



This Week in New York

Covering New York State and City Government
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from Pitta Bishop & Del Giorno LLC



In the News – State

Governor Breaks Ground on New Belmont Park Arena



Governor Andrew Cuomo joined the New York Islanders, National Hockey League Commissioner Gary Bettman, local leaders and hockey fans to break ground on the New York Islanders' new arena at Belmont Park, the centerpiece of the \$1.3 billion Belmont Park Redevelopment.

In addition, Governor Cuomo announced the team has agreed to play 28 regular season games at the Nassau Veteran's Memorial Coliseum during

the 2019-2020 season, seven more than previously planned.

"The Islanders belong on Long Island — and today we start building the state-of-the-art home this team and their fans deserve while generating thousands of jobs and billions in economic activity for the region's economy," Governor Cuomo said. "With seven more Islanders games at the Coliseum this season, fans will have even more opportunities to see their favorite team and generate momentum for the move to their new home in two years. At the end of the day this project is about building on two great Long Island traditions - Belmont Park and the Islanders - and making them greater than ever."

Announced in December 2017, the Belmont Redevelopment Project will turn 43 acres of underutilized parking lots at Belmont Park into a premier sports and hospitality destination, including a new 19,000-seat arena for the New York Islanders hockey team and other events, a 250-key hotel, a retail village and office and community space. In addition, the project developers - New York Belmont Partners - will improve two local parks in the surrounding community.

Through a public-private partnership, the developers will also help fund a new full-time Long Island Rail Road station in Belmont. This new station will allow riders to access to new arena, hotel, and retail village from both the east and west, while providing a new commuting option for Long Islanders.

"This groundbreaking is a milestone marking a new era for Nassau County. Say goodbye to the Land of No - we're growing again and building for the future," County Executive Laura Curran said. "Whether it's here at Belmont, the new HUB, our revitalized downtowns, or new transit-oriented development across our County - we're saying YES to making Nassau County a vibrant place to live, work, and play. YES to economic opportunity, YES to an improved public transit system, and YES to the Islanders playing here, where they belong. The Belmont development will achieve three critical goals for us: boost our economy, expand our public transit network, and bring our Islanders home - a hat trick for Nassau County."

In the News – City

Comptroller Finds NYC Retail Vacancy Crisis: Empty Retail Space Doubled Since 2007

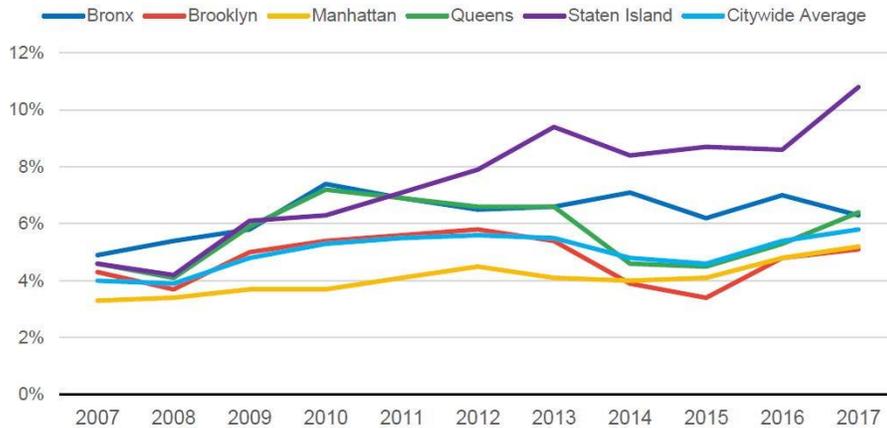
“Amazon effect” has changed the face of New York City storefronts, hurting traditional and independent retail stores as restaurants and service-oriented businesses grow

Despite New York City's continued economic expansion, an analysis released this week by New York City Comptroller Scott Stringer shows that the rate of empty and vacant storefronts across the five boroughs has increased by nearly 50 percent over the past decade, rising to a high of 5.8 percent in 2017.

Comptroller Stringer's new report found that the rise of retail vacancy citywide has been fueled by the growth in online shopping, rising commercial rents, and regulatory hurdles. According to the Comptroller, the rise of online retail in particular has dramatically reshaped the mix of New York City's

retail space away from traditional retail stores in favor of service-oriented establishments such as restaurants, barbers, and exercise studios, contributing to the growing vacancy trends.

Chart 1. Retail Vacancy Rates Have Risen Citywide



To turn the tide and support local small business growth, Comptroller Stringer proposed a series of measures, including a tax incentive for retailers in high-vacancy areas; reforming the City bureaucracy that impedes the construction, inspection, and permit processes; and improving planning for how retail spaces are developed.

Key findings from Comptroller Stringer’s report include:

- The citywide vacancy rate, measured as vacant retail square feet divided by total retail square feet, rose from 4.0 percent in 2007 to 5.8 percent in 2017. An additional 5.2 million square feet of retail space was vacant in 2017 compared to 2007, bringing the total to almost \$11 million square feet.
- The highest vacancy rate neighborhoods lie outside of Manhattan – particularly in Staten Island and Queens.
- Over the past decade, average retail rents rose 22 percent citywide. Rents rose most rapidly in parts of Manhattan – as much as 68 percent on the Upper West Side, and 55 percent in Central Harlem.
- The number of merchandise retail outlets in New York City rose by 19 percent between 2007 and 2017, while the number of personal services establishments rose by nearly 50 percent, and bars and restaurants rose by 65 percent.
- The share of Department of Buildings alteration permits unapproved after 30 days is a significant driver of retail vacancy, according to the Comptroller. A one percent increase in this metric is associated with a 3.28 percent increase in vacant retail square footage. Although this metric fell sharply between 2007 and 2017, the Comptroller noted it increased substantially in 2018.
- The average number of days it takes to get a liquor license is also a significant driver of retail vacancy. A one percent increase in this measure is associated with a 0.17 percent increase in retail vacancy. In 2018, liquor license approval times increased city wide from roughly 50 to nearly 75 days, an increase of about 50 percent.

Bills Approved by the City Council

Introduction 49-A, sponsored by Council Member Costa Constantinides, would require the Department of Citywide Administrative Services (DCAS) to conduct a study regarding the feasibility of installation and use of each available type of utility scale energy storage system in each city building and submit to the Mayor and the Speaker a copy of such study no later than April 30, 2021. Following such study, the department or any other authorized agency shall install utility style energy storage systems on all city buildings where the study determines that installation is cost effective.

Introduction 140-A, sponsored by Council Member Stephen Levin, would require the Mayor's Office of Long Term Planning and Sustainability to conduct a study regarding the feasibility of implementing in the city one or more community choice aggregation programs.

Introduction 426-A, sponsored by Council Member Costa Constantinides, would require the Department of Citywide Administrative Services (DCAS) to study the feasibility of the installation of solar water heating and thermal energy systems on city-owned buildings.

Introduction 1140-A, sponsored by Council Member Costa Constantinides, would require an agency or office designated by the Mayor, working with other agencies and offices, to study the issue of off-hour deliveries to City facilities and develop a framework for the implementation of such deliveries at City facilities in the central business district (Manhattan south of 60th Street) and at least two highly congested areas outside of the central business district. The City would then have to implement off-hour deliveries where feasible.

The bill would also include reporting requirements at several stages.

Introduction 1410-B, sponsored by Council Member Vanessa L. Gibson, would strengthen the commercial tenant harassment law by changing the current standard of an act or omission that "is intended to cause" a tenant to vacate the premises, to an act or omission that "would reasonably cause" a commercial tenant to vacate the property, or otherwise surrender their lawful rights to the premises.

This bill would also expand the acts and omissions that constitute commercial tenant harassment to now include:

- Threatening a commercial tenant based on such tenant belonging to a protected category under the City's Human Rights Law (such as age, race, national origin, gender, disability, sexual orientation, alienage or citizenship status);
- Requesting identifying documentation that would disclose the citizenship status of a commercial tenant; or
- Unreasonably refusing to cooperate with a tenant's permitted repairs or construction activities.
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Introduction 1548, sponsored by Council Member I. Daneek Miller, would require the NYPD to report on the number of seizures of "ghost guns" and 3D printed guns.

Introduction 1553-A, sponsored by Council Member Helen Rosenthal, would make it a misdemeanor to possess an unfinished lower receiver (metal that can be ordered online and turned into a gun).

Introduction 1682-A, sponsored by Speaker Corey Johnson, would repeal Local Law 22 of 2018 which bans offering conversion therapy services for a fee in New York City. Conversion therapy, also known as “reparative therapy,” “Ex-Gay therapy,” or “Sexual Orientation Change Efforts,” is a set of practices intending to change a person’s sexuality or gender identity to fit heterosexual or cisgender standards and expectations. Minors would still be protected under a recent law passed by the State. State and city agencies can also still prosecute individuals who offer these services for a fee under consumer protection laws.

Briefs

NYS Announces Partnerships with Ireland and Denmark to Improve Power Grids and Enable More Renewable Energy Sources

Governor Andrew Cuomo announced New York State is pursuing partnerships with Ireland and Denmark by signing two separate memorandums of understanding that will lead to improved electric infrastructure and the advancement of more renewable energy sources, including offshore wind.

The first agreement, with Ireland's electric utility and grid operator, lays out plans to model, create and test new solutions for energy systems in the state's first collaborative electric utility research facility at the New York Power Authority (NYPA). The collaboration between NYPA, the Electricity Supply Board (ESB), a state-owned Irish utility; EirGrid Group, a state-owned Irish electric power transmission operator; and the Electric Power Research Institute (EPRI), a U.S.-based nonprofit organization that focuses on the electric industry, aims to accelerate improvements to energy infrastructure, create more reliable and efficient electric grids, and integrate distributed generation and resources onto local and regional power grids.

The second agreement expands an ongoing partnership between the New York State Energy Research and Development Authority (NYSERDA) and the Danish Ministry of Energy, Utilities and Climate for the development and procurement of offshore wind energy. Expertise and knowledge will be exchanged while developing innovative solutions for the development of offshore wind energy, including areas such as infrastructure, supply chain, workforce development and procurement solutions. This collaborative partnership will build upon the foundation of the New York State Offshore Wind Master Plan, which was released in 2018 by Governor Cuomo.

Thruway Construction Agreement Reached between Seneca Nation and State

The Seneca Nation of Indians announced this week that they have reached an agreement with the New York State Thruway Authority over construction repairs of a three-mile stretch on Interstate 90.

These three miles of the Thruway cross the Seneca Nation's Cattaraugus Reservation in Western New York. For the last several years the Seneca Nation and State have debated issues surrounding repairs on this portion of the thruway. In recent weeks elected officials and the media had begun discussing the safety issues and need to repair the thruway.

The repairs are expected to begin this week and should be completed within the next 8-10 weeks. Work to be done will include concrete repairs, guide rail replacements and other safety measures to address the serious deterioration at this stretch.

New York & Connecticut Join Forces in Cannabis Debate

Governor Andrew Cuomo and Governor Ned Lamont this week announced a strategic partnership between New York and Connecticut to develop a uniform regional approach to policies on e-cigarettes and legal cannabis. On October 17, officials from law enforcement, state health officials and policy makers representing both states will hold a summit to develop guidelines and principles that will benefit the two states' vaping oversight and cannabis legalization.

According to Governor Cuomo, vaping regulation and cannabis legalization will be heavily influenced by the geographical proximity and traffic flow between New York and Connecticut. With consumers of vaping and cannabis products expected to be transferring products across state lines, next month's summit will examine a number of factors that will influence state policies on the products.

Dr. Merryl H. Tisch to Serve as Chair of SUNY Board of Trustees

Cesar Perales to Serve as Vice Chair of SUNY Board of Trustees

Governor Andrew Cuomo this week appointed Dr. Merryl H. Tisch to serve as chair and Cesar Perales to serve as vice chair of the State University of New York Board of Trustees.

Dr. Tisch served as Vice Chairman of the SUNY Board of Trustees since March, 2018. Prior to her appointment, Dr. Tisch was a member of the Board of Regents for 20 years and held the position of Vice Chancellor from 2007 to 2009.

Mr. Perales was appointed a member of the SUNY Board of Trustees on June 21, 2019. Mr. Perales grew up in New York City and earned a bachelor's degree from City College and a law degree from Fordham Law School. Prior to his appointment as SUNY Trustee, Mr. Perales served as New York State's Secretary of State.

NYC DOE to Contact 19,000 Former 9/11 Students About Free Medical Care

City education officials are attempting to contact all 19,000 former students who attended public schools near Ground Zero on 9/11 to let them know they could be eligible for free medical care.

The ex-students would qualify for coverage under the federal government's Victims Compensation Fund if they are certified as having suffered any of 68 9/11-related cancers or dozens of respiratory diseases by the World Trade Center Health Program.

The DOE, in concert with the United Federation of Teachers, also is reaching out to 3,000 teachers who worked at public schools in the vicinity of Ground Zero.

Council Members Propose Special Election Reform

New York City Council Members Keith Powers (D-Manhattan) and Eric Ulrich (R-Queens) proposed new legislation (Intro. 1743) this week to reform the way special elections are carried out. The proposed legislation would reduce the number of special elections to replace an official who resigned from three to one.

Currently, when an elected official resigns, a special election is held to fill the immediate vacancy and is then followed by a primary election and general election to fill the remainder of the term. The proposed legislation would have only one election held to finish the term.

MTA Board & Governor Give Thumbs Up to MTA Capital Plan

The Metropolitan Transportation Authority (MTA) Board this week approved the agency's \$51.5 billion 2020-2024 Capital Plan. In addition, Governor Andrew Cuomo indicated that the plan meets his priorities.

"I laid out my priorities for the MTA Capital Plan to the Board several weeks ago, including improving signal technology, increasing accessibility, addressing quality of life concerns, ensuring equity for LIRR and Metro-North Railroad, and upgrading bus service," Governor Cuomo explained. "This plan meets those priorities. The record level of investment by the State - including \$25 billion secured during this year's legislative session and an additional State investment of \$3 billion - is extraordinary, but after generations of the MTA being underfunded and mismanaged, it is necessary and will pay dividends for the future of the system. We have made much progress recently and now the Senate Leader, Assembly Speaker and Mayor of New York City must approve it in order to move forward."

Tenant Advocate Groups Allowed to Join Lawsuit

A federal judge has allowed for a group of tenant advocate groups to join in against a lawsuit that is attempting to end New York State's new rent-regulation system. The groups allowed to now participate are the Coalition for the Homeless, Community Voices, and Tenant and Neighbors.

The Legal Aid Society, Legal Services NYC, and Selendy & Gay filed a motion earlier in September to allow these groups to join the case. Judge Margo K. Brodie of the U.S. District Court for the Eastern District of New York allowed their motion this week.

The lawsuit was filed by the Rent Stabilization Association, the Community Housing Improvement Program and individual landlords and allege that the new rent-regulations are an unlawful seizure of private property. They seek to end this new system.

Senator Salazar and Teamsters Local 814 Crash Union-Busting Company Meeting

State Senator Julia Salazar (D-Brooklyn) and Teamsters Local 814 President Jason Ide arrived uninvited to a UOVO company meeting this week. UOVO, a Queens-based fine art moving company, has refused to recognize the unionization of its employees. The meeting was held to convince employees not to join the union.

Senator Salazar and Ide called for UOVO to end its union-busting and later joined workers outside the building. Workers at the company are seeking to acquire affordable family health care, safety protections and retirement benefits.

"A company like UOVO, that counts on doing business with city-funded, prounion institutions like the Met, and that has asked the city's taxpayers to help subsidize their expansion into my district, should be expected to treat their workers with respect," said Senator Salazar.

UOVO plans to open a new warehouse in Bushwick this year with almost \$17 million in funding from the New York City Economic Development Corporation.

Coming Up

New York State

Thursday October 3rd

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 Overdose Prevention

Putnam County Training and Operations Center, 112 Old Route 6, Carmel, 1 p.m.

New York City

Wednesday October 2nd

Committee on Criminal Justice, Council Chambers – City Hall, 10 a.m.

Committee on General Welfare, Council Chambers – City Hall, 10 a.m.

Committee on Immigration, Committee Room – City Hall, 1 p.m.

Thursday October 3rd

Committee on Consumer Affairs and Business Licensing, Committee Room – 250 Broadway, 16th Floor, 10 a.m.

Subcommittee on Landmarks, Public Sitings and Dispositions, Council Chambers – City Hall, 1 p.m.

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