



This Week in New York

Covering New York State and City Government

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“Every record has been destroyed or falsified, every book rewritten, every picture has been repainted, every statue and street building has been renamed, every date has been altered.

And the process is continuing day by day and minute by minute. History has stopped. Nothing exists except an endless present in which the Party is always right.”

-George Orwell, 1984-

In the News – State



NYS DOH Revises Nursing Home Visitation Guidelines

Limited Visitation Permitted for Facilities Without COVID-19 for at Least 14 Days

State Department of Health (DOH) Commissioner Dr. Howard Zucker this week announced nursing homes in New York will be allowed to resume limited visitations at facilities that have been without COVID-19 for at least 14 days.

This [updated guidance](#) revises the 28 day guideline previously set by the federal Centers for Medicare & Medicaid Services and will allow eligible visitation in approximately 500 of the state's 613 nursing homes. The new guidelines went into effect Thursday, September 17th.

The facilities will require visitors to present a verified negative test result within the last seven days. Visitation must be refused by the facility if the individual fails to present a negative test result, exhibits any COVID-19 symptoms, or does not pass screening questions. Residents are limited to only two visitors at any one time. Visitors must undergo temperature checks, wear face coverings, and socially distance during the visit.

Meanwhile, Republican state lawmakers have created a petition in support of legislation to investigate COVID-related nursing home resident deaths. State Senator James Tedisco (R-Schenectady) has launched an online [petition](#) to support legislation that would allow for a bipartisan independent investigation with subpoena power to look into the deaths. The bill is also sponsored by Assemblyman Ron Kim (D Queens).

The State Legislature held hearings on the COVID-19 impact on nursing homes in August but has yet to receive requested information from DOH regarding nursing home deaths.

“How many nursing home residents died in hospitals?” Senator James Skoufis asked during the hearing. “I know you want that number, and I wish I could give you the number today, but I need to be sure it’s accurate,” NYS Department of Health Commissioner Howard Zucker responded.

To date, DOH has not publicized the numbers.

“One thing we can agree with our legislative colleagues on is that accurate and reliable data should drive smart public health decisions,” NYS DOH Spokesperson Gary Homes said, according to published reports. “So not only are we carefully reviewing all previous data, as the Commissioner committed to, but we’re also requiring confirmatory and post mortem testing for anybody who may have had COVID-19 or flu symptoms, or exposure to someone who did, to ensure data integrity.”

The Governor’s office dismissed the petition as a publicity stunt, noting that the main source of infection in nursing homes was asymptomatic staff members.

“With this latest publicity stunt, Tedisco and company accidentally revealed that even they think the DOJ inquiry is a trumped up partisan farce. The truth may be inconvenient for their politics, but--as has been the case with many other states--it was found that the main source of infection in nursing homes was, through no fault of their own, asymptomatic staffers,” in a statement, Rich Azzopardi, Senior Advisor to Governor Andrew Cuomo said, according to published reports.

In the News – City

NYC, United Federation of Teachers, and Council of School Supervisors & Administrators Announce School Reopening and Staffing Plan

The de Blasio Administration, United Federation of Teachers, and the Council of School Supervisors & Administrators (CSA) this week announced a phased schedule and additional staffing plan to start the 2020-2021 school year.

Under the City’s original plan, in-person instruction for all blended learning students was scheduled to begin Monday, September 21st. Following concerns cited by school administrators and teachers, Mayor Bill de Blasio pivoted, opting for a phased-in approach.

“Nothing is more important to school leaders than protecting the health, safety, and well-being of their students and staff,” said CSA President Mark Cannizzaro. “Although we are extremely disappointed that the start of in-person learning must be delayed again, it is simply not safe to open buildings to children without a teacher for every class. Our principals have communicated their staffing needs to their superintendents, and the Mayor has committed to providing these much-needed resources.”

Teachers and students this week have been remotely engaging in preparations and orientations for the school year. As remote learning continues, in-person learning for blended learning students will be phased-in across the next two weeks, beginning with:

- Monday, September 21st: Blended learning students in grades 3-K and Pre-K, as well as all grades in District 75.
- Tuesday, September 29th: Blended learning students enrolled in K-5 and K-8 schools.
- Thursday, October 1st: Blended learning students enrolled in middle schools, high schools, secondary schools (schools spanning grades 6-12), and transfer schools/adult education.

All students in full remote programs will continue as planned starting full-day instruction on Monday, September 21.

Adding to the 2,000 additional teaching staff to be deployed to schools that the Mayor announced on Monday, the City will also bring on 2,500 additional educators to fulfill staffing needs at 3-K, Pre-K, District 75, K-5, and K-8 schools.

The City will not reopen schools if the citywide infection rate exceeds 3.0%. The citywide infection rate is currently 0.63%.



Appeals Court Bars Release of NYPD Disciplinary Records as Union Lawsuit Progresses

A federal appeals court this week ruled to temporarily bar the release of all New York Police Department disciplinary records while the courts consider a suit brought by the City's law enforcement unions seeking to prevent the release under recently-enacted State Law.

A three-judge panel of the Second Circuit Court of Appeals ruled 2-1 on Thursday to reissue a stay on the record release.

Last month Manhattan District Court Judge Katherine Polk Failla lifted a hold on the records, ruling that "with a very limited exception" all disciplinary records-including unsubstantiated claims-should be public. The Circuit Court of Appeal Panel voted to re-institute the stay while the police unions' appeal continues.

The five police unions sued the City in mid-July to block the de Blasio Administration from releasing the law enforcement disciplinary records. In June, the State repealed section 50-a of the Civil Rights Law providing for the release of the information. The new disclosure provisions apply to firefighters and correction officers, as well as police officers.



Initiatives Approved by the City Council

Legislation

Proposed Intro No. 823-B, sponsored by Council Member Joe Borelli, would temporarily allow restaurants and other food service establishments to add a “COVID-19 Recovery Charge” of up to 10% of a customer’s total bill. The menu and bill would need to clearly disclose this charge. This surcharge would be permitted until 90 days after full indoor dining is once again permitted.

Proposed Intro No. 1603-A, sponsored by Council Member Mark Levine, would prohibit a developer from using or considering a tenant or prospective tenant’s credit score, consumer debt judgment, collection account, medical debt or student loan debt, other than delinquent debt that exceeds \$12,000, in the rental or lease of an affordable housing unit that receives city financial assistance. In addition, this bill would prohibit a developer, in the rental or lease of an affordable housing unit that receives city financial assistance, from (i) using the consumer credit history of anyone other than the designated representative of a household or (ii) failing to disclose the process and criteria by which the consumer credit history of the designated representative will be evaluated. This bill would apply only to projects for which the city financial assistance is expected to have a total value of \$1 million or more.

Proposed Intro No. 1853-A, proposed by Council Member Robert Cornegy, would require the Department of Buildings (DOB) to conduct a study of the safety and feasibility of allowing unmanned aircraft systems (“drones”) to conduct façade inspections.

Proposed Intro No. 1874-A, sponsored by Council Member Margaret Chin, would codify and improve upon the City Record Online’s (“CROL’s”) e-mail notification system. Currently, CROL allows individuals to sign up to receive e-mail notifications whenever a specific agency publishes a notice in the City Record regarding an upcoming agency action, such as a public hearing or the adoption of a new rule. Under this bill, individuals who sign up to receive CROL notifications would have the option to limit their notifications to items affecting their selected community board district. This would help ensure that individuals only receive notifications on the items most relevant to them.

Proposed Intro No. 1878-A, sponsored by Council Member Keith Powers, would establish a default rule providing that when a local law is enacted, the administering agency may start the rulemaking process and adopt any necessary rules prior to the local law’s effective date so that the rules and local law can take effect simultaneously. The Council would retain the power to expressly prohibit or require pre-effective date rulemaking for any particular local law.

Resolutions:

Resolution No. 1410-A, sponsored by Council Member Mark Treyger, would call on the Department of Education (DOE) to only open school buildings that have met the health and safety standards prescribed in the United Federation of Teachers’ (UFT) 50-item checklist. Additionally, the resolution would call on the DOE to implement a medically recommended mandatory randomized COVID-19 testing program for adults and students in all school buildings as agreed upon by the administration and the labor organizations representing school personnel including the United Federation of Teachers (UFT), Council of School Supervisors & Administrators (CSA), and District Council 37 (DC37).

Briefs

Comptroller DiNapoli: Local Sales Tax Collections Down 7.8 Percent in August

Local government sales tax revenue declined by 7.8 percent in August compared to the same period last year, according to State Comptroller Thomas DiNapoli. August’s sales tax collections totaled \$1.3 billion for counties and cities, or \$111 million less than in August 2019.

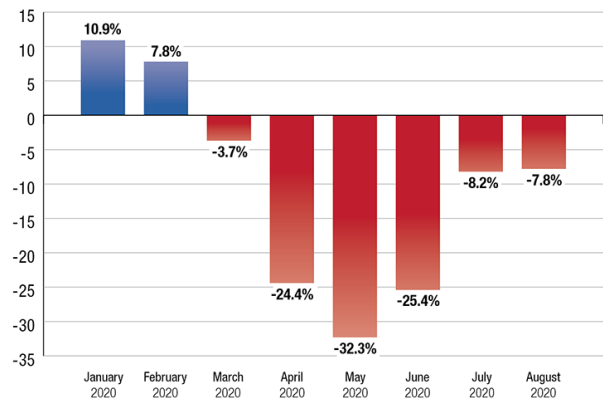
This drop in revenue is similar to the decline in July of 8.2 percent, though much less extreme than the early months of the pandemic when sales tax collections plummeted by double digits.

"Since the pandemic hit, local governments have seen a massive drop in sales tax collections. This is hurting their bottom lines and many have few options to plug the hole," Comptroller DiNapoli said. "Washington needs to stop playing political games and provide financial help to local governments to weather this storm."

Almost every county in the state saw drops in overall collections for August, ranging from 1.3 percent in Tioga to 35.5 percent in Delaware. New York City had a 7.1 percent decline, a \$43.9 million reduction in revenues, which was comparable to the 7.3 percent (\$44.6 million) decrease seen in July.

On the state level, Comptroller DiNapoli announced that State tax receipts are \$3.2 billion lower than last year, however, the state tax receipts of \$4.3 billion in August were \$309.3 million above the latest projections by the state Division of Budget (DOB).

Year-Over-Year Change in Local Sales Tax Collections



Source: New York State Department of Taxation and Finance, with calculations by OSC.
Notes: Includes New York City.

New Proposed Regulations Released to Accelerate the State's Wind and Solar Projects

The State Office of Office of Renewable Energy Siting this week released [draft regulations](#) to implement the [Accelerated Renewable Energy Growth and Community Benefit Act](#), aimed at speeding up the permitting process for large-scale wind and solar projects across the state.

According to Governor Andrew Cuomo, the regulations will facilitate the siting and construction of major renewable energy projects to combat climate change and help jumpstart the state's economic recovery from the COVID-19 pandemic. The Act and the resulting regulations will also accelerate progress toward the Governor's clean energy and climate goals--including the directive to obtain 70 percent of the state's electricity from renewable sources--as mandated under the state's Climate Leadership and Community Protection Act.

[Public hearings are planned](#), including two virtual hearings on November 24th and November 30th. In-person hearings are scheduled for November 17th in Buffalo, November 18th in Rochester, November 19th in Watertown and November 20th on Long Island.

Mayor de Blasio Announces Open Streets: Restaurants Will Expand to Weekdays at 40 Locations Citywide

Mayor Bill de Blasio this week announced the first Open Streets: Restaurant partner organizations that will begin temporary street closures on weekdays for outdoor dining along select corridors.

Earlier this month, the Administration had invited BIDs, community-based organizations, and groups of restaurants to submit applications to expand the Open Streets: Restaurants program. Previously, car-free hours had been limited to weekends.

Open Streets: Restaurants is now operating on 87 participating streets across the five boroughs. The broader Open Restaurants initiative, which includes outdoor dining on sidewalks and in curbside parking spaces on streets open to traffic, and select pedestrian plazas, has surpassed 10,200 participating businesses. The program continues through the end of October.

Weekday hours were eligible to begin on Thursday, September 17, varying by location. Hours for each participating location can be found on the Open Streets: Restaurants [homepage](#)

NYC Launches New Cleanliness Initiatives for Streets and Parks

Mayor Bill de Blasio this week announced new initiatives to bolster the city's sanitation and street cleanliness efforts. The City will take three response actions to supplement current sanitation efforts involving basket pickups, neighborhood and park cleaning, and community cleanup efforts.

- The City will reallocate a portion of the NYC Department of Sanitation (DSNY) budget to support the restoration of approximately 65 litter basket trucks weekly in areas across the city, a 24 percent increase from current levels.
- The New York City Economic Development Corporation (NYCEDC) will restart CleanNYC with the Doe Fund to provide supplemental cleaning services in neighborhoods and parks across the City through the end of the calendar year.
- The City will partner with community-based organizations, elected officials, and the private sector to sponsor community cleanups and mobilize volunteers to collect litter on streets and in parks. The City will provide tools and logistics support to groups who host cleanups.

Litter basket service will be restored in the 27 COVID-impacted areas listed [here](#).

Election Day, November 3rd

[New York State Voter Registration](#)

(Applications must be submitted no later than October 9, 2020).

[Electronic Request for an Absentee Ballot](#)

(Online request must be made by October 27, 2020. Please be advised that despite this deadline, the Post Office has advised they cannot guarantee timely delivery of ballots applied for less than 15 days before an election).

Coming Up

New York State

Tuesday, September 22nd

Impact of COVID-19 on state-funded student financial aid and access opportunity programs

Assembly Committee on Higher Education & Assembly Subcommittee on Tuition Assistance Program
Remote Hearing, 10 a.m.

To discuss the impact of COVID-19 on prisons and jails, including review of status for individuals released due to the virus, higher education programs status, and what related agencies plan to do going forward to keep infection numbers low

Senate Committee on Crime Victims, Crime and Correction & Senate Committee on Health
Remote Hearing, 10 a.m.

New York City

Monday, September 21st

Committee on Aging, Remote Hearing, 10 a.m.

Committee on General Welfare, Remote Hearing, 10 a.m.

Oversight - The Impact of the COVID-19 Pandemic on SNAP Administration, Food Pantries, and Soup Kitchens.

Committees on Hospitals & Criminal Justice, Remote Hearing, 10 a.m.

Oversight - The Department of Correction and Correctional Health Services Management of COVID-19 in Jails.

Tuesday, September 22nd

Committee on Environmental Protection, Remote Hearing, 10 a.m.

Committee on Mental Health, Disabilities and Addiction, Remote Hearing, 1 p.m.

Wednesday, September 23rd

Stated Council Meeting, Remote Hearing, 1:30 p.m.

Thursday, September 24th

Committee on Cultural Affairs, Libraries and International Intergroup Relation & Committee on Economic Development, Remote Hearing, 10 a.m.

Committee on Sanitation and Solid Waste Management, Remote Hearing, 1 p.m.

Oversight - Sidewalk and Street Cleanliness in NYC.

Friday, September 25th

Committee on Health & Committee on Hospitals, Remote Hearing, 10 a.m.

Committee on Governmental Oversight, Remote Hearing, 1 p.m.

Oversight - Election Administration during COVID-19 Pandemic.

**“We believe in the ideas of family, mutuality,
the sharing of benefits and burdens
for the good of all, feeling one another’s pain,
sharing one another’s blessing
recognizing that at the heart of the matter
we are bound to each other.”**

-Mario M. Cuomo-

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