



Happy Thanksgiving
From Pitta Bishop & Del Giorno LLC

In the News – State



Governor Cuomo & National Grid
Find Common Ground

Company to Pay \$36 Million in Penalties to Compensate Customers Impacted by the Moratorium and in Support of Clean Energy Projects

The State Public Service Commission (PSC) this week approved the agreement reached between Governor Andrew Cuomo and National Grid to immediately lift the current moratorium on gas service in Long Island, Queens and Brooklyn.

Under the terms of the agreement, National Grid will analyze and present viable options to address the long-term supply issue including: renewable energy sources, conservation strategies, a new pipeline, LNG facilities, CNG facilities and interoperable systems. National Grid will analyze these options over the next three months and present them in a series of public meetings in Queens, Brooklyn, Nassau, and Suffolk. These meetings will be conducted in coordination with local elected officials.

To compensate customers who were adversely impacted by the moratorium, National Grid will pay a \$36 million penalty. The penalty will also support new energy conservation measures and clean energy projects as directed by the Director of the New York State Division of the Budget in consultation with the PSC.

"This agreement is a victory for customers," Governor Cuomo said. "National Grid will pay a significant penalty for its failure to address the supply issue, its abuse of its customers, and the adverse economic impact they have caused. The Company is also working to address the long-term supply problem and will present options in the coming months to the people of Brooklyn, Queens, and Long Island, letting them choose the best way forward for their communities."

The State will work with National Grid and local communities and elected officials to identify the best available long-term option by June 2020 to allow a safe and adequate construction and transition period so the option can be in place and functioning in Fall 2021.

"We have worked hard to identify an innovative series of alternatives to meet growing demand. With this agreement, we will present options for long term supply solutions that ensure our customers have the service they require and desire," said John Bruckner President of National Grid New York. "With the resumption of service, providing support for those affected by the moratorium and further investments in New York's long-term clean energy future, we are demonstrating our unwavering commitment to delivering on our top priority of providing safe and reliable service."

The State of New York will appoint a monitor to oversee National Grid's gas supply operations. The monitor will report to the State of New York and the PSC, and will be paid for by National Grid.

This agreement will serve as the basis to settle an order to show cause issued by the PSC in October. At that time, the PSC also directed the utility to immediately connect 1,157 residential and small commercial customers, and to implement an alternative supply and demand reduction plan to ensure the safety and reliability of the gas system.

If the conditions of the agreement are satisfied, the PSC will not proceed with revocation of National Grid's operating certificate. There are two additional open orders to show cause pending against National Grid by the PSC that must be resolved.



New York's Public Election Financing Program Takes Shape

The Public Finance Commission this week voted to establish a new \$100 million campaign finance system in New York State.

Established in the 2019-2020 State budget, the Commission framed a program for public funds matching, established new caps for contributions, and set a new vote threshold for parties to maintain a position on the ballot.

Under the public financing program, donations of \$250 or less would receive public fund matches. State residents would have their donations matched with public dollars at a 6-to-1 ratio for

statewide candidates. In-district residents would have a tiered match when contributing to a candidate, 12-to-1 for the first \$50, 9-to-1 for the next \$100 and 8-to-1 for the final \$100. Public funds would be capped at \$7 million statewide.

Effective in 2026, contributions to statewide candidates would be set at \$18,000. The current rate is \$70,000 which would be in effect through the 2022 election. In 2024, campaign contributions to state Senate candidates are capped at \$10,000 and at \$6,000 for Assemblymembers. The current rates are \$19,300 for Senate races and \$9,400 for Assembly races.

With respect to ballot positions, the Commission raised the number of votes necessary to maintain a ballot position to 130,000 every two years. The current level is 50,000 votes every 4 years.

The report of the Commission becomes law unless the Legislature acts within 20 days.



Chapters of the Laws of 2019

Chapter 536 – Sponsored by M of A Galef / Senator Carlucci -- Provides for the inclusion, at a voter's option, of an e-mail address in the voter registration application and record for notices to be sent thus and by US Postal Service.

Chapter 537 – Sponsored by M of A Dinowitz / Senator Krueger -- Prohibits the unauthorized change of a natural gas or electric service provider.

Chapter 538 – Sponsored by M of A Buchwald / Senator Harckham -- Relates to disclosing if the property subject to lien is real property improved or to be improved with a single family dwelling.

Chapter 539 – Sponsored by M of A Blake / Senator Persaud -- Relates to additional information required in annual reports for limited-profit housing companies.

Chapter 540 – Sponsored by M of A Crespo / Senator Kavanagh -- Prohibits a consumer reporting agency or lender from using certain information to determine an individual's credit worthiness.

Chapter 541 – Sponsored by M of A Lupardo / Senator Gaughran – Increases training with respect to home inspection professional licensing.

Chapter 545 – Sponsored by M of A Gunther / Senator Carlucci -- Relates to increasing the maximum account balance for the New York ABLE program.

Chapter 550 – Sponsored by Senator Carlucci / M of A Buttenschon -- Relates to home improvement contract provisions.

Chapter 552 – Sponsored by Senator Kaminsky / M of A Rozic -- Relates to policies and procedures regarding hate crimes and establishes a hate crimes training program.

Chapter 556 – Sponsored by Senator Metzger / M of A Jaffee -- Relates to notice of employee rights and remedies.

Chapter 565 – Sponsored by Senator Kaminsky / M of A Griffin -- Eliminates the installation or covering of mercury-containing flooring in elementary and secondary schools.

Chapter 569 – Sponsored by Senator Bailey/ M of A Weprin -- Permits suspension of jury deliberations for a certain period of time.



Bills Vetoed by the Governor

Veto 151 – Sponsored by M of A McDonald / Senator Rivera -- Relates to the dispensing of partially filled prescriptions.

Veto 152 – Sponsored by M of A Pretlow / Senator Sanders -- Requires a New York state legend on all bell jar tickets sold in New York state.

Veto 153 – Sponsored by M of A Stirpe / Senator May -- Establishes a program to provide education and training to individuals fifty years of age and older regarding the transition to an entrepreneur and small business developer.

Veto 154 – Sponsored by Senator Kennedy / M of A Santabarbara -- Establishes a small business energy assistance and advocacy services program.

Veto 155 – Sponsored by Senator Rivera / M of A Gottfried -- Relates to expanding the health departments review of correctional health services.

Veto 156 – Sponsored by Senator Persaud / M of A Solages -- Establishes the small business crime prevention services.

Veto 158 – Sponsored by Senator Addabbo / M of A Cymbrowitz -- Establishes the legislative task force on responsible gaming.

Veto 159 – Sponsored by Senator Mayer / M of A D'Urso -- Requires the department of environmental conservation to report on coyote management techniques in urban and suburban areas.

Veto 160 – Sponsored by Senator Skoufis / M of A Paulin -- Requires the secretary of state to compile, make public and keep current certain information about state boards.

Veto 161 – Sponsored by Senator Thomas / M of A Rozic -- Creates the empire state cricket task force.

Veto 163 – Sponsored by Senator Liu / M of A Weprin -- Authorizes the commissioner of transportation to conduct a study pertaining to a proposed expansion of the Long Island Motor Parkway trail.

Veto 164 – Sponsored by Senator Persaud / M of A Hevesi -- Relates to the unearned income of a child.

Veto 165 – Sponsored by Senator Kennedy / M of A Abinanti -- Relates to state liability for potholes on state highways.

Veto 168 – Sponsored by Senator Stavisky / M of A Glick -- Relates to requirements for the NYS science, technology, engineering and mathematics incentive program.

In the News – City



City Claims Construction Injuries Down More than 26% in 2019

Injuries during the construction of buildings in New York City declined more than 26% in January through October 2019 compared to the same period last year, according to Mayor Bill de Blasio.

Specifically, injuries on construction sites decreased from 657 in the first ten months of 2018 to 483 through October of this year, a decline of 26.5 percent. Meanwhile the number of building permits issued for major construction projects increased. DOB issued 16,322 permits for major construction projects from January through October 2018, versus 16,291 such projects permitted in the same period of time in 2019. Major projects are new buildings, major alterations of existing buildings, and demolitions.

According to the Mayor, the decrease in injuries comes after the launch of DOB's Construction Safety Compliance (CSC) Unit, dedicated to conducting unannounced inspections of major construction sites citywide. The improvement also coincides with the implementation of Local Law 196 of 2017, which requires safety training for workers at New York City's larger construction sites. CSC is in the process of inspecting roughly 6,000 sites to enforce the law and check whether construction workers have the required training.

In September 2018, DOB dissolved its longtime Buildings Enforcement Safety Team (BEST) and divided BEST's responsibilities between two new units: the Construction Safety Enforcement Unit, which focuses on emergency response and other functions; and CSC, which focuses on proactive inspections of major construction sites, where workers are at the highest risk of injury. The latter unit also specializes in approving and inspecting site-safety plans and demolition applications.

CSC currently has 38 inspectors and 10 trainees and will have as many as 53 inspectors.

Since the unit's inception in September 2018, CSC personnel have conducted 20,166 proactive inspections at 10,256 construction sites, issuing 2,523 stop-work orders and 11,484 OATH summonses, which carry penalties of nearly \$15 million for safety lapses on job sites in the five boroughs.



Bills Approved by the City Council

Introduction No. 314-A, sponsored by Council Member Ydanis Rodriguez, would require the Police Department (NYPD) to issue periodic reports on the improper use of placards.

Introduction No. 596-B, sponsored by the Public Advocate (Mr. Williams), would increase the existing fine for unauthorized or fraudulent city-issued parking permits from \$250 to \$500.

Introduction No. 927-A, sponsored by The Speaker (Council Member Johnson), would require the NYPD to create a centralized electronic tracking system for all city-issued parking permits.

Introduction No. 932-A, sponsored by Council Member Margaret Chin, would require parking permits to be revoked from individuals who: (1) receive three or more violations related to the misuse of the parking permit; (2) receive any violation related to unauthorized or fraudulent use of a parking permit; or (3) have unpaid parking or traffic violations in excess of \$350.

Introduction No. 942-A, sponsored by Council Member Peter Koo, would require the City to develop a comprehensive, citywide plan for the distribution and use of City-issued parking permits.

Introduction No. 1362-A, sponsored by Council Member Mark Levine, would ban the sale of flavored e-cigarettes and flavored e-liquids in New York City, including mint, menthol and wintergreen e-cigarettes and e-liquids.

Introduction No. 1393-A, sponsored by The Speaker (Council Member Johnson) and Council Members Torres and Chin, would require the NYPD to evaluate at least 50 sites a week for a period of six months for illegal parking.

Introduction No. 1394-A, sponsored by The Speaker (Council Member Johnson) and Council Members Torres and Chin, would prohibit official City vehicles from blocking a bike lane, bus lane, crosswalk, sidewalk or fire hydrant.

Introduction No. 1395-A, sponsored by The Speaker (Council Member Johnson) and Council Members Torres and Chin, would require 311 to accept complaints and photographs related to illegal parking and the misuse of parking permits.

Introduction No. 1422-A, sponsored by Council Member Keith Powers, would create a standardized application process for City-issued parking permits.

Introduction No. 1661-A, sponsored by Council Member Robert E. Cornegy Jr., would require permit holders to make information about site safety training requirements available to each worker.

Briefs

NYS Faces Budget \$6.1 Billion Deficit

The much-anticipated release of New York's FY 2020 Mid-Year Update gave shape to the State's budget crisis with a \$6.1 billion deficit estimated for FY2021. The gap is projected to grow to \$7.5 billion in FY 2022 and \$8.5 billion in FY 2023.

The current fiscal year will remain in balance if the State successfully implements measures to address an imbalance that has formed in the Medicaid Global Cap, according to Department of Budget (DOB).

Absent savings measures, DOB estimates that State-share Medicaid spending subject to the Global Cap would exceed the indexed growth amount by \$4.0 billion in FY 2020 (including the FY 2019 deferral of \$1.7 billion), \$3.1 billion in FY 2021, \$3.5 billion in FY 2022, and \$3.9 billion in FY 2023. DOB cites factors including, but not limited to: reimbursement to providers for the cost of the increase in the minimum wage; the phase-out of enhanced Federal funding; increased enrollment and costs in managed long-term care; and payments to financially distressed hospitals.

For the current fiscal year, DOB is developing a savings plan (the "FY 2020 savings plan") intended to maintain a balanced General Fund and working with the Department of Health (DOH) to avoid, to the extent practicable, piercing the Medicaid Global Cap.

At a minimum, the FY 2020 savings plan is expected to consist of a permanent adjustment to the timing of certain health care payments and a range of cost containment measures. Savings may include across the board reductions in rates paid to providers and health plans, reductions in discretionary payments, and other actions that can be executed administratively in the current fiscal year.

According to DOB, the FY 2021 Executive Budget, which is due in January 2020, will describe the specific elements of the FY 2020 savings plan and the proposals that will be advanced to eliminate the General Fund budget gap, including the Medicaid Global Cap imbalance, in FY 2021.

Governor Cuomo Signs Legislation Establishing Hate Crimes Recognition Training Program for Local Law Enforcement

Governor Andrew Cuomo this week signed legislation (Chapter 552) establishing a hate crimes recognition training program for local law enforcement. This measure directs the Municipal Police Training Council to work alongside the New York State Division of Human Rights and Hate Crimes Task Force to develop, maintain and distribute policies and procedures ensuring local law enforcement are properly trained in recognizing and responding to hate crimes.

According to the Governor, by establishing a hate crimes recognition training program, this measure will help ensure all state and local law enforcement agencies are properly trained in recognizing and responding to hate crimes, discouraging future crimes and creating greater accountability.

MTA, State Sued Over Contracting Rules

A lawsuit was filed this week against the Metropolitan Transportation Authority (MTA) and New York State in both federal and state courts in Manhattan by a group representing contractors. Alliance for Fair and Equitable Contracting Today, Inc., is a nonprofit representing five trade associations.

The lawsuit stems from new rules issued this year through Governor Andrew Cuomo's executive order that debar firms from doing business with the state if the firm is "non-responsible" for a collection of reasons. This executive order was followed up in the summer by the MTA. Their emergency regulations allowed the MTA to debar firms if the MTA believes that their work will be late or over budget by more than 10%.

The lawsuit claims the MTA's regulations are unconstitutional and conflict with state and federal laws as well as go beyond their regulatory capacity. The lawsuit further claims that Governor Cuomo's executive order goes beyond his authority and is an authority which the state legislature has the power to decide over.

The suit is joined by plaintiffs General Contractors Associations of New York and the New York Building Congress. The groups claim that these debarment regulations deter firms from bidding on contracts in the future.

New York to Protect Consumers from Unscrupulous Roofing Contractors

Governor Andrew Cuomo this week signed legislation (Chapter 550) cracking down on "storm chasers," unscrupulous roofers who take advantage of when a natural disaster strikes a community and exploit that in need of home repair services and either perform sub-standard work that must be redone, or no work at all.

The legislation provides consumer protections in roofing contracts and prohibits these "roofers" from using insurance deductibles as inducements to entering into an agreement for services. This legislation will become effective 180 days after enactment.

New York Appeals SALT Challenge Dismissal

New York State along with New Jersey, Connecticut, and Maryland, are challenging U.S. District Judge J. Paul Oetken's September decision to dismiss their case against the \$10,000 SALT tax cap put in place by the 2017 federal tax law.

The states claim that the SALT cap is a politically and partisan motivated attack against strongly Democratic voting states. Judge Oetken has ruled that the states had provided no constitutional principal for why the SALT cap should be overturned.

The lawsuit was initially filed in July 2018. Before the law went in to effect, taxpayers were able to deduct an unlimited amount of their state and local taxes from their federal returns.

Governor Cuomo Signs Bill to Prohibit Consumer Reporting Agencies from Using Social Network Activity to Determine Credit

Governor Andrew Cuomo this week signed legislation (Chapter 540) prohibiting consumer reporting agencies and lenders from using the credit scores of people in a consumer's social network to determine that individual's credit worthiness.

According to the Governor, the FICO score, a measure of consumer credit risk that has become a fixture of consumer lending in the United States, is now moving to add a consumer's social network as another variable in the more than 100 variable equation used to compute a consumer's credit score. This new law will prevent credit agencies from using this data to determine an individual's credit score, further protecting consumer right to privacy and preventing these agencies from assigning low-income consumers to lower credit scores based solely on their geography.

This law goes into effect immediately.

Mayor de Blasio Signs Animal Rights Legislation into Law

Mayor Bill de Blasio this week signed a new package of legislation aimed at protecting animal welfare. The initiatives include:

- Intro 870-A, which requires animal shelters operated by New York City to post photographs of adoptable animals within three days.
- Intro 1202-A prohibits the trafficking of wild birds, including pigeons.
- Intro 1378-A prohibits restaurants and stores from selling foie-gras.
- Int. 1425-A prohibits carriage horses from being worked in certain heat conditions.
- Int. 1478-A, establishes the Office of Animal Welfare. The Office will advise and assist the Mayor in interagency coordination and cooperation related to animal welfare administration, regulation, management, and programs.
- Int. 1498-A the NYPD will now be required to publish semi-annual public reports on complaints and investigations of animal cruelty allegations.
- Int. 1570-A requires that dogs entering kennels are in compliance with the New York City Health Code and are vaccinated for kennel cough.

2020 NYS Legislative Session

The 2020 Legislative Session convenes Wednesday, January 8th and is scheduled to close on Tuesday, June 2nd. A pdf of the calendar is available [here](#).

Coming Up

New York State

Monday December 2nd

OPWDD Transition to Managed Care

Senate Standing Committee on Mental Health and Developmental Disabilities
Van Buren Hearing Room A, Legislative Office Building, 2nd Floor, Albany, 10 a.m.

Tuesday December 3rd

To examine the distribution of the Foundation Aid formula as it relates to pupil and district needs
Joint Senate Standing Committee on Education and Senate Standing Committee on Budget and Revenues
Senate Hearing Room, 250 Broadway, 19th Floor, New York, 10 a.m.

New York City

Monday December 2nd

Subcommittee on Landmarks, Public Sitings and Dispositions, 250 Broadway, 16th floor, 1 p.m.

Tuesday December 3rd

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

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

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

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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