of A Otis / Senator Martinez)** -- Extends a provision of law regarding the disposal of surplus computer equipment by political subdivisions.

**Chapter 62 (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.

**Chapter 63 (Sponsored by M of A Jacobson / Senator Myrie)** -- Relates to instituting additional ballot accountability practices.

**Chapter 65 (Sponsored by M of A D'Urso / Senator Kaplan)** -- Extends the effectiveness of the "Cleaner, Greener NY Act of 2013".

**Chapter 66 (Sponsored by M of A Lavine / Senator Kavanagh)** -- Relates to the form of primary ballots; removes color requirement.

**Chapter 72 (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.

**Chapter 75 (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.

**Chapter 76 (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.

**Chapter 79 (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.

**Chapter 80 (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.

**Chapter 85 (Sponsored by Senator Rivera / M of A Buttenschon)** -- Extends certain provisions providing enhanced consumer and provider protections under contracts with managed care organizations.

**Chapter 86 (Sponsored by Senator Liu / M of A Benedetto)** -- Extends certain provisions relating to the New York city school construction authority to 2024.

**Chapter 89 (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.

**Chapter 90 (Sponsored by Senator Hoylman/ 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.

**Chapter 91 – (Sponsored by Senator Hoylman/M of A Buchwald)** - Requires the commissioner of taxation and finance to cooperate with investigations by certain committees of the United States Congress under certain circumstances.

**Chapter 93 (Sponsored by Senator Biaggi/M of A McMahon)** - Prohibits wage differentials based on protected class status.

**Chapter 94 (Sponsored by Senator Carlucci/M of A Crespo)** - Prohibits employers from seeking salary history from applicants.



## Bills Delivered to the Governor



**S6209-A (Sponsored by Senator Bailey/M of A Wright)** - Prohibits race discrimination based on natural hair or hairstyles; defines "race" for certain specific purposes to include, but not be limited to, ancestry, color, ethnic group identification, and ethnic background, and to include traits historically associated with race, including but not limited to, hair texture and protective hairstyles; and defines "protective hairstyles" to include, but not be limited to, such hairstyles as braids, locks, and twists.



## Governor Cuomo & Legislative Leaders Tap Committee on Public Campaign Financing

Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart Cousins, Assembly Speaker Carl Heastie, Senate Minority Leader John Flanagan, and Assembly Minority Leader Brian Kolb have appointed the members of the Public Campaign Financing Commission which has been charged with defining New York's election financing system.

Established as part of the FY 2020 Enacted Budget, the Commission will have the binding power to implement public campaign financing for legislative and statewide offices, authorizing up to \$100 million annually in public funds. The commission will determine specific aspects of the public financing system, including eligibility thresholds, public financing limits and contribution limits for participating candidates. Its findings are due in a report by December 1, 2019 and will be binding unless modified by law within 20 days.

The commission is composed of 10 members: two appointed by Governor Cuomo; two appointed by Senate Majority Leader Andrea Stewart-Cousins; two appointed by Assembly Speaker Carl Heastie; one at large seat jointly selected by the Governor, the Assembly Speaker and the Majority Leader; and one appointee each for the two minority leaders.

### **Governor Cuomo's Appointments:**

**Mylan Denerstein**, a litigation partner in the New York office of Gibson, Dunn & Crutcher, and Co-Chair of Gibson Dunn's Public Policy Practice Group. Ms. Denerstein previously served as Counsel to the Governor (2011 to 2014); Executive Deputy Attorney General for Social Justice; Deputy Commissioner for Legal Affairs for the New York City Fire Department; and as a federal prosecutor in the U.S. Attorney's Office for the Southern District of New York.

**Jay Jacobs**, current Chairman of the State Democratic Party and former Chairman of the Nassau County Democratic Party. He is also an at large member of the Democratic National Committee.

***Senate Majority Leader Andrea Stewart-Cousins' Appointment:***

**DeNora Getachew**, New York City Executive Director of Generation Citizen. Ms. Getachew was previously Campaign Manager and Legislative Counsel for the Brennan Center's Democracy Program and Policy Director for the Public Advocate's Office.

**John Nonna**, County Attorney for Westchester county and co-founder of the Democratic Lawyers Council. Mr. Nonna previously served as a Westchester County Legislator and as Mayor of Pleasantville.

***Assembly Speaker Carl Heastie Appointment:***

**Rosanna Vargas**, currently serving as associate law clerk to a NYC Civil Court Judge in Bronx County criminal court. Prior to that, Ms. Vargas served as the Bronx Democratic Commissioner and as the President of the Board of Commissioners for the Board of Elections of the City of New York.

**Crystal Rodriguez**, current chief of staff to Buffalo State College President Katherine S. Conway-Turner. Previously, Ms. Rodriguez was the chief diversity officer for the City of Buffalo, a law clerk in the New York State Unified Court System, and an adjunct professor at SUNY Buffalo.

***At large seat jointly selected by the Governor, the Assembly Speaker and the Majority Leader:***

**Henry Berger**, an election law attorney and a former Special Counsel for the City of New York.

***Senate Minority Leader John Flanagan Appointment:***

**David Previte**, principal attorney at Hinman Straub, PC and former Chief Counsel to the New York State Senate Majority.

***Assembly Minority Leader Brian Kolb Appointment:***

**Kimberly Galvin**, Co-Counsel and Co-Director of the State Board of Elections' Campaign Finance Compliance Unit. Ms. Galvin previously served as Chief of Staff and Counsel to the Republican Leader in the New York State Assembly.

## *In the News – City*



**Long Island  
Rail Road**

## **Belmont Redevelopment Gets LIRR Station in Elmont**

The \$1.26 billion Belmont Park Redevelopment Project got a lift this week as State officials announced that a new fulltime Long Island Rail Road (LIRR) station will be built in Elmont, mitigating traffic concerns around the new arena, hotel, and retail village.

According to Governor Andrew Cuomo, the new train station will be located between the Queens Village and Bellerose stations on the LIRR's Main Line, just east of the Cross Island Parkway. Electric shuttle buses will also serve LIRR riders traveling to the grandstand and planned arena, hotel and retail village. In addition, the new full-time station will relieve pressure on the existing Belmont spur station during major events like the Belmont Stakes.

The new station will provide direct service to Belmont Park from both the east and west, as opposed to the LIRR spur, which can only provide westbound service. The station is expected to receive service approximately every half hour during peak times and hourly during off-peak periods. The parking lot north of the Belmont race track, which has 2,860 spaces, will be shared by commuters and arena patrons.

Constructing the new full-time station on the LIRR's Main Line and upgrading the existing spur is estimated to cost \$105 million. The arena developers will cover \$97 million - 92 percent of the total cost - and the State will invest \$8 million.

Governor Cuomo also released an analysis of the Belmont project's economic impact will generate nearly \$50 million in new public revenue per year and produce \$725 million in annual economic output.

The analysis prepared by BJH Advisors indicates the project will create approximately 10,000 construction jobs and 3,200 permanent jobs and generating annual employee earnings of roughly \$133 million.

One-time economic benefits related to the construction of the new arena, hotel, retail village and LIRR station include:

- \$2 billion in total economic output from construction.
- 6,900 direct construction jobs and 3,100 spillover construction jobs.
- \$707 million in total earnings from construction employment.

Annual economic and fiscal benefits starting in 2024 related to the operation of the arena, hotel and retail village include:

- \$725 million total annual economic output.
- 750 direct and indirect arena-related jobs and 2,450 direct and indirect jobs connected to the hotel, office, community space and retail village.
- \$44 million in new tax revenue to Nassau County, New York State, the Town of Hempstead and the MTA.
- A total of \$272 million in PILOT payments over the next 49 years, including:
  - \$154 million to the Elmont and Sewanhaka School Districts
  - \$103 million to Nassau County
  - \$15 million to the Elmont Fire District



# Briefs

## 87 Finally Gets an Exit 3

Governor Andrew Cuomo this week announced plans for a new Exit 3 on 87 that will provide direct access to Albany International Airport and alleviate traffic along the Northway, both northbound and southbound. The new exit, which had been talked about for 50 years, is a key aspect in the airport's \$104.6 million modernization which includes construction of a new parking garage and rehabilitation of the airport terminal.

Prior to completion of the Adirondack Northway, plans were made to add an Exit 3 to the Northway. In its current configuration, the Northway goes from Exit 2 to Exit 4, both northbound and southbound. The new exit will be part of the Northway-Albany Airport Connector project.

## Governor Cuomo Signs Legislation Directing Department of Taxation and Finance to Share State Income Tax Returns

Governor Cuomo this week signed two pieces of legislation (Chapter 91 and Chapter 92) which amend the law enforcement exception in the New York State tax code to include Congressional tax-related committees.

Specifically, the bills amend section 697 of the Tax Law (Personal Income Tax) to add a new subsection directing the Commissioner of the Department of Taxation and Finance to share state income tax returns and reports upon the written request of the Chairperson of the U.S. House Ways & Means Committee, the U.S. Senate Finance Committee, or the Joint Committee on Taxation. The Commissioner is required to redact any information that, if disclosed, would violate state or federal law or would constitute an unwarranted invasion of personal privacy (e.g. social security numbers, account numbers, and residential address information).

A request must be accompanied by certification that the tax returns or reports have been requested for a specified and legitimate legislative purpose, the requesting committee has made a written request to the U.S. Secretary of the Treasury for related federal returns or return information and that the returns will be treated by the requesting committee in a manner consistent with federal law authorizing the same committees to request and receive federal income tax returns from the U.S. Treasury.

The legislation was sponsored by Senator Brad Hoylman (D Manhattan) and Assemblyman David Buchwald (D Westchester).

## **NYC's Expanded Speed Camera Law Goes Into Effect**

New York City's expanded speed camera law went into effect this week with speed cameras operating year-round on weekdays between 6 a.m. and 10 p.m. within a ¼ mile radius of a school. Fines for speed-camera violations remain unchanged at \$50, issued to those who exceed posted speed limits by more than 10 MPH.

The new law expands the maximum number of school zones from 140 to 750. Over the next two years, DOT will be activating new school speed zones Citywide at a rate of about 40 per month through 2019, and 60 per month in 2020, expecting to reach each of the law's maximum 750 school zones by June, 2020 (zones are permitted to have multiple cameras).

Previously, cameras' hours were variable, and they could only operate during a given school's active hours. In addition, cameras were previously restricted to within no more than a ¼ mile of a school along an abutting street. According to DOT, this change to the law allows cameras to be installed near "hundreds more schools."

The notices of liability are issued by DOT via mail to the owner of the vehicle and are adjudicated at the New York City Department of Finance.

## **José Peralta New York State DREAM Act Application is Open for the 2019-20 Academic Year**

The State University of New York and the City University of New York this week announced that qualifying undocumented students educated in New York high schools can apply for state financial aid and scholarships for higher education, including the Tuition Assistance Program and the Excelsior Scholarship, under the José Peralta New York State DREAM Act.

The Higher Education Services Corporation is managing the application. Students seeking qualification for the DREAM Act may apply for New York State financial aid and scholarships [here](#).

## **PSC Approves Westchester County Information Campaign for Natural Gas Alternatives**

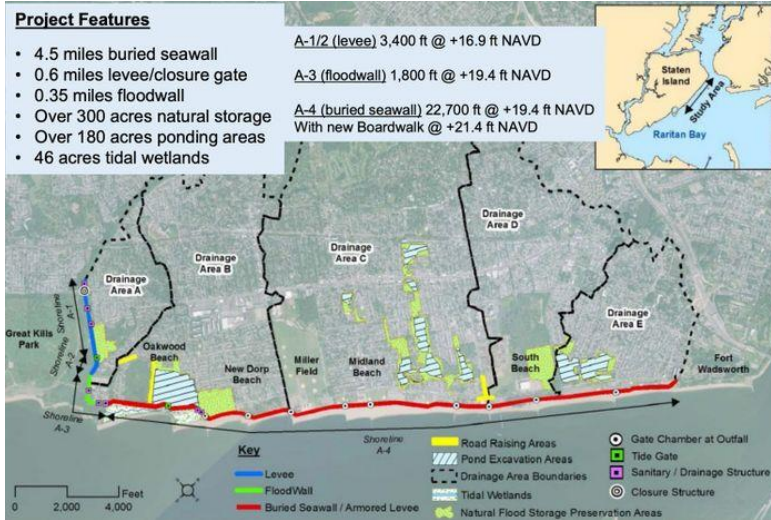
The Public Service Commission (PSC) this week approved a \$920,000 three-year public awareness campaign program for alternatives to natural gas heating in Westchester County, where Con Edison has imposed a moratorium on new firm service.

The awareness plan includes targeted marketing and workshops that will promote funding from New York State Energy Research and Development Authority (NYSERDA) for new and existing customers and Con Edison programs approved by the PSC for heat pumps and gas efficiency.



The commission approved \$165 million in Con Ed ratepayer funds as part of the utility's proposal to address the moratorium. The Information Campaign is expected to launch in mid-October.

## Staten Island Flood Zone Levee Moving Forward



Construction of the East Shore Seawall in Staten Island, stretching from Fort Wadsworth to Oakwood Beach, is moving forward with the transfer of \$215 million from the City and state to the U.S. Army Corps of Engineers. The plan calls for a 5.3 mile embankment that will include an elevated promenade with a boardwalk that provides access to Midland and South Beach.

First proposed in 2015, the Army Corps was unable to complete the design because the Department of the Interior said it was legally barred from giving the Army

Corps access to Miller Field, a federal park in the proposed seawall's path. US Congressman Max Rose (D-Staten Island/Brooklyn) and U.S. Senator Charles Schumer. Chuck Schumer (D-N.Y.) this session obtained the necessary Congressional approval.

Partially funded through the federal disaster relief bill that followed Superstorm Sandy, the \$614 million seawall will also reduce flood insurance premiums for homeowners in Oakwood, New Dorp, Dongan Hills, Arrochar, Midland and South Beach.

The Army Corps estimates completion in 2024.

## 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***

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

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

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

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

***Subcommittee on Landmarks, Public Siting and Maritime Uses, Committee Room – 250 Broadway, 16<sup>th</sup> Floor, 1 p.m.***

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

***Subcommittee on Zoning and Franchises, Committee Room – City Hall, 10:30 a.m.***

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

***Committee on Rules, Privileges and Elections, Committee Room – City Hall, 1 p.m.***

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