



This Week in New York

Covering New York State and City Government

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In the News – Federal



September 11th VCF Act Signed by President

President Donald Trump this week, during a signing ceremony at the White House, signed the Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act into law. Pitta Bishop Members Vincent F. Pitta and Vito R. Pitta attended the signing ceremony.

The Act extends the September 11th Victim Compensation Fund claim filing deadline from December 18, 2020, to October 1, 2090, and appropriates such funds as may be necessary to pay all approved claims until 2092, when the fund is scheduled to shut down.

The September 11th Victim Compensation Fund Act requires that, beginning on October 1, 2019, the Special Master makes whole victims who received reduced awards. 9/11 VCF Special Master Rupa Bhattacharyya has announced that she is committed to notifying all 1,700 victims who received reduced awards of their unreduced awards by September 11, 2019, the 18th anniversary of the attacks. Awards were announced being reduced back in February by as much as 70% as the then existing funds used to administer the VCF began to run low.

The act was passed earlier this year through the efforts of its sponsors, including Senator Kirsten Gillibrand (D-NY), Senator Cory Gardner (R-CO), Representative Peter King (R-NY) and Representative Carolyn Maloney (D-NY) as well as Senate Minority Leader Chuck Schumer (D-NY).

This Act and Special Master Bhattacharyya's announcement provides the many thousands of 9/11 victims and their families suffering from 9/11-related illnesses with the necessary costs to combat their 9/11-related illnesses. More information is available about the VCF and the eligibility of potential claimants from Pitta Bishop's affiliated 9/11 victim compensation law firm, Pitta & Baione LLP, [here](#).

In the News – State



Governor Signs Gun Control Legislation

Governor Andrew Cuomo this week signed seven bills aimed at strengthening New York's Safe Act and building upon the Red Flag Bill signed in February that prevents individuals who show signs of being a threat to themselves or others from purchasing or possessing a firearm. Included among the initiatives are bills to criminalize undetectable firearms, ban bump stocks, extend background checks, and limit guns in schools.

"For too long gun violence has plagued communities across our nation and while the federal government turns a blind eye, New York continues leading the way forward to protect our families and our children," Governor Cuomo said.

The bills signed by the Governor include:

Criminalizing Undetectable Firearms (Chapter 134)

Recent technological developments, such as 3-dimensional printers and laser cutting machines, have led to the fabrication of fully operational firearms using materials that are undetectable by metal detectors. This measure helps protect New Yorkers by making it illegal for any person to knowingly possess, manufacture, sell or transport such weapons in New York State.

Banning Bump Stocks (Chapter 130)

Bump stocks and similar devices pose a similar threat to public safety, and this legislation will prohibit the possession, manufacture, transportation, shipment and sale of any items that accelerate the firing rate of firearms, rifles or shotguns. These devices are attached to semi-automatic weapons and allow shooters to fire ammunition faster than any human could. Machine guns, and firearms that simulate machine guns, are already illegal under New York law.

Extending the Background Check Waiting Period (Chapter 129)

Current federal law requires gun dealers to conduct a National Instant Criminal Background Check System (NICS) background check on a potential purchaser prior to selling a firearm, which immediately provides the dealer with one of three possible notifications. These notifications include "proceed," "denied," or "delayed." In the case of a "delayed" response, the dealer must wait three days before completing the sale. The FBI may continue to investigate the individual past the three-day timeframe but oftentimes by the time law enforcement has determined that the potential purchaser is ineligible, the sale has already been completed. By extending the waiting period up to 30 days, law enforcement is provided with sufficient time to complete a background check and help ensure that only those eligible to purchase and own a firearm are able to do so.

Limiting Guns in Schools (Chapter 138)

In the wake of a rising number of deadly school shootings occurring across our nation, many have suggested that teachers and other school employees should be trained and armed to help deter and prevent future school shootings. This legislation stipulates that educational institutions can't issue written authorization to carry a gun to any teacher, professor, administrator or other person who is not primarily employed as a school resource officer, law enforcement officer or security guard. The bill takes effect immediately.

Amending Safe Storage Laws (Chapters 133 & 135)

These measures will ensure that firearm owners safely store their weapons when they live with someone under the age of sixteen or have reason to know will be accessible by someone under the age of sixteen. At the same time, the bills will continue to permit properly licensed or supervised individuals under the age of sixteen to hunt or practice at a firing range in accordance with existing law.

Municipal Gun Buy Back (Chapter 139)

This legislation directs the State Police to establish regulations for gun buyback programs so that all buyback programs across the state are operated consistently with uniform best practices, and that these programs take place in every county in the state. These standards will help ensure that gun buyback programs accomplish their stated goals of reducing the proliferation of guns in our neighborhood and that the programs are easily accessible to the public. The bill will take effect 180 days after becoming law.



Governor Signs Bill Strengthening Anti-Discrimination Measures For Immigrants

A measure meant to tighten anti-discrimination provisions against immigrants in the workplace by blocking employers from threatening to call immigration enforcement authorities was signed into law by Gov. Andrew Cuomo over the weekend.

The new law changes the existing labor law to add to the state's anti-discrimination statutes to include threats or punishment against an employee to include contracting immigration enforcement authorities. The measure also extends threats or retaliation of calling authorities to a worker's family or household member.

The measure in large part codifies federal judicial rulings that have interpreted threats by employers to call immigration authorities an example of retaliation against an employee. "Immigrants have long faced' disproportionate levels of exploitation and abuse in the workplace," according to bill sponsors Sen. Jessica Ramos of Queens and Assemblyman Marcos Crespo of the Bronx. "For years, studies have consistently shown that immigrants are more likely to be victims of wage theft, sexual harassment, misclassification and workplace safety violations than American-born citizens."



Chapters of the Laws of 2019

Chapter 125 – Sponsored by Senator Parker / M of A Kim -- Enacts the New York State Reuniting Families Act.

Chapter 126 – Sponsored by Senator Ramos / M of A Crespo -- Provides for penalties for discrimination or retaliation against immigrant employees.

Chapter 127 – Sponsored by Senator Kavanagh / M of A Cymbrowitz -- Extends certain statutory authorizations of the New York State Housing Finance Agency ("HFA"), the State of New York Mortgage Agency and the SONYMA Mortgage Insurance Fund through July 2021. It also increases the bonding authority of HFA by \$2.5 billion to a maximum aggregate of \$29.280 billion.

Chapter 129 – Sponsored by Senator Gianaris / M of A Paulin -- Establishes an extension of time of up to thirty calendar days for national instant background checks.

Chapter 130 – Sponsored by Senator Sepulveda / M of A Fahy -- Prohibits the possession, manufacture, transport and disposition of rapid-fire modification devices.

Chapter 131 – Sponsored by Senator Bailey / M of A Peoples-Stokes -- Relates to vacating records for certain proceedings and modifies the definition of smoking.

Chapter 132 – Sponsored by Senator Bailey / M of A Peoples-Stokes -- Relates to vacating records for certain proceedings.

Chapter 133 – Sponsored by M of A Buttenschon / Senator Krueger -- Relates to storage of firearms.

Chapter 134 – Sponsored by Senator Parker / M of A Abinanti -- Establishes certain crimes relating to the criminal possession or manufacture of an undetectable firearm, rifle, or shotgun.

Chapter 135 – Sponsored by Senator Krueger / M of A Paulin -- Relates to requirements for the safe storage of rifles, shotguns and firearms.

Chapter 136 – Sponsored by Senator Mayer / M of A Rosenthal L -- Relates to the use of campaign funds for childcare expenses.

Chapter 137 -- Sponsored by M of A Thiele / Senator LaValle -- Relates to the confinement of companion animals in unattended motor vehicles under conditions that endanger the health or well-being of an animal and what can be done in the event an animal is seen suffering; adds paid or volunteer

firefighters and emergency services personnel as persons authorized to remove such companion animals from unattended vehicles because of extreme temperatures; and provides penalties.

Chapter 138 – Sponsored by Senator Kaminsky / M of A Griffin -- Limits educational institutions ability to authorize the possession of a weapon on school grounds.

Chapter 139 – Sponsored by Senator Mayer / M of A Rosenthal L -- Establishes the municipal gun buyback program and municipal gun buyback program fund.

In the News – City



Comptroller DiNapoli Audit: MTA Transit Capital Projects Plagued by Cost Overruns and Delays

A review of six Metropolitan Transportation Authority (MTA) New York City Transit (Transit) capital projects found errors throughout the project pipeline that contributed to delays and higher costs, according to an audit released today by State Comptroller Thomas P. DiNapoli. Many of the problems were tied to MTA's failure to follow its own procedures or properly oversee contractors.

"This audit found numerous problems in the MTA's capital projects pipeline that led to delays and cost overruns," DiNapoli said. "These are red flags that fall within the MTA's power to fix. As the MTA strives to improve the system for riders and overhaul its operations, we hope it takes a close look at what we found in this report and our recommendations."

The 2015-2019 MTA Capital Program is the latest approved capital program, with an original budget of \$29.57 billion. After previous additions, the program increased to \$33.27 billion, with Transit's portion raised to \$16.74 billion. Comptroller DiNapoli's auditors sampled six Transit projects with a total budget of \$815.7 million.

Auditors found that four of the six projects ran into design-related issues during construction, leading to delays and additional costs. For example, during an accessibility project to install elevators and make a platform comply with the Americans with Disabilities Act, Transit's design neglected to raise the platform edge for passengers using wheelchairs. The mistake was discovered during construction, resulting in ten additional work orders (AWOs) and \$617,000 in added costs.

DiNapoli's audit found contractors did not always follow project requirements, creating problems that later needed to be corrected and cost additional time and money. Such "non-conformances" included guardrails that failed and newly installed materials that were rusting. When problems were discovered,

the contractors rarely bothered to figure out what caused them, missing an opportunity to help prevent it from happening again.

All six projects fell behind their original schedules, and four – with a total budget of \$672.2 million as of May 30, 2018 – were over budget by a combined \$43.2 million.

MTA officials generally disagreed with the audit findings and recommendations, claiming that the auditors did not provide sufficient support that the conditions noted resulted in the late completion of projects and additional costs.

“Reasons for project delays and cost overruns can vary, and the audit does not cite any definitive analyses used in its determinations,” Andy Byford, NYC Transit President wrote in a member to MTA Chairman Patrick Foye, released as part of the audit. “Many of the issues cited in the audit are not unusual in large, multi-year construction projects. We do, however, recognize that policy reinstruction will reinforce agency best practices...”



New York City's Shrinking Workweek

Although the City's economy has been booming from a job growth perspective, the City's economy looks less robust in terms of the growth in hours worked over that same period, according to a report by the Independent Budget office. IBO posits whether the decline in the number of hours worked explains why the City's wages have not grown in proportion to the job increases.

In 2018, the city had 715,200 more private-sector jobs than in 2008, a 22.0 percent increase. However, a new analysis from IBO finds that average weekly hours worked in the city has trended downward over the decade since the last recession—and that the decline has been steeper here than in other large and mid-sized metropolitan areas across the U.S.

According to the IBO, the decline in average hours worked in the city may partly explain why New York's long expansion has been accompanied by “relatively tepid” wage growth. With the average number of hours worked decreasing, the local job market may not have tightened as much as the falling unemployment rate implies. Consequently, there would be less market pressure pushing up wages.

For example, the IBO found that due to the drag from the shrinking workweek, total hours worked in the private sector increased 17.0 percent from 2008 through 2018, versus the 22.0 percent increase in total private-sector employment. The decline in average hours worked offset the equivalent of 164,100 jobs, almost a quarter of the 2008-2018 employment gain.

Among the IBO findings are:

- The average workweek in New York City's private sector fell from 35.5 hours in 2008 to 34.1 hours in 2018, a decline of 4.1 percent. Average hours worked continued their decline through the first six months of 2019.
- Sectors in the city with relatively long average workweeks such as financial activities had generally weaker employment growth over the past decade than sectors with relatively short workweeks such as education and health services.
- In education and health services the average workweek fell sharply (7.5 percent) over the 2008-2018 period while employment surged (36.6 percent) because most of the sector's job growth was in home health care services, where average hours worked were particularly low and declined further as employment grew.

Briefs

NYCHA Votes on First Air Rights Sale

New York City Housing Authority voted Wednesday to move forward with an air rights sale that will net nearly \$25 million for the Ingersoll Houses in Downtown Brooklyn. The deal is the start of the City's NYCHA 2.0 redevelopment plan, which is designed to bring public housing into good repair.

Under NYCHA 2.0, the city aims to sell \$1 billion worth of unused development rights at its complexes around the five boroughs. The deal at Ingersoll Houses marks the first part of the plan.

Following the vote, NYCHA plans to send an application to the U.S. Department of Housing and Urban Development requesting permission to sell a 6,000 square-foot parking lot adjacent to the complex that is zoned for dense residential development. The agency also plans to sell nearly 91,000 square feet of air rights from the NYCHA complex.

The buyers, a development team of Madd Equities and Joy Construction, plan to incorporate the parcel and additional air rights into a residential project they are constructing next door at the corner of Tillary and Prince Streets. The air rights sale will allow that project to grow from early projections of 183 units to nearly 400, the agency said Wednesday, and will funnel all of the \$24.8 million in proceeds to Ingersoll.

The Ingersoll complex has 21 buildings with capital needs totaling \$465 million over 20 years. The authority plans to hold meetings with tenants to get a sense of what they would like to prioritize.

Throwing Water at Police Would be a Felony Under Proposed Legislation

State lawmakers want to make the act of throwing water at a police officer punishable by up to four years in prison. Assemblymembers Mike LiPetri (R-Long Island) and Michael Reilly (R-Staten Island) introduced a bill that would make throwing or spraying any substance at an on-duty police or peace officer a Class E felony.

The legislation is being proposed amid a spate of viral videos showing people throwing water at NYPD officers on several occasions earlier this month. Police are still searching for a suspect in one of the incidents on July 24 in Queens, where surveillance video captured a man walk up to two officers near 86th Street and Jamaica Avenue and douse them with a water bottle while apparently filming the encounter with his phone.

“It’s a sad day in the history of New York State when we have to legislate civility,” Assemblyman LiPetri said at a City Hall press conference. “Gone are the days of peaceful protest. We now have individuals literally drenching on-duty police officers with buckets of water during routine patrols. ... This time it’s water, but what’s next? Gasoline? Acid?”

Patrolmen's Benevolent Association president Patrick Lynch said the incidents show anti-police rhetoric is on the rise. “If folks will dump water over the heads of New York City police officers, they’ll do it to everyone.”

Western New York Republican Chris Jacobs has introduced similar legislation in the State Senate.

Law Allows Firefighters & Emergency Medical Responders to Rescue Animals in Vehicles

Firefighters and emergency medical responders in New York can now come to the rescue of animals left unattended in vehicles if they are in danger under a bill signed into law Wednesday by Governor Andrew M. Cuomo.

The legislation allows the responders to act if the animals are endangered by extreme heat or cold without proper ventilation or other protection. Previously only authorized police or animal control officials were allowed to intervene.

According to Governor Andrew Cuomo, the legislation will help reduce wait times when calls are made to 911.

Bill Creating Maternal Mortality Review Board Approved

Governor Andrew Cuomo on Thursday approved a bill that will create a review board assessing maternal deaths for women who die in childbirth in New York state and make recommendations for improving health. New York State ranks 30th in the nation in maternal mortality.

“New York has made significant progress ensuring every woman in the state has equal access to high quality healthcare before, during and after pregnancy,” Governor Cuomo said in a statement. “Racial disparities in maternal mortality is a national crisis, and with the creation of this expert review board and advisory council, we are tackling the problem head-on to ensure safer, healthier pregnancies for all.”

Black women are four times more likely to die in childbirth than white women.

Department of Financial Services Proposes New Regulation Providing Consumer Protections to Student Loan Borrowers

The State Department of Financial Services (DFS) announced a new proposed regulation that will provide significant consumer protections for New York student loan borrowers. The regulation would require companies that service student loans held by New Yorkers to meet new standards which will address problems that have plagued the student loan servicing industry.

- Provide clear and complete information concerning fees, payments due, and terms and conditions of loans;
- Apply payments in borrowers' best interest, rather than in ways that maximize servicer fees;
- Inform borrowers of income-based repayment and loan forgiveness options;
- Maintain and provide to consumers a detailed history of their account;
- When a borrower's loan is transferred to a new servicer, ensure all necessary servicing information is transferred with the loan so the borrower's repayment is not disrupted;
- Provide accurate information to credit reporting agencies; and
- Provide timely and substantive responses to consumer complaints.

Under the proposed regulation, student loan servicers will be required to submit their licensing applications through the Nationwide Multistate Licensing System (NMLS), a secure, web-based, nationwide licensing system. The licensing application will be live on the NMLS website on August 1, 2019.

The proposed regulation is subject to a 60-day comment period following publication in the State Register on July 31, 2019. The Department of Financial Services will then review all received comments and issue a final regulation.

Coming Up

New York State

Friday August 9th

To hear from stakeholders on strategies for reducing overdoses, improving individual and community health, and addressing the harmful consequences of drug use

Joint Senate Task Force on Opioids, Addiction and Overdoses Prevention

St. Barnabas Hospital, SBH Auditorium, Main Building, 1st Floor, 4422 Third Avenue, Bronx, 10 a.m.

New York City

Tuesday August 6th

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

Subcommittee on Landmarks, Public Sitting and Maritime Uses, Committee Room – 250 Broadway, 16th Floor, 1 p.m.

Thursday August 8th

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

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To Our Clients: If you have any questions regarding any of the matters addressed in this newsletter, or regarding any legislative, government relations or political or consulting or related issues in general, please contact the Pitta Bishop & Del Giorno LLC professional with whom you usually work.

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