



This Week in New York

Covering New York State and City Government

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In the News – State



Governor Cuomo Announces the Child Victims Act's One-Year Look Back Window Is Open

Governor Andrew M. Cuomo this week announced that the landmark Child Victims Act has gone into effect. Individuals who experienced sex abuse as children are now able to bring a lawsuit against their abusers regardless of when the abuse occurred. Survivors whose claims had been formerly time-barred are now given a one-year window to bring a lawsuit. Governor Cuomo signed the bill (S.2440 / A.2683) this past February, accomplishing a key component of the Governor's Justice Agenda.

"Child sexual abuse is a real epidemic. It's been in the corners and in the shadows, but it is much more widespread than people want to admit," Governor Cuomo said. "The Child Victims Act says if you were sexually abused as a child, you have a right to justice and to make your case. Children have legal rights, and if you abuse a child, you're going to have your day in court and you're going to be called to answer for it."

"At a time when more Americans are receiving support and coming forward to tell their stories of survival, the Child Victims Act provides hope for those who have suffered for far too long," Lieutenant Governor Kathy Hochul said. "The Child Victims Act will help New Yorkers seek the justice they have been denied. The lookback window is an important opportunity for survivors across our state to seize the moment and hold abusers accountable."

The Child Victims Act provides necessary relief to child victims of sexual abuse by amending New York's antiquated laws to ensure that perpetrators are held accountable for their actions, regardless of when the crime occurred. This legislation:

- Increases the amount of time during which perpetrators of these crimes may be held criminally accountable;
- Allows victims of these crimes to commence a civil lawsuit at any time before they reach 55 years of age;
- Provides victims whose claims have been time-barred a new opportunity for their day in court by opening a one-year window for them to commence their action;
- Eliminates the need to file a notice of claim for sexual offenses committed against a minor;
- Requires judicial training with respect to crimes involving the sexual abuse of minors;

- Authorizes the Office of Court Administration to promulgate rules and regulations for the timely adjudication of revived actions.

"As the past week's events concerning Jeffrey Epstein have made tragically clear, survivors of child sexual abuse have for years been shut out of the justice system due to New York's formerly inadequate statute of limitations — and far too often, have been denied the opportunity to confront their abusers in court." Senator Brad Hoylman said. "We are finally telling survivors: the State of New York and the full force of its law is behind you, and you will not be turned away."

Assembly Member Linda B. Rosenthal said, "After enduring a lifetime of pain and long years of fighting against uncertain odds, survivors of child sexual abuse see the lookback window finally opened by the Child Victims Act today. The light of justice can shine on abusers who have hidden behind our weak laws for too long. And it will help survivors to find their voice and achieve some measure of healing. Adult survivors can file a civil suit today, tomorrow or not at all, but the CVA makes clear that the law of New York is on your side."



Over 128,000 New Yorkers Used Paid Family Leave in the First Year

Governor Andrew M. Cuomo announced this week that New York's Paid Family Leave was used by over 128,000 New Yorkers in 2018. Of the 8 million workers covered, over 2 million had no previous coverage or protection under the federal Family & Medical Leave Act. Compared to other states' first year of paid family leave, New York had the highest overall participation rate, highest percentage of men who used Paid Family Leave, and the highest percentage of workers who took Paid Family Leave to care for a family member with a serious health condition.

In New York, employees can use Paid Family Leave to bond with their new child, help relieve family pressures when a spouse, domestic partner, child or parent is called to active military service abroad, or care for a family member with a serious physical or mental health condition.

"New York enacted the nation's strongest paid family leave law so that no one has to choose between losing a job and missing the birth of a child or caring for a sick family member," Governor Cuomo said. "In the first year we are already seeing incredible results - tens of thousands of employees utilized this important benefit and millions more have access to job-protected, paid time off. This initial success demonstrates once again our commitment to not only enacting progressive policies, but also to achieving real long-term results."

"As a mother, I know how difficult it is trying to balance responsibilities at work and at home," said Lieutenant Governor Kathy Hochul. "No family should have to make the choice between earning a paycheck and caring for a child or ailing parent. That is why in New York, we have the most comprehensive Paid Family Leave program in the nation that serves as a model for other states to follow."

The expansive program is part of our ongoing efforts to ensure equal access and opportunity for all hard-working men and women."

A majority of the workers who took Paid Family Leave in the first year made less than \$60,000 a year and the group filing the most claims made less than \$40,000 a year. The benefits available are even more robust this year. Starting January 1, 2019, most working New Yorkers became eligible to take up to 10 weeks of job-protected, paid time off at 55 percent of their average weekly wage. This is up from the 2018 benefits of eight weeks at 50 percent of pay.

Additionally, Governor Cuomo signed legislation on February 3, 2019, to expand the Paid Family Leave Law's definition of "serious health condition" to explicitly include preparation for and recovery from surgery related to organ or tissue donation, ensuring those who donate can be cared for by their eligible family members under New York Paid Family Leave. Paid Family Leave benefits will continue rising until 2021, at which time employees will be eligible for up to 12 weeks of paid leave at 67 percent of their average weekly wage, capped at 67 percent of the Statewide Average Weekly Wage.



Chapters of the Laws of 2019

Chapter 149 – Sponsored by M of A Paulin / Senator Metzger -- Relates to the care of animals; requires regular diurnal light cycles of either natural or artificial light; requires separate space for pregnant or nursing dogs; requires a certain level of sanitation of primary enclosures and cages; requires sanitary food receptacles; requires grooming.

Chapter 150 – Sponsored by M of A Paulin / Senator Savino -- Relates to mailing special ballots to victims of domestic violence

Chapter 151 – Sponsored by M of A Weprin / Senator Kaplan -- Creates the crime of staging a motor vehicle accident

Chapter 152 – Sponsored by M of A Zebrowski / Senator Carlucci -- Relates to the reporting of domestic violence

Chapter 153 – Sponsored by Senator Lanza / M of A Weinstein -- Expands the crimes included in domestic violence to include identity theft, grand larceny and coercion, for purposes of assistance to victims thereof

Chapter 154 – Sponsored by M of A Weprin / Senator Liu -- Prohibits discrimination against religious attire

Chapter 155 – Sponsored by M of A Zebrowski / Senator Carlucci -- Extends the effectiveness of certain provisions of chapter 329 of the laws of 2009, relating to removing special powers granted to the society for the prevention of cruelty to children

Chapter 160 – Sponsored by M of A Simotas / Senator Biaggi -- Relates to increased protections for protected classes and special protections for employees who have been sexually harassed

Chapter 161 – Sponsored by Senator Biaggi / M of A Simotas -- Relates to increased protections for protected classes and special protections for employees who have been sexually harassed

Chapter 162 – Sponsored by M of A Rosenthal / Senator Serrano -- Requires the anchoring of furniture and electronics in child day care centers and certain other facilities

Chapter 163 – Sponsored by M of A Zebrowski / Senator Skoufis -- Enacts "Harper's Law" requiring tip restraint devices on certain furniture

Chapter 164 – Sponsored by M of A Nolan / Senator Gallivan -- Relates to child abuse in an educational setting

Chapter 165 – Sponsored by Senator Carlucci / M of A Paulin -- Relates to prohibiting the sale of crib bumper pads and the restriction of the use of such pads in certain settings

Chapter 166 – Sponsored by M of A Perry / Senator Parker -- Relates to the obligations of banks and financial institutions during the sale of a mortgage subject to an application for modification

Chapter 167 – Sponsored by M of A Weinstein / Senator Montgomery -- Provides for the regulation of distressed home loans

Chapter 168 – Sponsored by Senator Salazar / M of A Magnarelli -- Relates to inspecting, securing and maintaining vacant and abandoned residential real property

Chapter 169 – Sponsored by M of A Bichotte / Senator Persaud -- Relates to extending provisions relating to enforcement of support obligations through the suspension of driving privileges

In the News – City



Taxi & Limousine Commission

For-Hire Vehicle Cruising Cap Begins

Mayor Bill de Blasio this week took steps to put into effect a new set of Taxi and Limousine Commission regulations. These regulations will combat congestion in Manhattan by requiring high-volume for-hire vehicle app companies to more efficiently manage their fleets. The new rules were approved by the TLC on August 7, and Mayor de Blasio signed a finding of substantial need to expedite their publication in the City Record, as required by the City's Administrative Procedures Act (CAPA).

“For too long, the status quo has been gamed by companies who flood our streets, depress driver incomes and make it harder for the rest of us to get around,” said Mayor de Blasio. “Those days are over. The era of app companies’ exploitation of their drivers and our streets has come to an end. We will hold these companies accountable, and in doing so, we will reduce congestion and help drivers make ends meet.”

“These historic regulations show that just as app companies have used technology to bring consumers service in new ways, cities can challenge companies to use this same technology to combat congestion and climate change,” said Acting TLC Commissioner Bill Heizen. “Combined with TLC’s landmark driver income protections, which are providing 85,000 app drivers with an average \$500 extra per month, these rules confirm New York City’s support for workers is not just words, but actions.”

The regulations are the culmination of an intensive study by the TLC and the NYC Department of Transportation, which found that 30% of Manhattan Core traffic is for-hire services (FHVs), most of which work with apps like Uber and Lyft, and that these vehicles are cruising empty 41% of the time. The FHV fleet had tripled from under 40,000 vehicles in 2010 to over 120,000 vehicles in 2019, and greenhouse gas emissions from TLC-regulated fleets had grown 62% from 2013 to 2018. The study took place following August 2018 City legislation that paused the issuance of new FHV licenses while the City studied the problem and evaluated long-term policy solutions.

These rules give large app companies one year to bring their Manhattan Core cruising time – when drivers are working but not earning money – down to 31% during the peak hours. The regulations also continue the pause on issuance of new FHV licenses for one year, with exceptions for wheelchair accessible vehicles and fully electric vehicles. As a result of these rules, FHV-related traffic congestion below 96th Street during rush hours is projected to decrease by more than 20%.

Before the cap on non-accessible for-hire vehicles went into effect last summer, about 2,000 new vehicles were hitting the streets every month. An oversaturation of cars has meant a greater dilution of income and opportunity, and there has been a large pool of drivers that are eager for more work. Since the cap began, daily app trips have risen in the outer boroughs and Northern Manhattan, and wait times have dropped in neighborhoods across the city – with the largest decreases in waits in the Bronx and Staten Island. The regulations include twice yearly reviews and public reporting. The TLC will evaluate congestion, driver pay, and passenger service levels and can adjust policies as needed.

“Getting the balance right for riders and drivers alike requires us to bring down the number of cars on the road, limit the time they are cruising around empty on our streets, and ensure that drivers are paid enough to make ends meet. We’ve taken great strides in the last year, with cap on new licenses and the passage of my legislation to ensure that drivers are guaranteed a living wage. Extending the pause on for hire vehicles will ensure that we can continue to reclaim our streets from the insatiable growth of unaccountable app companies, which have severely increased congestion and badly undermined driver’s ability to learn a living,” said Council Member Brad Lander.

“For a workforce in an unprecedented crisis of poverty and debt, the vehicle cap has been lifesaving. It’s at the heart of our unity campaign for yellow, green, livery, black car, and Uber and Lyft drivers to finally come out of poverty wages by each earning more fares and burning less fuel. We still have so much work ahead of us, but as we’ve always said, without the cap, it would be impossible for drivers to earn more or to stabilize those earnings. We applaud the Mayor’s actions, and thank the TLC and DOT for their steadfast work,” said Bhairavi Desai, Executive Director of the 21,000-member New York Taxi Workers Alliance.



Comptroller Stringer Audit Reveals DYCD Improperly Altered Crisis Shelter Site Visit Reports

New York City Comptroller Scott M. Stringer released a disturbing new [audit](#) that revealed that the New York City Department of Youth and Community Development (DYCD) improperly altered more than one-third of the 93 site visit reports it had filed for seven crisis shelter locations for runaway and homeless youth in Fiscal Year 2017 before providing them to the Comptroller’s auditors. The audit also found that the agency failed to adequately monitor the shelters and accurately report the results of its site visits to check on the shelters’ performance in working with vulnerable youth.

DYCD is the agency tasked with supporting New York City’s young people and their families through community-based programming. The audit revealed that a DYCD manager initially approved subordinates’ incomplete and inconsistent site visit reports, which were later revised and reapproved by the manager after the auditors requested them. The audit also found that DYCD failed to send a large majority — 79 percent — of the sampled site visit reports back to the crisis shelters to alert the operators to improvements needed in their efforts to serve runaway and homeless youth.

In addition, the audit found that DYCD’s reports covering their Fiscal Year 2017 site visits did not identify the specific case files they reviewed during 91 percent of their case-management visits to the youth crisis shelters or the specific personnel files they reviewed in 96 percent of their administrative visits. The absence of that kind of specific information hinders DYCD’s ability to effectively monitor the shelters’ performance. In that regard, the audit also revealed deficiencies in some shelters’ performance in obtaining timely background clearances for their employees, including criminal history checks, and in ensuring that their staff met training requirements.

“The young people who need our help the most should be able to count on full and honest support from the City, but our audit found inadequate supervision, altered records, and shifting explanations at the agency that exists to help them. When it comes to runaway and homeless youth, we can’t be absent and we can’t hide the truth to shirk our responsibilities. DYCD sets a terrible example by giving us altered records and obscuring the facts, which ultimately only magnifies its own failures,” said New York City Comptroller Scott M. Stringer.

Comptroller Stringer’s audit of DYCD’s oversight and monitoring of the Runaway and Homeless Youth (RHY) crisis shelter providers found:

- DYCD did not have adequate controls over its own monitoring of the contracted RHY crisis shelters, hindering the agency’s ability to ensure that the services for which it contracts were properly provided to the City’s vulnerable young people.
- DYCD altered and “reapproved” more than one-third of the site visit reports it had previously completed, approved, and filed, after the Comptroller’s auditors requested the reports as part of the Comptroller’s audit.

- The DYCD manager responsible for overseeing the program managers' work initially approved the site visit reports without properly reviewing them to verify that the site visits were appropriately conducted and the results were adequately documented showing whether the crisis shelters were compliant with key performance indicators.
- The agency failed to send 79 percent of the sampled site visit reports back to the crisis shelter providers to alert them to improvements needed.

Comptroller Stringer's audit recommended a series of measures to ensure that DYCD properly supervises and monitors its staff and that its site visits to its contracted youth crisis shelters are adequate, properly performed, and accurately reported. Those steps are necessary to ensure that the shelters operate in compliance with applicable standards and regulations for the protection and well-being of vulnerable young people they serve. The recommendations included:

- DYCD should properly and timely supervise its site visits to the youth crisis shelters and ensure that the reported results are complete and accurate. DYCD's supervision should include discussions with its staff and if necessary supervisory follow-up visits to the shelters to ensure they provide adequate services to runaway and homeless youths.
- DYCD should require its staff to provide detailed documentation on the personnel and youth-case files they review during site visits to the shelters to ensure that the service providers meet contractual and regulatory requirements.
- DYCD should remind the crisis shelter service providers to obtain required clearances for all prospective employees before their start dates, or in instances where pre-employment clearances cannot be obtained, to ensure that the employees have no unsupervised contact with youths until the clearances are received.
- DYCD should adequately review the service providers' records to confirm that the required clearances are obtained timely and that providers ensure that employees have no unsupervised contact with youths until such clearances are obtained.

Briefs

State Police to Investigate Assaults on Hasidic Jews in Williamsburg

Governor Andrew M. Cuomo announced this week that he will be directing the State Police Hate Crimes Task Force to assist the New York Police Department with "any resources needed" to help further the investigations into a series of recent incidents in which Hasidic Jews were assaulted in Williamsburg.

"I am sickened by Monday's series of assaults on Hasidic Jews in Williamsburg. In New York, we have absolutely zero tolerance for such heinous acts; they are completely unacceptable and are repugnant to our values of diversity and inclusion" said Governor Cuomo. "Anti-Semitism is a growing cancer that has been injected into the nation's body but in New York we will continue to stand united and with one voice condemn any and all acts of hatred and intolerance."

Governor to Propose Redefinition of Domestic Terrorism

Governor Andrew M. Cuomo this week announced that he will propose a new law that will redefine the definition of domestic terrorism. On a radio program the governor was discussing recent mass shootings and noted that often these mass shooters are “not just guns – its guns plus hate.” The proposal would redefine “domestic terrorism” in the State of New York to include white supremacist who carry out mass shootings such as El Paso or Charleston.

“We are in a transition again where we have these new problems, new complexities that crop up that we have to adjust to” said Governor Cuomo. “There's now a different type of domestic terrorism, which is this hate-inspired, mass murder by an American - has nothing to do with a foreign entity”

The governor also referenced how the Red Flag Law, which was passed and signed this past legislative session, could help in taking guns away from potential mass shooters, white supremacist or otherwise, before such shootings happen.

State Comptroller Finds Subway Station Repair List is Growing

New York State Comptroller Thomas P. DiNapoli released an [analysis](#) of the subway station repairs. The analysis finds that the number of repairs needed for subway stations has increased and has resulted in fewer stations being in good condition. The analysis also finds that the stations are deteriorating faster than the current pace of repairs.

"Years of underfunding for the MTA capital program has translated into a longer list of needed repairs in New York City's subway stations, fewer stations in good condition, and ever-increasing rider aggravation," Comptroller DiNapoli said. "The rising number of potentially hazardous worn or damaged platform edges is particularly troubling. On the plus side, the MTA has been able to reduce the number of the most serious station defects, but a lot more needs to be done to address declining station conditions. It is up to the MTA to prioritize its limited resources to ensure its next capital program improves service and conditions for riders."

The analysis found that 29% of the 15,500 station structural components were found to be worn or damaged, up from 27% in 2012. 65% of platform edges were found to be worn or damaged, up from 43% in 2012 and the number of stations with “serious problems” remained the same at 11%. One-thirds of all subway stations, or 158 stations, were found to have serious structural deficiencies. This was a decrease from the 188 stations in 2012.

Manhattan was found to have the lowest amount of station structural components in disrepair at 24% and Queens was found to have the most at 45% of stations in disrepair.

Comptroller Stringer Finds Brooklyn and Queens LIRR Stations in Disrepair

New York City Comptroller Scott M. Stringer notified the Long Island Railroad (LIRR) about his concerns regarding the deteriorating conditions at several Brooklyn and Queens LIRR stations. The comptroller found issue with station rehabilitation, accessibility projects and an over-budget and behind schedule on these projects.

Comptroller Stringer sent a [letter](#) to LIRR President Phil Eng seeking a comprehensive timeline for its commitment to comply with the Americans with Disabilities Act upgrades at 18 stations in Queens and a further 2 stations in Brooklyn. The letter also specifically requested for rehabilitation plans for Hollis and Hunters Point Avenues and the construction of new stations at Elmhurst in Sunnyside.

“Maintaining and providing equitable access to our public transit system is critical to building a city that works for every New Yorker. The LIRR stations in Queens and Brooklyn should be providing fast, frequent, reliable, and affordable transit to hundreds of thousands of New York City residents living beyond the subway’s reach. Instead, far too many are underutilized, inaccessible, deteriorating, and locked behind an exorbitant pay wall,” said Comptroller Stringer. “This issue isn’t just about basic maintenance – it’s an issue of fairness. Behind every motionless elevator or deteriorating station there are New Yorkers who can’t travel.

Anusha Venkataraman Announced as New NYC Chief Service Officer

Mayor Bill de Blasio announced this week that Anusha Venkataraman will become the next New York City Chief Service Officer. Venkataraman will assume office on October 9. NYC Service is a division of the Mayor’s Office and works to increase volunteer and service programs throughout the City.

She is currently a senior advisor in the NYC Office of the Deputy Mayor for Housing and Economic Development. Prior to her current role, she worked in the NYC Department of Housing Preservation & Development as Senior Director of Neighborhood Planning & Preservation. She has a master’s in City and Regional Planning from the Pratt Institute and received her bachelor’s from Brown University.

“Anusha is a dynamic leader with the skills and grassroots experience necessary to further the great work of NYC Service citywide,” said Mayor de Blasio. “With her at the helm, we’ll be able to inspire more New Yorkers than ever before to get involved and help build a fairer city for all.”

DSA Strategizes to Take Over Six New York Labor Unions

Politico [reported](#) this week on a new Democratic Socialist of America (DSA) plan to place members in the job sectors and unions of six local labor unions. Politico further published the DSA’s internal [memo](#) outlying such plans. These six unions were identified as DC37, the United Federation of Teachers, the Transport Workers Union Local 100, New York State Nurses Association, the District Council of Carpenters and the UPS division of Teamsters.

Coming Up

New York State

The Legislature is not in session

New York City

The City Council has no scheduled meetings

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