



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

October 2, 2020 Edition



“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-



President & First Lady Test Positive for COVID-19

President Donald Trump announced early Friday that he and First Lady Melania Trump both tested positive for COVID-19.

"Tonight, @FLOTUS and I tested positive for COVID-19. We will begin our quarantine and recovery process immediately. We will get through this TOGETHER!" President Trump tweeted shortly before 1 a.m. Friday.

In a memo issued to reporters around 1 a.m., the President's physician, Navy Cmdr. Dr. Sean Conley, wrote that he received confirmation of the positive tests on Thursday evening, according to *CNN*.

"The President and First Lady are both well at this time, and they plan to remain at home within the White House during their convalescence," Dr. Conley wrote. "The White House medical team and I will maintain a vigilant watch, and I appreciate the support provided by some of our country's greatest medical professionals and institutions."

"Rest assured I expect the President to continue carrying out his duties without disruption while recovering, and I will keep you updated on any further developments," he wrote.

In the News – State



NY & NJ Launch Exposure Notification Apps to Track Spread of COVID-19

COVID Alert NY and COVID Alert NJ Notify Users of Potential COVID-19 Exposure

Apps Use Google and Apple Bluetooth Technology

Governor Andrew Cuomo and New Jersey Governor Phil Murphy this week announced the launch of COVID-19 exposure notification mobile apps to supplement the effort to trace and contact individuals subject to a COVID exposure. The apps, [COVID Alert NY](#) and [COVID Alert NJ](#), notify users if they have been in close contact - within six feet for at least 10 minutes - with someone who has tested positive for COVID-19.

With the launch, New York and New Jersey join Pennsylvania and Delaware in creating a regional COVID Alert app network. Connecticut has also announced it will launch the Exposure Notification System in the coming weeks.

The free mobile apps are available to anyone 18 or older who lives, works, or attends college in New York or New Jersey and can be downloaded from the Google Play Store or Apple App Store.

According to the Governors, COVID Alert NY and COVID Alert NJ are anonymous and do not track or collect any location data or personal data from your phone. The COVID Alert apps do not use GPS location data.

The Exposure Notification System uses Bluetooth Low Energy technology to detect when another phone with the same app is within six feet. Proximity is measured, but not geographic location. COVID Alert app users must explicitly choose to turn on exposure notifications - and can turn it off at any time.

The COVID Alert NY app will work in conjunction with similar apps in Delaware, New Jersey and Pennsylvania, allowing New Yorkers to continue to receive exposure notifications when exposed to residents of those states. If a New York State resident travels to one of those states and is exposed to someone with COVID-19 who has an equivalent app, the resident will receive a notification.

COVID Alert NY and COVID Alert NJ were created with software developer NearForm. COVID Alert NY is a partnership between Google, Apple, and Tech:NYC.

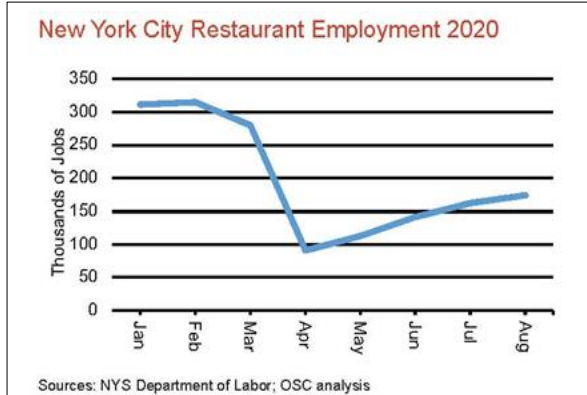
In the News – City



Comptroller DiNapoli: NYC’s Critical Restaurant Industry Threatened by Pandemic

New York City’s restaurant industry had 23,650 establishments in 2019, provided 317,800 jobs, paid \$10.7 billion in total wages citywide, and delivered nearly \$27 billion in taxable sales, but many restaurants and bars have closed or significantly reduced their operations because of the COVID-19 pandemic, according to a report released this week by State Comptroller Thomas DiNapoli.

“New York City’s bars and restaurants are the lifeblood of our neighborhoods. The industry is challenging under the best of circumstances and many eateries operate on tight margins. Now they face an unprecedented upheaval that may cause many establishments to close forever,” Comptroller DiNapoli said.



In April, restaurant employment in New York City dropped to 91,000 jobs as restrictions were imposed on businesses. Taxable sales for the City’s restaurant industry also fell by 71 percent during March, April, and May compared to a year earlier.

Balancing the need to bolster the restaurant industry and efforts to stop the COVID-19 spread, in June, the de Blasio Administration launched the Open Restaurant program, which issued special sidewalk and roadway permits to restaurants.

The City soon expanded the program to allow restaurants to set up tables in the traffic-free streets. Comptroller DiNapoli’s report found that this program and the phased reopening of the economy led to restaurant employment rising to 174,000 jobs in August, 55 percent of its pre-pandemic level.

As of the first week of September, a total of 43 percent of restaurants and bars citywide had received sidewalk or roadway seating permits. This included 50 percent of establishments in Manhattan, and more than 40 percent each of those in Brooklyn and Queens. The ratio of establishments in the Bronx and Staten Island were lowest at 30 percent and 20 percent, respectively.

On September 9, Governor Cuomo announced that restaurants in New York City would be allowed to open for indoor dining on September 30. Among other requirements, occupancy will be limited to 25 percent of capacity, temperature checks will be required of all guests, contact-tracing information must be left for one member of each party, restaurants must close at midnight and masks must be worn when not seated at a table. In addition, on September 25, the Mayor announced his intention to extend outdoor dining by continuing the Open Restaurants program as well as the Open Streets: Restaurants program, beyond the October 31st deadline and make them year-long and permanent.

“Restaurants reflect our diversity, employing tens of thousands of immigrants and providing a range of options fitting for a world-class metropolis,” Comptroller DiNapoli explained. “It’s important that the state and city continue to be creative and bolster the industry. The city’s decision to extend outdoor dining year-round to help keep restaurants afloat is a step in the right direction along with opening for indoor dining.”

Neighborhoods with 10 Highest and Lowest Numbers of Permits for Outdoor Seating, Issued June 19 to September 10, 2020

Neighborhood	Approved for Outdoor Seating	Approvals as Share of All Area Restaurants
Batt. Park City/Greenwich Vlg./Soho	1,089	54.9
Chelsea/Clinton/Midtown Bus. Dist.	1,047	41.4
Chinatown/Lower East Side	887	58.5
Murray Hill/Gramercy/Stuy. Town	634	44.1
Greenpoint/Williamsburg	562	62.2
Upper East Side	458	58.6
Astoria/Long Island City	396	66.8
Brooklyn Heights/Fort Greene	375	49.5
Upper West Side/West Side	342	55.1
Sunnyside/Woodside	334	57.7
Castle Hill/Clason Pt./Parkchester	36	28.3
Far Rockaway/Breezy Pt./Brd. Channel	31	21.7
Belmont/Crotona Park East/E. Tremont	30	22.9
Co-op City/Pelham Bay/Schuylerville	28	18.4
Crown Hts. S./Prspct. Lefferts/Wingate	28	26.7
Wakefield/Williamsbridge/Woodlawn	20	17.7
East Flatbush/Farragut/Rugby	19	18.8
Morris Hts./Fordham S./Mount Hope	15	18.3
Brownsville/Ocean Hill	8	8.4
Brighton Beach/Coney Island	5	8.2
New York City	10,501	43

Note: Permits are compared to 2018 firm data from County Business Patterns (see footnote 2).
Sources: NYC Dept. of Transportation, U.S. Census Bureau; County Business Patterns 2018; OSC analysis

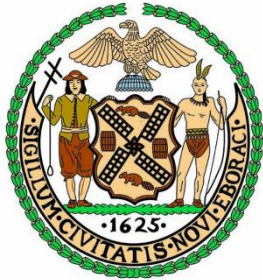
FIGURE 1
Share of Workers by Race and Ethnicity

Race/Ethnicity	Restaurant Workers	All NYC Workers
Hispanic	44%	27%
White	21%	35%
Asian	20%	15%
Black or African American	13%	20%
Other	2%	3%
TOTAL	100%	100%

Sources: U.S. Census Bureau, American Community Survey, 2018 1-yr file; OSC analysis

More than 60 percent of city resident restaurant workers were immigrants in 2018, compared to 45 percent across all occupations. Hispanics made up the largest share of restaurant workers (44 percent), while Asians accounted for 20 percent. In 16 neighborhoods, the share of restaurant workers that were immigrants was between 70 percent and 90 percent. Comptroller DiNapoli said restaurant closures are likely to have a disproportionate impact on immigrants, and on the neighborhoods where a large number of restaurant workers live.

To facilitate the stabilization of the industry, Comptroller DiNapoli recommends that guidance provided to restaurant owners be easy to follow and change as public health conditions allow. Also, New York City should also continue to support outdoor dining, commercial lease assistance, and takeout and delivery operations. In addition, the availability of loan and grant funds, both directly from the city and through the facilitation of state and federal grants, should support bridging the economic-activity gap faced by establishments, particularly in the City's hardest hit areas.



Bills Signed by the Mayor

Intro. 2032-A (Sponsored by Council Member Cohen): Aligns the City's Paid Safe and Sick Leave Law with recently enacted New York State Paid Sick Leave Law. The law expands paid safe and sick leave to employees of small businesses with four or fewer employees and a net income of more than \$1 million. This legislation also expands paid leave for workers at the largest businesses, those with 100 or more employees must now provide up to 56 hours of paid sick leave. It also brings domestic workers in line with other private sector workers by allowing them to accrue and use leave the same as other private sector workers.

Intro. 2083-A (Sponsored by Council Member Rivera): Amends Local Law 55 of 2020, which temporarily prohibits the enforcement of personal liability provisions in commercial leases or rental agreements involving COVID-19 impacted tenants, by extending the sunset date of this protection from September 30, 2020 to March 31, 2021.

Intro 2049-A (Sponsored by Council Member Levine): Establishes protections for displaced hotel service workers in the event of a sale or transfer of a hotel. New owners will be required to provide existing employment and maintain wages for a period of 90 days. At the end of the 90-day period, the new employer would perform an evaluation of the worker. Intro 2049-A also establishes consumer protections and notice requirements for service disruptions for guests of hotels.

Briefs

NYS DFS Extends Mental Health Coverage for Frontline Workers to November 27th

The New York State Department of Financial Services (DFS) will extend an emergency regulation requiring New York health insurers to waive out-of-pocket costs, including cost-sharing, deductibles, copayments and coinsurance, for in-network mental health services for New York's frontline essential workers during COVID-19 until November 27th.

The extension helps to ensure that cost-sharing is not a barrier to in-network mental health services during COVID-19 for health care workers, first responders, transit workers, food services workers, retail workers at essential businesses, and other frontline essential employees. Governor Andrew Cuomo first announced the State's frontline worker mental health directive in May.

Court Dismisses Major Portion of Lawsuit Against NY's Rent Regulation

U.S. District Judge Eric Komitee of the Eastern District of New York this week affirmed the constitutionality of rent stabilization laws and rejected most of the claims brought by a landlord group lawsuit against New York City and New York.

Judge Komitee dismissed the portions of the lawsuit brought by the Rent Stabilization Association and the Community Housing Improvement Program which charged that the June 2019 amendments to New York's Rent Regulation Law were an unlawful taking of private property.

"Rent regulations have now been the subject of almost a hundred years of case law," Judge Komitee wrote. "That case law supports a broad conception of government power to regulate rents, including in ways that may diminish — even significantly — the value of landlords' property."

"No precedent binding on this Court has ever found any provision of a rent-stabilization statute to violate the Constitution," he wrote.

The Judge's decision did not dismiss the claims brought by 74 Pinehurst and a number of LLCs owned by landlords. The landlord groups plan to appeal to the Second Circuit.

"We look forward to pursuing our claims on appeal, followed by a briefing process in the Second Circuit and then oral arguments," said a spokesperson for CHIP and RSA, according to published reports. "We think the appeals process will bring about success for the case — and at a time where fundamental questions about the future of housing in New York are being driven by current events, that success can't come soon enough."

Governor Expected to Cut \$300 Million from State Court Budget

Governor Andrew Cuomo is expected to cut the State court system's \$3 billion budget by 10 percent to help close the State's \$14 billion COVID-19 deficit.

Published reports this week said a letter from Chief Administrative Judge Lawrence Marks indicated the Office of Court Administration will be forced to "implement a range of painful measures."

"At this point, we have been able to avoid employee layoffs, but there is no telling what the coming months may bring. One thing is increasingly apparent — the next fiscal year will be as difficult, if not more difficult, than this year," he wrote.

According to the memo, cost-saving measures include a “strict hiring freeze, elimination of all non-personal services spending, and deferral of substantial payments owed to the next fiscal year.” In addition, the Judiciary will save \$55 million by allowing only three out of 49 sitting judges beyond the age of 70 to remain on the bench.

The State Division of Budget asserted that the State has not yet made any permanent spending cuts.

Seneca Gaming Corporation Lays Off 300 Employees Across Western NY

Seneca Gaming Corporation is laying off approximately 300 staff members across its three casinos in Western New York. The corporation operates Seneca Niagara Resort & Casino, Seneca Buffalo Creek Casino, and Seneca Allegany Resort & Casino.

A statement from the Corporation said, “While we are eager to resume full operations as quickly and safely as possible, we must continue to exercise an abundance of caution in providing the safest environment for our employees and guests. Unfortunately, the challenging parameters created by the global pandemic have made it necessary for us to lay off approximately 300 team members from across our operations. We have reached out to each one of the impacted team members and will work with them, wherever possible, to place them in open positions within the corporation. As soon as the situation allows, our goal is to restore and grow our operations with a full and committed team.”

Governor Appoints Members to the Clinical Advisory Task Force to Review COVID-19 Vaccines

Governor Andrew Cuomo this week appointed the members of the state's independent Clinical Advisory Task Force that will review every COVID-19 vaccine authorized by the federal government and will advise New York State on the vaccines' safety and effectiveness in fighting the virus.

The Clinical Advisory Task Force members are below:

- Charles M. Rice, Ph.D., The Rockefeller University
- Scott M. Hammer, MD, NewYork-Presbyterian/Columbia University Medical Center
- Adolfo Garcia-Sastre, Ph.D., Icahn School of Medicine at Mount Sinai
- Sharon Nachman, MD, Renaissance School of Medicine at Stony Brook University
- Kelvin Lee, MD, Roswell Park
- Bruce Farber, MD, Northwell Health
- Shawneequa Callier, MA, JD, George Washington University School of Medicine and Health Sciences

Governor Signs Executive Order Reminding International Travelers Entering NY to Quarantine

Governor Andrew Cuomo this week signed an executive order reminding international travelers entering New York from Level 2 and 3 countries to quarantine and fill out the NYS Department of Health traveler health form to further prevent the spread of COVID-19.

New York State has since March 2020, required a mandatory quarantine for any traveler entering New York from a Level 2 or Level 3 country. The Commissioner of Health will expand his Emergency Health Order which authorizes the imposition of civil penalties if individuals refuse to fill out the required form.

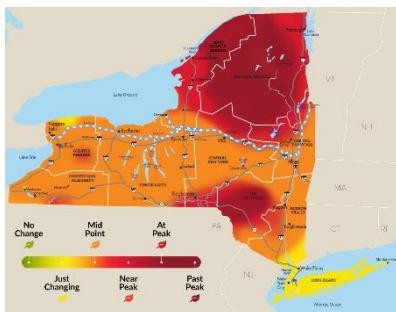
To complete the Department of Health Traveler Health form online, travelers should visit [here](#).

NYC DOH Empowers City Agencies to Close Businesses that Break COVID Rules

New York City Health Commissioner David Chokshi this week vested city agencies with the authority to close businesses that break COVID regulations. Eleven New York City neighborhoods have COVID test positivity rates above the three-percent threshold.

On Thursday, Mayor Bill deBlasio called for more rigorous enforcement to contain the spike. Among the agencies specifically empowered in the order are the New York Police Department, Fire Department, Sheriff's Department, and the Department of Buildings.

I ♥ NY Fall Foliage Report



Peak fall foliage will make its first appearances in New York State this weekend in many areas of the Adirondacks and Catskills, as well as a portion of the Thousand Islands-Seaway region. Leaves are rapidly changing color following days and nights of cooler weather, according to volunteer observers for the Empire State Development Division of Tourism's I LOVE NY program.

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

No events scheduled.

New York City

Monday, October 5th

City Council Stated Meeting, Remote Meeting, 1:00 p.m.

Wednesday, October 7th

Committee on Governmental Operations, Remote Meeting, 10 a.m.

Oversight - The 2020 Census in New York City

Committee on Public Housing, Remote Meeting, 1 p.m.

Thursday, October 8th

Subcommittee on Landmarks, Public Sitings and Dispositions. Remote Hearing, 2 p.m.

**“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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