



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

December 11, 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-



In the News – New York State



New York’s COVID-19 Vaccine Plan

FDA & State Approve Pfizer Vaccine

With both the federal Food and Drug Administration (FDA) and New York’s COVID-19 Clinical Advisory Task Force approving the Pfizer vaccine for use in the State, Governor Andrew Cuomo updated New Yorkers on the State's vaccination distribution plan. New York’s effort will focus on battling skepticism, reaching out to the Black, Brown and poor communities, and expediting distribution and administration. The State will receive its initial allocation of 170,000 vaccines from Pfizer early next week (Sunday or Monday). In addition, 346,000 doses of the Moderna vaccine will be delivered the week of December 21st (following FDA approval).

*Pitta Bishop & Del Giorno LLC, 111 Washington Avenue, Albany, New York. (518) 449-3320
Theresa Cosgrove, editor, tcosgrove@pittabishop.com*



NYS Distribution of Initial Pfizer Vaccine

"Distributing the vaccine is a massive undertaking. I think frankly, people have not focused enough on the extent of what this undertaking means. I can't think of a government operation that has been commenced that is more difficult and intricate than what governments will be asked to do here," Governor Cuomo said. "The way the vaccine is going to work is the federal government will be responsible for the procurement and the distribution. The military is doing the transportation with private companies, and they will send it where we ask them to send it. We then set the priorities for not only where it goes, but who gets it. The first allocation is for nursing home residents, nursing home staff and high-risk

health care workers. We've identified 90 regional centers that can keep the vaccine at the required temperature and they'll act as distribution centers for that region."

As outlined in [New York's vaccination program](#), high-risk healthcare workers, nursing home residents and staff are prioritized first to receive the vaccine, followed by other long-term and congregate care staff and residents and EMS and other health care workers. Essential workers and the general population, starting with those who are at highest risk, will be vaccinated after these initial priority groups.

New York has opted into the federal government's nursing home vaccination program. Under the federal program, employees of CVS and Walgreens will vaccinate residents and staff in these facilities, much like the do for the flu vaccine. New York State will issue guidance for hospitals to select which patient-facing staff should be prioritized as "high-risk" in line with state rules.

The first delivery of Pfizer vaccines for the federal nursing home vaccination program could begin arriving next week, with the federal program slated to begin on December 21st. New York is dedicating a portion of its initial allotment of 170,000 doses to this program. Portions of future state allocations will also be used to help complete the program and ensure all residents and staff are vaccinated.

'High risk' hospital workers eligible to receive a vaccination from the state's initial allotment include emergency room workers, ICU staff and pulmonary department staff. As part of the effort to vaccinate 'high risk' hospital staff, the state has identified 90 locations across the state with requisite cold storage capabilities and those sites will receive enough doses for approximately 90,000 patient-facing hospital staff, or 40 percent of the entire patient-facing hospital workforce. The state expects all 'high risk' hospital staff will receive a vaccine by the end of week two. Staff at every hospital in New York State, regardless of storage capabilities, will have access to the first allocation of a vaccine.

Following the vaccination of 'high risk' health care workers, the priority will shift to all long-term and congregate care residents and staff, EMS and other health care workers. Essential workers and the general population will follow those groups, and those with the highest risk will be prioritized.

Additionally, the New York National Guard has been selected by the Department of Defense as one of 16 pilot programs across the nation to be part of the limited distribution of the Pfizer COVID-19 vaccine to military personnel. Members of the New York Army and Air National Guard who serve as part of the state's COVID response efforts will be eligible for the vaccine.



New York State Pension Fund Sets 2040 Target for Zero Carbon Emissions Investments

Comptroller Thomas DiNapoli announced this week that the \$226 billion New York State Common Retirement Fund (“The Fund”) has adopted a goal to transition its portfolio to net zero greenhouse gas emissions by 2040. Fossil fuel firms that want to remain in the Fund will have to show they can thrive in the transition to a low carbon or carbon-free economy.

“... investing for the low-carbon future is essential to protect the fund’s long-term value,” State Comptroller DiNapoli said. “Achieving net-zero carbon emissions by 2040 will put the Fund in a strong position for the future mapped out in the Paris Agreement. We continue to assess energy sector companies in our portfolio for their future ability to provide investment returns in light of the global consensus on climate change. Those that fail to meet our minimum standards may be removed from our portfolio. Divestment is a last resort, but it is an investment tool we can apply to companies that consistently put our investment’s long-term value at risk.”

According to the Comptroller, this process will include a review of investments in energy sector companies (to be completed in four years), to assess transition readiness and climate-related investment risk. Consistent with fiduciary duty, companies that fail to meet minimum standards may be divested.

The Fund will continue its use of minimum standards for determining whether a company is well-prepared for the transition to a low-carbon global economy. The Fund has already set minimum standards for the thermal coal mining industry and divested from 22 coal companies.

The Fund is currently wrapping up its evaluation of [nine oil sands companies](#), and will develop minimum standards for investments in shale oil and gas. Those will be followed by; integrated oil and gas; other oil and gas exploration and production; oil and gas equipment and services; and oil and gas storage and transportation. Minimum standards for all of these sectors, and a determination of which companies are suitable to remain in the Fund’s portfolio, will be completed by 2025.

After completing initial reviews, the Fund will continue to reassess whether the remaining companies are meeting minimum standards and are on viable low-carbon transition pathways. The Fund will be hiring additional staff and engaging consulting partners.



Attorney General James Leads Multistate Lawsuit Seeking to End Facebook's Monopoly

AG James Leads Coalition of 48 Attorneys General Charging Anticompetitive Conduct

New York Attorney General Letitia James this week filed a [lawsuit](#) against Facebook Inc., alleging that the company has and continues to illegally stifle competition to protect its monopoly. Attorney General James leads a coalition of 48 Attorneys General in this lawsuit which was filed in U.S. District Court for the District of Columbia.

The lawsuit, in which Facebook is specifically charged with violating sections of the Sherman Act and the Clayton Act, alleges that over the last decade Facebook illegally acquired competitors in a predatory manner and cut services to smaller companies in an effort to boost its bottom line through increased advertising revenue. It cites Facebook's purchase of Instagram (\$1 billion) and WhatsApp (\$18 billion) as evidence of the violations.

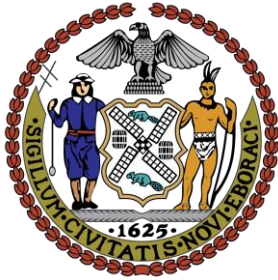
According to Attorney General James, Facebook's unlawful monopoly gives it broad discretion to set the terms for how its users' private information is collected and used to further its business interests. When Facebook cuts off integration to third-party developers, users cannot easily move their own information — such as their lists of friends — to other social networking services. This decision forces users to either stay put or start their online lives from scratch, if they want to try an alternative.

Due to Facebook's expansive user base and the trove of data it collects from its users and users' connections, it is able to sell highly targeted advertising, earning the company billions every month.

The lawsuit asks the court to halt Facebook's illegal, anticompetitive conduct and block the company from continuing this behavior in the future. Additionally, the coalition asks the court to restrain Facebook from making further acquisitions valued at or in excess of \$10 million without advance notice to the state of New York and other plaintiff states. Finally, the court is asked to provide any additional relief it determines is appropriate, including the divestiture or restructuring of illegally acquired companies, or current Facebook assets or business lines.

Separately, but in coordination with the coalition led by Attorney General James, the Federal Trade Commission (FTC) also this week filed a complaint against Facebook in the U.S. District Court for the District of Columbia.

In the News – City



Bills Passed by the City Council

Prohibits the sale of biometric identifier information and requires businesses to notify customers of the use of biometric identifier technology

Int. No. 1170-A, sponsored by Council Member Ritchie Torres, would prohibit the sale of biometric identifier information. It would also require certain commercial establishments, such as retailers, restaurants, and entertainment venues, to post signage notifying consumers if they collect biometric identifier information. Financial institutions are exempt from the signage requirement, as are businesses that use cameras solely for security purposes, do not use the cameras for automated identification of individuals, and do not share their video footage except with law enforcement.

Strengthens the Fair Chance Act

Int. No. 1314-A, sponsored by Public Advocate Jumaane D. Williams (by request of the mayor), would add unsealed violations and adjournments in contemplation of dismissal (ACDs) to the category of dispositions that may never be considered for the purpose of making employment-related decisions. This bill would also prohibit discrimination in licensing against applicants with convictions for violations, even prior to sealing.

Requires the city to inform NYCHA tenants of call center for mold ombudsperson

Introduction No. 1911-A, sponsored by Council Member Ritchie Torres, would require an office or agency designated by the Mayor to distribute a pamphlet or other printed document that contains information about the Mold Ombudsperson, the mold ombudsperson's call center, and how to make a complaint to the mold ombudsperson to every NYCHA tenant.

Creates an Interim Certificate of Occupancy

Int. No. 2033-A, sponsored by Council Member Robert E. Cornegy, would permit the Department of Buildings (DOB) to issue an interim certificate of occupancy (ICO) to authorize occupancy of specific floors of a building before a final certificate of occupancy is issued. The ICO would remain in effect until a final certificate of occupancy is issued.

Requires the creation of a website for information on open spaces for art and cultural programming

Int. No. 2034-A, sponsored by Council Majority Leader Laurie Cumbo, would require the creation of a website that would provide information on open spaces designated by the city for art and cultural programming, such as roadways, parks, or pedestrian plazas; facilitate the use of such space by art and cultural institutions; and allow users to search for such open space on a map.

Establishes an “Open Culture” program

Int. No. 2068-A, sponsored by Council Member Jimmy Van Bramer, would require the city to create an “Open Culture” program that would allow eligible art and cultural institutions or cultural venues to use approved open, public street space for artistic or cultural events.

Briefs

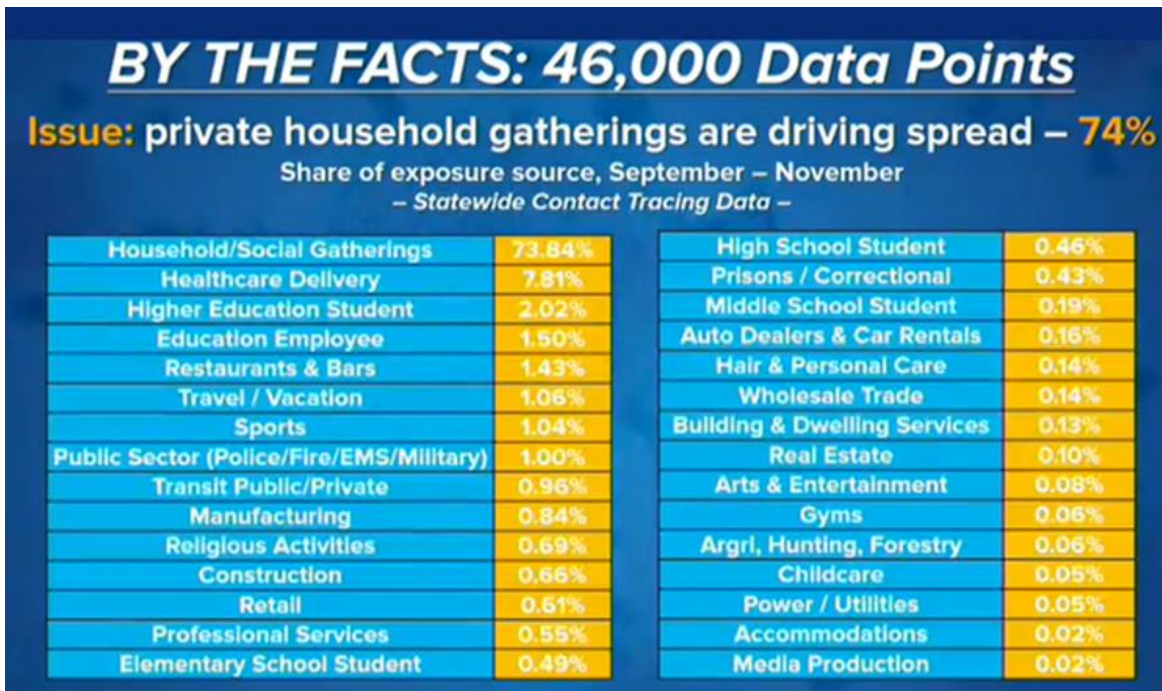
New York City Outdoor Dining to Close

Governor Andrew Cuomo announced today that indoor dining will be suspended in New York City starting Monday, December 14 in an effort to curb the spread of COVID-19. Restaurants may continue to provide outdoor dining and take-out.

The pause is a result of increasing numbers of COVID hospitalizations, the rate of transmission in the City, and CDC warnings. The Governor noted that he will be extending the current moratorium on commercial rent which is set to expire on January 1st. In relation to gyms and salons in COVID-19 orange zones, the Governor announced that they can reopen at 25 percent capacity (down from 33%).

COVID-19 Infections: Where They Came From (September – November 2020)

Governor Andrew Cuomo today released figures detailing the origin of the State’s COVID-19 infections during the period of September through November 2020. Household/Social gatherings topped the list at 74%, followed by Healthcare Delivery (7.81%), and Higher Education (2.02%). Restaurant/Bars came in at 1.43%.



Tax Increases on the Horizon

New York Governor Andrew Cuomo said this week that the State will need to raise taxes to close its current budget deficit, even if Congress approves more funding as part of a COVID-19 relief bill.

In addition, he indicated that layoffs and borrowing will be part of the discussion. On the revenue side, the Governor has promoted the legalization of recreational use of marijuana.

Meanwhile, the State Assembly Democrats met this week to discuss various revenue generation vehicles, including higher taxes on individuals in the State's highest tax brackets, a pied-a-terre tax on second homes, and legalization of mobile sports betting.

"If there was an idea to raise money, it was discussed today," said Assembly Education Committee Chairman Michael Benedetto (D-Bronx), according to published reports. "Everything was discussed at great length."

Consumer Alert: NYS Division of Consumer Protection Alerts Consumers to Privacy Precautions with Technology Toys

The State Division of Consumer Protection (DCP) this week alerted parents and families that Bluetooth and technology-enabled toys are easy for hackers to access and manipulate for nefarious means. When children's products, such as smartwatches, smart toys and gaming devices, are tested for vulnerabilities, results show exposures with microphone and camera access in sleep mode, Bluetooth connections without authentication, access to location information, and conversation eavesdropping.

According to DCP, as children interact with technology-enabled and connected toys, usage and personal information (like location) is continuously uploaded to company servers. Once a toy is vulnerable to a hack, that information can be easily accessed and collected. Steps to make technology-enabled toys safer include:

- **Research complaints.** Parent blogs, social media, and security company websites often sound the alarm well before news stories hit. Check for known security issues before considering a purchase.
- **Turn it off.** When a child is done playing with a toy or leaves it, make sure the toy is first disconnected from the internet and then turned off. When toys remain connected to the internet in sleep mode, your personal privacy and information can still be accessed.
- **Secure WiFi.** Never use technology-enabled toys on public WiFi. Hackers gain easy access to the toy and can use it to capture other protected information in the home.
- **Strengthen passwords.** Make sure your passwords are unique and updated regularly.
- **Use parental controls.** See which companies offer the option to delete your child's information and select that option. Also, understand what settings are defaulted when you use the toy and what additional settings you can adjust to further protect your child.
- **Follow your data.** Interactive toys may store data locally or in the cloud. Toys that do not connect regularly to the internet are less connected and less likely to be hacked.

- **Enter an alias.** If setup requires additional information, provide a different name or nickname, birthdate, and other important information. If the toy is hacked, this decreases the chance of child identity theft.

New York State Launches *New York Forward* Small Business Lease Assistance Partnership

The State this week launched the *New York Forward* Small Business Lease Assistance Partnership, providing small businesses and their landlords with informational resources and pro bono assistance to help both parties reach mutually-beneficial lease workout agreements. This service is available to all New York State small businesses and landlords, and participation is voluntary.

As part of this program, Empire State Development is partnering with the New York State Bar Association and Start Small Think Big, a New York-based non-profit organization supporting small, under-resourced entrepreneurs. The [Small Business Lease Assistance Partnership](#) website includes information on the lease renegotiation process and details the different types of lease workouts available to help small businesses cope with the financial impacts of COVID-19. Those interested in pro bono assistance to initiate a lease renegotiation are encouraged to review and complete the partnership's [intake form](#). After completing the form, each small business will receive an email detailing an estimated timeline for placement with a volunteer attorney.

PSC to Hold Ratepayer Forums for Damages from Tropical Storm Isaias

The State Public Service Commission will hold four virtual public forums in December and January to receive comments regarding potential damages and harm suffered by ratepayers as a result of electric service providers' performance in response to Tropical Storm Isaias.

Three of the state's largest utilities — Con Edison, Orange & Rockland (O&R) and Central Hudson — currently face penalties totaling \$137.3 million, with Con Edison and O&R also facing potential license revocation. In addition, the PSC recommended enforcement actions to the Long Island Power Authority (LIPA) Board of Trustees and LIPA has since [filed a claim](#) against the utility.

The hearing schedule is as follows:

Central Hudson Customers, Thursday, December 17, 2020, at 4 p.m.

Orange and Rockland Customers, Tuesday, December 22, 2020, at 4 p.m.

Con Edison Customers, Tuesday, January 5, 2021, at 4 p.m.

PSEG-LI Customers, Tuesday, January 12, 2021, at 4 p.m.

Legislative and Labor Leaders Issue Letter Urging New York Congressional Delegation to Provide Stimulus Funding to Avoid Catastrophic Budget Cuts

New York State Most Impacted State and Needs At Least \$15 Billion to Avoid Tax Increases and Layoffs of Essential Workers; New York City Needs at Least \$9 Billion

Governor Andrew Cuomo, Mayor Bill de Blasio, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, and New York labor leaders this week issued a letter urging New York State's Congressional delegation to provide enough funding in the next federal stimulus package to avoid catastrophic cuts to the city and state budgets.

The letter highlights how New York State has been the hardest hit by COVID-19 and calls for funding in the next stimulus to be allocated based on the needs of each state. New York needs at least \$15 billion to avoid tax increases and layoffs of essential workers. If the MTA does not receive at least \$4.5 billion this year, thousands of workers will be laid off and fares will increase. New York City needs at least \$9 billion.

Among the labor leaders signing the letter are: John Samuelson, International President, Transport Workers Union of America; Anthony Utano, President, Transportation Workers Union of Greater New York Local 100; Gregory Floyd, President, Teamsters Local 237, Vice President-At Large, International Brotherhood of Teamsters General Board; Richard Maroko, President, New York Hotel and Motel Trades Council; Harry Nespoli, Chair, Municipal Labor Committee; and Mark Cannizzaro President, Council of School Supervisors & Administrators, New York City.

Flushing's Waterfront Rezoning Project Approved by the City Council

The City Council this week approved (39-5) the 29-acre Special Flushing Waterfront District's (SFWD) rezoning proposal in Queens. Approval clears the way for construction of a 13-tower mixed-use development with more than 680,000 square feet of commercial space, nearly 900 hotel rooms, and more than 1,700 new apartments.

The four project sites would be developed separately by F&T Group, Young Nian Group and United Construction and Development Group, according to published reports. As part of the project, the developers agreed to work with two union groups, the New York Hotel Trades Council and 32 BJ, to provide hundreds of jobs in the residential, building and hotel sectors, as well as to hire nearby NYCHA residents. The developers also said they plan to set aside 30 percent of housing stock in one part of the rezoned area for affordable housing and contribute \$2 million to support local small businesses over the next decade.

Coming Up

New York State

Tuesday December 15th

Assembly Standing Committee on Housing, <https://www.nyassembly.gov/av/live>, 11 a.m.
Repurposing Vacant and Underutilized Real Estate for Affordable Housing Development.

Thursday December 17th

Assembly Standing Committee on Education, <https://www.nyassembly.gov/av/live>, 10 a.m.
Governance of the New York City School District

New York City

Monday December 14th

Subcommittee on Landmarks, Public Sitings, & Dispositions, Remote Hearing (Virtual Room 1), 2 p.m.

Tuesday December 15th

Committee on Cultural Affairs, Libraries, and International Intergroup Relations, Remote Hearing (Virtual Room 3), 10 a.m.

Oversight – The impact of COVID-19 on Art and Cultural Educational Programming in New York City

Committee on Environmental Protection, Remote Hearing (Virtual Room #2), 11 a.m.

Committee on Technology, Remote Hearing (Virtual Room #1), 1 p.m.

Wednesday December 16th

Committee on Women and Gender Equality, Remote Hearing (Virtual Room #3), 10 a.m.

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

Oversight – Review of Agency Compliance with Local Law 63 of 2011 Requiring Cost-benefit analyses of the displacement of City Workers in Solicitations for certain contracts.

Committee on Public Safety, Remote Hearing (Virtual Room #4), 11 a.m.

Oversight – Racism, Bias, and Hate Speech in NYPD

Committee on Land Use, Remote Hearing (Virtual Room #1), 11 a.m.

Thursday December 17th

Committee on Rules, Privileges, and Elections, (Virtual Room #1), 10:30 a.m.

City Council Stated Meeting, (Virtual Room #1), 1:30 p.m.

Friday December 18th

Committee on Sanitation and Solid Waste Management, Remote Hearing (Virtual Room #1), 11 a.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