



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

January 22, 2021 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-

In the News – United States

Honoring our New President and Vice President



President Joe Biden and Vice President Kamala Harris

On January 20, 2020, President Joe Biden and Vice President Kamala Harris were sworn into office as President and Vice President respectively of the United States of America.

We wish them strength, courage, and wisdom as they assume office during tumultuous times. We hope that all Americans come together for common purpose and unity to overcome COVID-19, rebuild our economy, and establish justice throughout the land.



Presidential Actions

(Source: White House Briefing Room, updated 1/21/21)

1. Executive Order on Establishing the COVID-19 Pandemic Testing Board and Ensuring a Sustainable Public Health Workforce for COVID-19 and Other Biological Threats
2. Executive Order on Protecting Worker Health and Safety
3. Executive Order on Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers
4. Executive Order on Ensuring an Equitable Pandemic Response and Recovery
5. Executive Order on a Sustainable Public Health Supply Chain
6. Memorandum to Extend Federal Support to Governors’ Use of the National Guard to Respond to COVID-19 and to Increase Reimbursement and Other Assistance Provided to States

7. Executive Order on Ensuring a Data-Driven Response to COVID-19 and Future High-Consequence Public Health Threats
8. Executive Order on Improving and Expanding Access to Care and Treatments for COVID-19
9. Executive Order on Promoting COVID-19 Safety in Domestic and International Travel
10. Preserving and Fortifying Deferred Action for Childhood Arrivals (DACA)
11. Reinstating Deferred Enforced Departure for Liberians
12. Proclamation on the Termination Of Emergency With Respect To The Southern Border Of The United States And Redirection Of Funds Diverted To Border Wall Construction
13. Executive Order on Ethics Commitments by Executive Branch Personnel
14. Modernizing Regulatory Review
15. Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation
16. Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis
17. Executive Order on Ensuring a Lawful and Accurate Enumeration and Apportionment Pursuant to the Decennial Census
18. Executive Order on Revocation of Certain Executive Orders Concerning Federal Regulation
19. Executive Order on the Revision of Civil Immigration Enforcement Policies and Priorities
20. Executive Order on Organizing and Mobilizing the United States Government to Provide a Unified and Effective Response to Combat COVID-19 and to Provide United States Leadership on Global Health and Security
21. Executive Order on Protecting the Federal Workforce and Requiring Mask-Wearing
22. Proclamation on Ending Discriminatory Bans on Entry to The United States
23. Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
24. Regulatory Freeze Pending Review
25. A National Day of Unity



Presidential Statements/Releases

(Source: White House Briefing Room, updated 1/21/21)

1. National Security Directive on United States Global Leadership to Strengthen the International COVID-19 Response and to Advance Global Health Security and Biological Preparedness
2. Pausing Federal Student Loan Payments
3. Letter to His Excellency António Guterres
4. Paris Climate Agreement

In the News – New York State



Governor Outlines Reimagine, Rebuild & Renew New York Dream Budget

Governor Andrew Cuomo this week outlined the \$192.9 billion FY 2022 Executive Budget to reimagine, rebuild, and renew New York. But he also presented a second budget option that “would cause pain for New Yorkers...” Which budget New Yorkers will get lies in the hands of the Federal government.

On Tuesday, the Governor presented two budget options, depending on the level of funding the federal government provides to New York. The first option would support New York State's ongoing war against the pandemic and post-COVID reconstruction plan outlined in the Governor's State of the State. The second option - absent \$15 billion in federal funding – “would cause pain for New Yorkers by forcing the state to raise revenue, cut expenses and borrow.”

The Governor also reiterated his call on federal partners to repeal the State and Local Tax policy - or SALT cap- that cost New Yorkers over \$30 billion over the last three years.

According to Governor Cuomo, if the federal government provides New York with the \$15 billion “fair share,” the State will be able to:

- Advance a \$306 billion infrastructure plan and \$29 billion in green economy investments.
- Enact a \$1.3 billion rent relief program, fund \$20 billion program to create or preserve 100,000 affordable homes, and provide \$128 million for homeless housing and assistance.
- Institute a \$15 cap on broadband for low-income families, provide \$150 million to address food insecurity, and continue the \$10 million investment in the Liberty Defense Fund to provide free legal consultations and screenings to help undocumented New Yorkers.
- Create a \$130 million Pandemic Recovery and Restoration Program to support small businesses as well as restaurant, arts and entertainment industries that were hurt by COVID.
- Establish a \$40 million Infectious Disease Resiliency Commercialization Fund to fast-track innovations and address emerging health threats.
- Create a public health corps that will assist in supporting COVID-19 vaccination operations.

"The story of COVID has many chapters - we launched the battle last year and now we must not only finish it, but begin an aggressive post-COVID reconstruction," Governor Cuomo explained. "We are in a different time and a different world than just one year ago and we shouldn't be surprised that this budget will look different. We have a plan in place, a strength that we have not had before and I believe our future is bright, but Washington must act fairly if we are to emerge on the other side of this crisis..."

New Yorkers are ready to begin rebuilding, but for that to happen, we need SALT repealed and \$15 billion in rightfully deserved federal aid - and we need it now. After years of federal hostility, I believe the stars are lined up for that to change - we just need to do it. We built the greatest state once before and I know that we will do it again."

2021 Joint Legislative Hearing Schedule on the Executive Budget

Tuesday, January 26 th	9:30 a.m.	Transportation
Wednesday, January 27 th	9:30 a.m.	Environmental Conservation
Thursday, January 28 th	9:30 a.m.	Elementary Education
Tuesday, February 2 nd	9:30 a.m. 1:00 p.m.	Housing Workforce
Wednesday, February 3 rd	9:30 a.m.	Health
Thursday, February 4 th	9:30 a.m.	Higher Education
Friday, February 5 th	9:30 a.m.	Mental Hygiene
Tuesday, February 9 th	9:30 a.m.	Human Services
Wednesday, February 10 th	9:30 a.m.	Public Protection
Thursday, February 11 th	9:30 a.m.	Local Government
Tuesday, February 23 th	9:30 a.m. 1:00 p.m.	Economic Development Taxes

2021-2022 NYS Executive Budget Bills

(linked to pdfs from NYS Division of Budget)

2021-22 Appropriation Bills

State Operations ([S 2500 / A 3000](#))

Legislature and Judiciary ([S 2501/A 3001](#))

State Debt Service ([S 2502/A 3002](#))

Aid to Localities ([S 2503 / A 3003](#))

Capital Projects ([S 2504/A 3004](#))

Appropriation Deficiency Bill ([S 2511 / A 3011](#))

2021-22 Article VII Bills

Public Protection and General Government ([S 2505 / A 3005](#))

Education, Labor and Family Assistance ([S 2506 / A 3006](#))

Health and Mental Hygiene ([S 2507 / A 3007](#))

Transportation, Economic Development and Environmental Conservation ([S 2508 / A 3008](#))

Revenue ([S 2509 / A 3009](#))

In the News – City



New York City Acquisition Fund Will Exclusively Finance Projects Led by M/WBEs or Nonprofit Developers

The de Blasio administration and a coalition of public, private and philanthropic partners this week announced that the New York City Acquisition Fund (NYCAF) will now exclusively serve Minority and Women-Owned Businesses (M/WBEs) and nonprofit developers in its mission to support affordable and supportive housing development.

The \$210 million public-private affordable housing loan fund will solely finance projects led by a M/WBE or nonprofit developer with a minimum 51 percent ownership stake in the project. The heightened focus on M/WBEs and nonprofits strengthens the Fund's alignment with the City's commitment to a fair and equitable post-COVID-19 recovery and preserves the Fund's limited resources for the borrowers most in need of favorable financing for their affordable housing projects.

“Affordable housing shouldn’t just offer a place for New Yorkers in underserved communities to live – its construction should offer opportunity to those New Yorkers, too,” said Mayor Bill de Blasio. “I’m proud to stand with partners across government to support developers who give back the most to the New Yorkers they serve.”

The Fund's announcement is in line with the City's new [equitable ownership requirement](#) to strengthen M/WBEs and nonprofits' role on affordable housing projects developed on City-owned sites. The rule requires that an M/WBE or nonprofit partner hold a minimum 25 percent ownership stake in any affordable housing project awarded on public land.

Established in 2006, the Fund offers flexible bridge loans to affordable housing developers to acquire vacant sites and occupied buildings and finance predevelopment work. The Fund is made possible through an innovative partnership between Enterprise and LISC, the City of New York, major commercial lending institutions, and leading foundations. Since launching, the Fund's lending volume has exceeded \$530 million, generating 14,200 newly constructed or preserved affordable homes throughout the five boroughs.



NYS Executive Budget Includes RFI for Casinos

Governor Andrew Cuomo's Executive Budget released this week included a provision to authorize the State Gaming Commission to issue a Request for Information (RFI) to solicit interest in New York's three unawarded gaming facility licenses.

The State is authorized to award up to seven gaming facility licenses. The Upstate NY Gaming Economic Development Act outlined the process and procedures in which four upstate gaming facility licenses were eventually awarded. Currently, New York's casino gaming licenses are held by Capital Region Gaming LLC to operate Rivers Casino and Resort at Mohawk Harbor (Schenectady); Lago Resort & Casino LLC to operate Lago Resort & Casino (Seneca County); Montreign Resort Casino to operate a casino of the same name which was later rebranded to Resorts World Catskills; and Tioga Downs Racetrack LLC to operate the Tioga Downs Casino in Tioga County. Under the current law, the State cannot issue any additional licenses until 2023.

The Governor's budget would allow the Gaming Commission to issue an RFI to seek information from parties interested in developing and/or operating one of the three remaining gaming facilities. The RFI will assess interest in the unawarded licenses by focusing on determining the appropriate size and scope of development, the value of the gaming facility licenses, and the process that should be used in award consideration.

According to the *New York Times*, Vornado Realty Trust has proposed a gambling venue at its property near Herald Square; Morris Bailey has discussed having one at his own Herald Square property; and L&L Holding Company has pitched one idea as part of its \$2.5 billion project at West 47th Street and Broadway.



Port Authority Unveils New Plan for Midtown Bus Terminal Replacement

The Port Authority of New York and New Jersey yesterday unveiled a new plan for the proposed Midtown Bus Terminal project. The plan provides for a nearly 40 percent increase in transit rider capacity.

The new terminal will be designed to serve 100 percent electric bus fleets and will feature technology to manage and speed bus movements in the terminal – using both autonomous vehicle technology and AI-aided traffic management. The plan takes no private land and is built entirely on Port Authority property.

The new Midtown Bus Terminal will include:

- The complete replacement of the existing terminal building on 8th Avenue for commuter bus services.
- A bus storage and staging building between 9th and 10th Avenues.
- New bus ramp infrastructure between 10th and 11th Avenues enabling direct bus access from the Lincoln Tunnel.
- Up to four high-rise towers: one on 8th Avenue between 41st Street and 42nd Street; one on 9th Avenue between 40th Street and 41st Street; one on 11th Avenue between 39th Street and 40th Street; and one on 10th Avenue between 39th Street and 40th Street.

Tentative plans call for a phased construction approach including the staging and bus storage facility to occur first, so that it can serve as a temporary terminal while the existing terminal is being demolished and rebuilt.

With the release of the Port Authority's final scoping document, Federal Transit Administration (FTA) will begin the federal environmental review process consistent with the National Environmental Policy Act (NEPA) and FTA regulations.

The final scoping report and all future project-related public documents and presentations will be publicly available on a dedicated project website: <https://www.panynj.gov/bus-terminals/en/port-authority/planning-level-scoping-process-pabt/resources.html>

The existing Midtown Bus Terminal was built in 1950 and expanded in 1981.

Briefs

NY State of Health Open Enrollment Period Extended Through March 31st

NY State of Health has extended its Open Enrollment Period for uninsured New Yorkers through March 31, 2021. New Yorkers can apply for coverage through NY State of Health, New York's Official Health Plan Marketplace, or directly through insurers.

Extending the Open Enrollment Period helps to align New York with the federal Public Health Emergency which was recently extended to April 20, 2021. This extension allows individuals eligible for Qualified Health Plan insurance additional time to enroll for coverage in 2021 and means that enrollment remains open for all NY State of Health programs. Coverage start dates will vary:

- Enroll by February 15: Coverage starts March 1
- Enroll March 15: Coverage starts April 1
- Enroll by March 31: Coverage starts May 1

Individuals who are eligible for other NY State of Health programs - Medicaid, Essential Plan and Child Health Plus - can enroll year-round.

DFS Investigates Prescription Drug Price Spikes Connected to Covid-19 Pandemic

The Department of Financial Services' (DFS) newly formed Office of Pharmacy Benefits (OPB) this week announced it has initiated investigations into “significant” price spikes for six drugs that were connected to the COVID-19 pandemic.

The OPB this week began investigations under Section 111 of the Insurance Law into:

- **Ascor (ascorbic acid) 25,000 mg/50 mL bulk vial - McGuff Pharmaceuticals raised the price of the Vitamin C formulation for IV injection by 110%** after clinical trials were announced for use of the drug to treat COVID-19 patients suffering acute symptoms.
- **Budesonide 0.5 mg/2 mL inhalation (60 mL) – Cipla USA increased the price of the corticosteroids by 1350%** following an announcement of international clinical trials for its use to treat COVID-19 patients.
- **Dexonto (dexamethasone) 5 mL vial of a 0.4% solution - Nubtrator, Inc announced a price increase of over 65%** at the beginning of the pandemic, 11 days before clinical trials for treating COVID-19 patients with the drug were announced in China.
- **Mytesi (crofelemer) 125 mg delayed release tablet, 60s - Jaguar Health increased the price of Mytesi, a drug used to treat gastrointestinal side effects of antiretroviral therapies used by HIV patients, by 230%** after it applied for an emergency use authorization for use to treat COVID-19 patients.
- **Duramorph (morphine sulfate) 1 mg/1 ml (10 mL 10s) - Hikma Pharmaceuticals increased the price of Duramorph by nearly 60%.**
- **Chloroquine phosphate 250 mg tablets - Rising Pharmaceuticals increased the price of Chloroquine phosphate by 97%** allegedly to capitalize on unsubstantiated reports of its effectiveness in treating COVID-19 patients.

Each of these manufacturers will now be required to provide information about and a justification for each spike the OPB has identified. The manufacturers will provide DFS with written responses to questions such as the dates pricing decisions were made, the officers or employees involved in the decisions, any analyses conducted prior to the price spike, and the reasons for the price spike given internally. The OPB is authorized to collect additional information, including by examining witnesses or issuing subpoenas.

DFS noted that an investigation does not mean that a price spike was unlawful or even unjustified; rather, it means that DFS has determined the circumstances warrant a closer look.

Comptroller DiNapoli: School District Tax Cap Below 2 Percent for Second Straight Year

Property tax levy growth for school districts will be capped at 1.23 percent, down from 1.81 percent last year, according to [data](#) released by State Comptroller Thomas DiNapoli.

The 1.23 percent cap affects the tax cap calculations for 676 school districts and 10 cities with fiscal years starting July 1, 2021, including the “Big Four” cities of Buffalo, Rochester, Syracuse and Yonkers.

The tax cap, which first applied to local governments and school districts in 2012, limits annual tax levy increases to the lesser of the rate of inflation or 2 percent with certain exceptions, including a provision that allows school districts to override the cap with 60 percent voter approval of their budget.

New York City Invests \$38 million in Biotech Centers

The de Blasio administration this week announced four winners of infrastructure grants as a part of [LifeSci NYC](#), a \$500 million commitment to help establish New York City as the public health capital of the world. The awards will fund applied research and development (R&D) facilities at four of New York City’s scientific research institutions—Columbia University, Montefiore-Einstein, the New York Stem Cell Foundation, and Rockefeller University.

Each facility will be dedicated to facilitating partnerships between New York’s leading academic scientists, and biotech and pharmaceutical companies, with the ultimate goal of advancing innovative treatments for patients and growing the local industry.

Coming Up

New York State

Monday January 25th

Senate Committee on Health, (Virtual), 10 a.m.

Senate Committee on Veterans, Homeland Security, and Military Affairs, (Virtual), www.nysenate.gov, 10:30 a.m.

Senate Committee on Local Government, (Virtual), www.nysenate.gov, 11 a.m.

Senate Committee on Codes, NYS Capitol Building-Room 124, 11:30 a.m.

Senate Committee on Cultural Affairs, Tourism, Parks and Recreation (Virtual), www.nysenate.gov, 1 p.m.

Assembly Session, (Virtual), www.nyassembly.gov, 2 p.m.

Senate Session, (Virtual), www.nysenate.gov, 3 p.m.

Senate Committee on Agriculture, (Virtual), 5 p.m.

Tuesday January 26th

Assembly Session, (Virtual), www.nyassembly.gov.

Assembly Joint Legislative Budget Hearing on Transportation, (Virtual), www.nyassembly.gov.

Senate Session, (Virtual), www.nysenate.gov.

Wednesday January 27th

Assembly Joint Legislative Budget Hearing on Environmental Conservation, (Virtual), www.nyassembly.gov.

Thursday January 28th

Assembly Joint Legislative Budget Hearing on Elementary Education, (Virtual), www.nyassembly.gov.

New York City

Monday January 25th

Committee on Resiliency and Water Fronts, Remote Hearing (Virtual Room 1), 10 a.m.

Committee on Immigration, Remote Hearing (Virtual Room 2), 10 a.m.

Committee on General Welfare, Remote Hearing (Virtual Room 4), 12 p.m.

Tuesday January 26th

Committee on Zoning and Franchises, Remote Hearing (Virtual Room 1), 10 a.m.

Committee on Environmental Protection, Remote Hearing (Virtual Room 4), 11 a.m.

Committee on Fire and Emergency Management, Remote Hearing (Virtual Room 3), 1 p.m.

Wednesday January 27th

Committee on Governmental Operations, Remote Hearing (Virtual Room 2), 10 a.m.

Committee on Contracts, Remote Hearing (Virtual Room 4), 10 a.m.

Committee on Civil Service and Labor, Remote Hearing (Virtual Room 3), 10 a.m.

Committee on Land Use, Remote Hearing (Virtual Room 3), 11 a.m.

Committee on Parks and Recreation, Remote Hearing (Virtual Room 2), 1 p.m.

Thursday January 28th

City Council Stated Meeting, Remote Hearing (Virtual Room 1), 1:30 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-

Disclaimer: The materials in this *This Week in New York* report are provided for informational purposes only and are not intended to be a comprehensive review of legislative or governmental or political developments, to create a client-consultant/lobbyist relationship, or to provide consulting, lobbying or political advice. Readers are cautioned not to attempt to solve specific problems on the basis of information contained in this *This Week in New York*. If consulting, lobbying or government relations advice is required, please consult a professional expert in such matters. The information contained herein, does not necessarily reflect the opinions of Pitta Bishop & Del Giorno LLC, or any of its members or employees or its clients. Neither Pitta Bishop & Del Giorno LLC, nor its members or employees make any warranty, expressed or implied, and assume no legal liability with respect to the information in this report, and do not guarantee that the information is accurate, complete, useful or current. Accordingly, Pitta Bishop & Del Giorno LLC is not responsible for any claimed damages resulting from any alleged error, inaccuracy, or omission. This communication may be considered an advertisement or solicitation.

To request that copies of this publication be sent to a new address or fax number, to unsubscribe, or to comment on its contents, please contact Theresa Cosgrove at tcosgrove@pittabishop.com or at (518) 449-3320.

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.

This Week in New York is a publication of Pitta Bishop & Del Giorno LLC.

120 Broadway, 28th Floor
New York, New York 10271
Telephone (212) 652-3890
Facsimile (212) 652-3891

111 Washington Avenue, St. 401
Albany, New York 12210
Telephone (518) 449-3320
Facsimile (518) 449-5812

25 Hyatt Street, St. 202
Staten Island, New York 10301
Telephone (718) 943-1050
Facsimile (718) 943-1051