



# This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

June 14, 2019 Edition



## *In the News – State*

### Construction Workers Travel to Albany to Rally for Prevailing Wages



Photo by Nick Cosgrove

**Hundreds of union workers rally in Albany's Capital Park for prevailing wages on public works projects.**

elected officials, and Governor Andrew Cuomo for the proposal. The Governor has included the initiative as one of his end of session priorities.

New York State Department of Labor Commissioner Roberta Reardon echoed the Governor's support. "He [Governor Cuomo] has called for strengthening New York's prevailing wage laws to ensure greater responsibility for vendors on our public projects," she said according to published reports.

The State Constitution mandates that workers on "public works" receive a prevailing wage, which is the rate of compensation that a sample of workers within a specific trade receive within a locality, according to the state Department of Labor. The bill would expand the definition of "public works" to include projects that receive some form of state financial support, including grants or subsidies.

"This is a no-brainer," said Assemblywoman Taylor Raynor (D-Nassau), one of the bill's cosponsors. "We should not be negotiating and having to discuss the fact that people deserve the right wages and the right hours and they deserve to be able to live in New York comfortably because they work in New York."

Hundreds of construction workers from across the State rallied in support of legislation that would require workers on projects receiving public support to be paid the prevailing wage.

Sponsored by Senator Jessica Ramos and Assemblyman Harry Bronson (S1947/A1261) union leaders and legislators call the bill an [overdue measure](#) that would protect the quality of life of working class New Yorkers.

A June 11th rally outside the Capitol highlighted support among organized labor,



## Attorney General James launches Multi-state Coalition to Block T-Mobile, Sprint Merger

New York Attorney General Letitia James is co-leading a multi-state legal effort to block T-Mobile's proposed \$26 billion takeover of Sprint.

The lawsuit, filed under seal in the U.S. District Court for the Southern District of New York, alleges the merger is "anticompetitive and will drive-up prices for consumers throughout the country." The complaint was filed in coordination with Colorado, Connecticut, the District of Columbia, Maryland, Michigan, Mississippi, Virginia, and Wisconsin.

"When it comes to corporate power, bigger isn't always better," Attorney General James said in a statement. "The T-Mobile and Sprint merger would not only cause irreparable harm to mobile subscribers nationwide by cutting access to affordable, reliable wireless service for millions of Americans, but would particularly affect lower-income and minority communities here in New York and in urban areas across the country."

The Attorney General explained that T-Mobile US Inc. and Sprint Corporation are the third and fourth largest mobile wireless networks in the U.S., and are the lower-cost carriers among the "Big Four" — Verizon Wireless and AT&T round out the market. Intense competition, spurred in particular by T-Mobile and Sprint, has meant declining prices, increased coverage, and better quality for all mobile phone subscribers. According to the Labor Department, the average cost of mobile service has fallen by roughly 28 percent over the last decade, while mobile data consumption has grown rapidly. It is feared that the merger would put an end to that competition.

T-Mobile and Sprint have more than 133 million customers, according to Attorney General James' office. Currently, according to the Attorney General, the average U.S. household spends approximately \$1,100 annually on cell phone services.

While T-Mobile and Sprint have made promises that their merger would offer increased speeds and capacity, the Attorney General's investigation found that many of the claimed benefits were unverifiable and could only be delivered years into the future, if ever. By contrast, if the merger were to go through, the combined company would immediately have the power and incentive to raise prices, while cutting quality. In short, any theoretical efficiencies that could be realized from the merger would be outweighed by the transaction's immediate harm to competition and consumers.

Additionally, the merger would harm thousands of hard-working mobile wireless independent dealers in New York and across the nation, the Attorney General asserted. The ten states are concerned that further consolidation at the carrier level would lead to a substantial loss of retail jobs, as well as lower pay for these workers in the near future.



## Bills Passed by Both Houses



**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.

**A230 (Sponsored by M of A Liu)** -- Prohibits emergency service providers from selling patient health information without written consent.

**A375 (Sponsored by M of A Steck / Senator Skoufis)** -- Relates to eliminating a disincentive for whistleblowers.

**A748 (Sponsored by M of A Cook / Senator Bailey)** -- Relates to the assignment of counsel.

**A754A (Sponsored by M of A Joyner / Senator Bailey)** -- Requires the office of court administration to collect and maintain data on limited English proficient litigants in the state; requires such information be publicly available.

**A1320A (Sponsored by M of A Cahill / Senator Comrie)** -- Provides that if the board of elections determines that a person was entitled to vote it shall cast and canvass such ballot if such board finds that the voter substantially complied with the requirements of the election law; failure to provide previous address not deemed a fatal defect and ballot cast and counted.

**A1525A (Sponsored by M of A Buchwald / Senator Myrie)** -- Relates to watchers during election; provides that any candidate on the ballot and any political committee may have for each election district three watchers at any one time, not more than one of whom may be within the guard rail at any one time.

**A2264 (Sponsored by M of A Lavine / Senator Kavanagh)** -- Relates to establishing the uniform election night procedure act.

**A2371 (Sponsored by M of A Dinowitz/Senator Hoylman)** -- Repeals exemptions to vaccination requirements for children whose parents have non-medical objections to immunizations.

**A4420 (Sponsored by M of A Zebrowski / Senator Sanders)** -- Expands the length of time to pay delinquent taxes in installments to thirty-six months.

**A4668 (Sponsored by M of A Zebrowski / Skoufis)** -- Relates to disclosure of the identities of political committees making certain expenditures for political communications.

**A4898 (Sponsored by M of A Blake / Senator Persaud)** -- Relates to additional information required in annual reports for limited-profit housing companies.

**A7080A (Sponsored by M of A Jacobson / Senator Breslin)** -- Relates to motor vehicle key and key fob replacement contracts if such is lost or stolen.

**A7277 (Sponsored by M of A Rosenthal L / Senator Carlucci)** -- Requires informational materials regarding the use of opioid antagonists for first aid or emergency treatment to provide information of the application of good samaritan laws to protect against liability.

**A7310A (Sponsored by M of A Jaffe / Senator Carlucci)** -- Limits the shift between classes of taxable property in the town of Orangetown, county of Rockland.

**A7604 (Sponsored by M of A Buttenschon / Senator Sanders)** -- Relates to extending certain provisions authorizing banks and trust companies to exercise the rights of national banks to September 10, 2024.

**A7647 (Sponsored by M of A Weprin / Senator May)** -- Permits the detention of individuals in a county jail pending a first court appearance in an off-hours arraignment part.

**S1588 (Sponsored by Senator Sanders / M of A Weprin)** -- Relates to members of the police force who use hearing assistance devices and the definition of disabled.

**S1866B (Sponsored by Senator Breslin / M of A McDonald)** -- Increases the amount of money a retiree may earn in a position of public service in the year 2020 and thereafter to \$35,000.

**S2403 (Sponsored by Senator Carlucci / M of A Cruz)** -- Relates to reviewing suicide prevention programs periodically and making recommendations regarding cultural and linguistic competency and best practices for screening and interventions aimed at addressing suicide risk factors for minority groups and other underrepresented populations.

**S3675 (Sponsored by Senator Gounardes/M of A Abbate)** -- Provides that uniformed court officers and peace officers employed in the unified court system shall be entitled to accidental disability retirement if they sustain injuries as the result of a physical assault by an assailant suffered while in service.

**S4413 (Sponsored by Senator Metzger / M of A Jaffee)** -- Relates to notice of employee rights and remedies and the employee handbook; alters the date when such provisions take effect.

**S5291 (Sponsored by Senator Gounardes / M of A Abbate)** -- Relates to suspension or demotion upon the abolition or reduction of positions for labor class and noncompetitive titles.



## New York To Enact Permanent Rent Control Measures

*Agreement applies to NYC with a Statewide Local Opt-In*

Governor Andrew Cuomo is poised to sign legislation to permanently extend New York's rent control law and to implement tenant protections. The legislation is the result of negotiations between Senate Majority Leader Andrea Stewart-Cousins and Assembly Speaker Carl Heastie and is expected to be passed by the State Legislature today. "I believe this is the best tenant protection they will pass, and I will sign it," Governor Cuomo said earlier this week, according to published reports.

"These reforms give New Yorkers the strongest tenant protections in history. For too long, power has been tilted in favor of landlords and these measures finally restore equity and extend protections to tenants across the state," the legislative leaders said in a joint statement. "None of these historic new tenant protections would be possible without the fact that New York finally has a united Democratic legislature. Our appreciation also goes to the tenant advocacy groups and activists that fought so hard to make this possible."

Specifics of the Housing Stability and Tenant Protection act of 2019 can be accessed [here](#).

## *In the News – City*

### Mayor de Blasio & Speaker Johnson Reach Early Handshake Agreement for FY2020 Budget

Mayor Bill de Blasio and City Council Speaker Corey Johnson today announced an agreement for an on-time and balanced \$92.8 billion City budget for Fiscal Year 2020.



Mayor and Speaker Agree on Budget

"The Fiscal Year 2020 Adopted Budget creates greater fairness for all New Yorkers. We've reached an agreement that promises to create a pathway to pay parity for our early childhood education providers to address recruitment and retention issues, expands services that prevent unnecessary detention and fights the widespread national attack on access to abortion care," said Mayor Bill de Blasio. "We're also strengthening our support services in schools by providing over 200 social workers for students who need them most, fulfilling our commitment to senior



affordable housing and putting our new expanded speed camera program into action. We're accomplishing all of this while protecting the City's fiscal health by increasing savings and adding \$250 million to our already historic levels of budget reserves."

As part of the budget agreement, in recognition of critical role legal defense attorneys play in the justice system, the City will continue conversations with providers to address compensation, recruitment and retention. In addition, the Administration and the City Council have jointly funded justice reform initiatives that address historic disparities in the justice system. This includes an expansion of criminal justice related diversion programs, such as post-arrest diversion, supervised release and transitional housing.

Highlights of the Fiscal Year 2020 Adopted Budget include:

- Placing 200 additional social workers in DOE schools, including mental health specialists, to help support students and provide necessary social and emotional support (\$26 million).
- Investing jointly with the City Council in an expansion of criminal justice related diversion programs, such as post arrest diversion, supervised release and transitional housing.
- Funding for Vision Zero public awareness campaigns to educate drivers and support pedestrian and cyclist safety (\$5 million).
- Launching NYC Care to guarantee healthcare access for 600,000 uninsured New Yorkers and enhance MetroPlus, NYC's Public Option, by increasing enrollment and improving access to care, including mental health services (\$25 million in Fiscal Year 2020, ramping up to \$100 million in Fiscal Year 2022).
- Expanding 3-K for All by funding 1,900 new seats in the Bronx (District 8) and Brooklyn (District 32) for next school year. This investment brings 3-K to 14 districts and 20,000 children by September 2020, and includes the 10 highest-need districts in the city (\$25 million).
- Increasing Mayoral funding for 2020 Census outreach staff and public awareness campaigns to ensure a fair and accurate count that gives New York City its fair share (\$22 million for a total Mayoral investment of \$26 million).
- Fulfilling a commitment to energy efficiency with green technology by retrofitting City buildings as part of NYC's Green New Deal (\$60 million).
- Providing annual funding for the "Bridging the Gap" program that provides social services and academic support for students in shelters (\$14 million).

The FY20 Adopted Budget also maintains \$1.15 billion in General Reserve, an increase of \$150 million, \$4.57 billion in Retiree Health Benefits Trust Fund, an increase of \$100 million, and \$250 million in the Capital Stabilization Reserve.

As part of the City's aggressive savings program, the Adopted Budget includes over \$300 million in new savings, on top of the \$2.5 billion achieved in the Citywide Savings Program over Fiscal Years 2019 and 2020 since last Adoption. These savings were, in part, attained through the Administration's first Program to Eliminate the Gap (PEG), and a permanent reduction of 2,600 City-funded positions. 325 additional vacancies will be reduced in this plan, adding \$25 million in savings.



**Taxi & Limousine Commission**

## **NYC Extends For-Hire Vehicle License Cap & Reduces Cruising by Empty Cars**

Mayor Bill de Blasio this week announced a plan by the Taxi and Limousine Commission (TLC) to extend the cap on For-Hire Vehicle licenses and to create a second cap on how long FHV companies can let their vehicles cruise empty without passengers in the Manhattan core, below 96th Street.

Taken together, according to the Mayor, these caps are expected to cut congestion, increasing speeds in the evening rush hour by up to 10 percent. As companies reduce the time drivers cruise without a passenger, these policies have the potential to increase net driver hourly pay as much as 20% during the busiest times.

**Extending the Cap on FHV Licenses:** The initial cap on FHV licenses was initially temporary, set to expire in August 2019. TLC will pursue rulemaking to extend this cap. The cap will exclude wheelchair accessible vehicles and all-electric vehicles. Rules extending the cap will be released in June so it can take effect before the temporary cap expires in August.

**New Cap on Cruising in the Manhattan Core:** TLC will create a new rule that limits the amount of time an app company's drivers can cruise in the core without passengers. Currently they cruise 41% of the time without passengers. This cap would require companies to reduce cruising to 31% of the time vehicles are on the road.

This cap will be in effect weekdays 6 a.m. to 11 p.m. and weekends 8 a.m. to 11 p.m. Companies will be required to decrease cruising to 36% by February 2020, and reach the 31% target by August 2020.

Also this week, the de Blasio Administration announced initiatives to help yellow taxi drivers:

- **Waiving Medallion Fee:** Medallion owners no longer have to pay \$1,100 every two years to renew their medallion. TLC will immediately stop collecting the fee.
- **Driver Assistance Center:** The City will create a new driver assistance center within one year that will have on-site staff to screen drivers for various issues and then connect to relevant services including advocacy, financial counseling and debt restructuring assistance, referrals to health services and screening for HRA benefits.



## Comptroller DiNapoli Audit Finds Gaps in NYC School Safety Planning

Planning requirements for shootings and emergency situations in New York City's schools need to be more strictly enforced by New York City's Department of Education (DOE), according to an audit released this week by State Comptroller Thomas DiNapoli. Auditors found DOE was lax in requiring that safety plans were filed on time by schools and policies did not routinely align regulations with state requirements, causing gaps and inconsistencies.

According to the Comptroller, when auditors visited schools and examined safety plans, they found plans with incorrect or outdated contact information for key personnel, unarmed door alarms and radios that were turned off or were not working, among other issues.

"The state Safe Schools Against Violence in Education Act aims to keep school children and teachers as safe as possible in a time of school shootings by requiring districts to plan for the unthinkable," Comptroller DiNapoli said. "While it's clear the New York City Department of Education takes school safety seriously, there are gaps that must be addressed. Schools large and small need to do everything possible to protect students and teachers from senseless tragedy."

The Safe Schools Against Violence in Education (SAVE) Act, enacted in 2000, mandates training and instruction for preventing and responding to incidents of school violence and establishes a statewide uniform system for reporting violent incidents.

The SAVE Act also 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.

In an audit of New York City's DOE, DiNapoli's auditors examined the implementation of the SAVE Act and safety planning of 25 of the city's 1,800 schools. The Comptroller found that City regulations do not align with the superseding SAVE Act and state regulations, allowing schools to submit safety plan well into the school year. Even with the extended time frame, some schools did not submit on time.

Additionally, the audit found evidence of lax compliance with several aspects of the SAVE Act, including:

- DOE did not require schools to submit floor plans, which state regulations identify as a critical part of school safety planning and emergency response. Three of the 25 plans sampled were outdated and missing information regarding construction modifications;
- Five of the schools did not conduct the minimum amount of evacuation or lockdown drills, and for the 2016-17 school year; and



- Missing information from the district-wide safety plan, including: procedures to test drills in coordination with local emergency responders; policies and procedures for responding to implied or direct threats of violence by visitors to the school.

For the past three school years, DOE reported 219 school lockdowns and 684 instances in which students and staff had to shelter-in-place. Shelter-in-place is a response to an emergency situation in which occupants seek safety within the building rather than evacuate.

## *Briefs*

### **Governor Cuomo Signs Legislation Removing Non-Medical Exemptions from School Vaccination Requirements**

#### *New Law Will Protect Public Health in the Midst of Ongoing Measles Outbreak*

Governor Andrew Cuomo yesterday signed legislation (S.2994A/A.2371), sponsored by Senator Brad Hoylman and Assembly Member Jeffrey Dinowitz, removing non-medical exemptions from school vaccination requirements for children. The United States is currently experiencing the worst outbreak of measles in more than 25 years, with outbreaks in pockets of New York primarily driving the crisis.

"The science is crystal clear: Vaccines are safe, effective and the best way to keep our children safe. This administration has taken aggressive action to contain the measles outbreak, but given its scale, additional steps are needed to end this public health crisis," Governor Cuomo said. "While I understand and respect freedom of religion, our first job is to protect the public health and by signing this measure into law, we will help prevent further transmissions and stop this outbreak right in its tracks."

### **Coalition Launches Ad Campaign in Favor of Hospital Charge Bill**

A coalition of consumer, labor, health and business groups has launched a television and online campaign to demand passage of legislation, (A264B/S3171A) to protect patients from unreasonably high emergency hospital bills. The legislation, sponsored by Assemblyman Kevin Cahill and Senator Liz Krueger, would subject hospital charges for emergency services to an independent dispute resolution process.

The Patient Protection Coalition's ads seek to highlight the impact out-of-network emergency hospital charges can have on consumers. The Assembly passed the legislation last week.

## **Court Strikes Down Outside Income Restrictions on Legislators from State Pay Commission**

A State Supreme Court judge on Friday struck down restrictions on outside income earned by state legislators imposed in December by the Committee on Legislative and Executive Compensation. Justice Christina Ryba ruled the Committee did not have the authority to attach a 15% limit on outside income to a \$50,000 pay raise for legislators.

The court upheld the committee's decision to increase at least part of the pay of legislators from \$79,500 to \$130,000 over three years, as well as limits on a number of stipends for leadership positions. The Committee also recommended raises for the four statewide offices -- Governor, Lieutenant Governor, Attorney General, and Comptroller -- and a number of other officials.

## **IRS Finalizes Regulations SALT Workarounds**

The IRS this week issued final regulations barring governments from giving tax credits in exchange for charitable contributions. To provide relief from the \$10,000 cap on state and local tax deductions included in the 2017 Tax Cuts and Jobs Act, states established charitable funds. New York's law allowed counties and municipalities to set up charitable reserve funds that would give tax credits equal to 95% of a contribution.

Treasury Decision 9864 finalizes proposed regulations published August 27, 2018 and allows tax credits equal to just 15% of the contribution. Under the final regulations, a taxpayer making payments to an entity eligible to receive tax-deductible contributions must reduce the federal charitable contribution deduction by the amount of any state or local tax credit that the taxpayer receives or expects to receive in return. The regulations also apply to payments made by trusts or decedents' estates in determining the amount of their charitable contribution deductions.

“By finalizing this rule, the Federal government is continuing its politically motivated economic assault on New York - an assault that started with President Trump and his allies in Congress and is now being advanced by the IRS,” Governor Andrew Cuomo said. “New York already sends \$36 billion more to Washington than we get back every year. And thanks to the Republicans' SALT cap, New Yorkers are being used as ATMs, footing an additional \$15 billion each year that will be redistributed to red states and corporations. In response to this economic attack, we crafted a new charitable contribution program that fully comports with long-standing legal precedent and principles of federal tax administration. We will pursue all options, including litigation, to resist this attack on our State and our taxpayers.”

## **Assembly Passes Driver's License Access and Privacy Act #GreenLightNY**

The New York State Assembly this week passed the Driver's License Access and Privacy Act, also known as the Green Light Bill (A.3675-B), allowing undocumented individuals in New York to obtain a driver's license. It is sponsored by M of A Marcos Crespo.

The Driver's License and Privacy Act would expand the types of proof of identity that could be submitted with an application for a non-commercial driver's license that does not meet federal standards for identification. An applicant without a social security number could instead submit a signed affidavit that they have not been issued a social security number.

Twelve states, Puerto Rico, and the District of Columbia have enacted legislation that would allow undocumented immigrants to obtain a driver's license.

## **NYC to Adopt School Diversity Advisory Group Recommendations**

New York City will adopt the majority of the preliminary recommendations made by the School Diversity Advisory Group (SDAG). SDAG is a group of students, educators, parents, advocates and researchers appointed in 2017 to advise the Mayor and Chancellor on policies to advance school diversity and integration. The DOE plans to adopt 62 of the 67 recommendations as written or with minor changes to ensure effective implementation.

Key adopted recommendations include:

- Create a General Assembly with representatives from every high school to develop a citywide student agenda and vote on key issues;
- Require all schools to monitor student discipline practices and develop a plan to reduce any disparities in how students are disciplined;
- Create new diversity targets for Diversity in Admissions pilots based on the specific circumstances of each school community;
- Expand Community Schools initiative and other models that connect schools to community-based organizations;
- Adopt a common definition of Culturally Relevant Education (CRE) that will inform and shape work across the DOE;
- Create partnerships with institutions of higher education to ensure CRE is an essential component of all pre-service teacher training efforts.

There are three recommendations that the DOE will continue to review, and two that it will not adopt – the recommendations to create a “Chief Integration Officer” position, and analyze the benefits and drawbacks of moving School Safety Agents to DOE supervision from the NYPD.

## **Supports, Not Summonses: de Blasio Administration Announces Pilot Initiative to Divert Homeless Individuals on The Subway from Unnecessary Court Processes**

*Unsheltered individuals in the subway system in Manhattan to be offered shelter and services in lieu of summonses*

The de Blasio Administration this week announced a pilot initiative to support people experiencing unsheltered homelessness on the subway by offering alternative pathways off the streets into transitional and permanent housing.

The New York City Police Department, in partnership with the Mayor's Office of Criminal Justice, the City's Department of Homeless Services, the Manhattan District Attorney's Office, and New York City Transit will provide new options to individuals they encounter in the subway system, diverting individuals from the criminal justice system towards outreach services and supportive programs.

Through the Subway Diversion Project, individuals experiencing unsheltered homelessness (i.e. having no active legal address at the time of engagement and not residing in shelter) encountered by the NYPD in the transit system (i.e. subway cars and subway stations) in Manhattan and observed to be in violation of New York City Transit Code of Conduct rules, such as fare evasion and lying outstretched, will be offered referrals to services in lieu of civil summonses. The program will begin on July 1st. Participants who opt into the program will complete an assessment with an outreach team, receive a referral to shelter and/or other services, and have their summonses cleared in coordination with the Metropolitan Transportation Authority, ultimately diverting them towards shelter away from unnecessary formal court processes and helping more people come inside and out of the subways. Any incidents of violent crime will still result in arrest and strong enforcement

## ***Coming Up***

### ***New York State***

***The Legislature is in session from Monday June 17<sup>th</sup> to Wednesday, June 19<sup>th</sup>***

### ***New York City***

***Monday June 17<sup>th</sup>***

***Committee on Oversight and Investigations***, Council Chambers – City Hall, 10 a.m.

***Committee on Housing and Buildings***, Council Chambers – City Hall, 10 a.m.

***Committee on Fire and Emergency Management***, Committee Room – City Hall, 10 a.m.

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

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

***Committee on Mental Health, Disabilities and Addiction***, Committee Room – City Hall, 1 p.m.

***Tuesday June 18<sup>th</sup>***

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

**Wednesday June 19<sup>th</sup>**

*Committee on Mental Health, Disabilities and Addiction*, Committee Room – City Hall, 10 a.m.

*Committee on Youth Services*, Committee Room – City Hall, 10 a.m.

**Thursday June 20<sup>th</sup>**

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

*Committee on Civil Service and Labor*, Committee Room – 250 Broadway. 14<sup>th</sup> Floor, 10 a.m.

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

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

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

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