



# This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

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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 – New York State*



### AMERICAN RESCUE PLAN ACT OF 2021

#### What it Means for NYS & its Localities

President Joe Biden this week signed the much-publicized \$1.9 trillion American Rescue Plan, finalizing a recovery plan that will send much-needed aid to millions of Americans still struggling from the COVID-19 pandemic.

The American Rescue Plan provides \$1,400 direct payments to individuals making up to \$75,000 annually, \$350 billion in aid to state and local governments, and \$14 billion for vaccine distribution. The bill also provides \$130 billion to elementary, middle, and high schools to assist with safe reopening.

The bill was approved by the House on Wednesday with a vote of 220 to 211. It passed the Senate on Saturday with a 50 to 49 vote.

It is estimated that New York State’s agencies and authorities will receive over \$30 billion from the American Rescue Plan. Under the Plan, New York State will receive \$12.6 billion in direct state fiscal relief, [New York metropolitan cities](#) will get \$6.14 billion (with New York City receiving \$4.3 billion), [counties](#) will receive \$3.9 billion, and smaller cities, towns and villages will receive \$825 million. The Metropolitan Transportation Authority will receive \$6.5 billion.

New York State will also receive \$358 million from the state and local fund for building out broadband infrastructure.

Eligible uses of funds by state and local governments:

- ❑ Costs associated with responding to the COVID-19 public health emergency or its negative economic impacts, including but not limited to, assistance to households, small businesses, and nonprofits or aid to impacted industries such as tourism, travel, and hospitality.
- ❑ To support workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers or by providing grants to eligible employers that have eligible workers who perform essential work.
- ❑ To cover revenue losses caused by the COVID-19 public health emergency.
- ❑ To make necessary investments in water, sewer, or broadband infrastructure.
- ❑ Funds may not be used by states or localities to cover the costs of pension funds.
- ❑ States may not use funds to offset a reduction in taxes.

(Source: NYS Senator Charles Schumer)



## **Covid-19 Emergency Protect Our Small Business Act of 2021 Enacted**

Governor Andrew Cuomo this week signed the COVID-19 Emergency Protect Our Small Businesses Act of 2021 (Chapter 73 of the Laws of 2021), establishing eviction and foreclosure protections for small businesses. The legislation will initially apply to small businesses with under 50 employees that demonstrate a financial hardship, as well as small businesses with 10 or less units.

"Our small businesses have been hit hard by the pandemic, and they need our help if they're going to survive these challenging times," bill sponsor, Senator Anna Kaplan said. "... [the legislation] will hit the pause button on eviction and foreclosure proceedings for small businesses that are struggling, giving them a shot at survival, and giving them the opportunity to get back on their feet without the looming threat of being closed down for good just because they've fallen behind during the pandemic."

The Governor and the Legislature also reached an agreement to expand the protections in the original legislation to additional business owners and landlords suffering financial hardship. When the new legislation is signed into law, the agreement will expand protections to small businesses with 100 or fewer employees, and to any business with 500 or fewer employees that was closed to in-person operations by executive order or department of health directive for two or more weeks between May 15, 2020 and May 1, 2021.

"Small businesses are the backbone of our economy, and equally important the backbone of our communities," Assembly sponsor Harry Bronson explained. "These small businesses, especially those in economically disadvantaged communities, or those owned by people of color, have been even more disproportionately impacted by COVID-19. This legislation seeks to give these small businesses a fighting chance to emerge from this pandemic by helping both the business and their small business commercial landlord."



## Comptroller DiNapoli: DOH Needs to Step Up Enforcement of Patient Safety Violations

The State Department of Health (DOH) has failed to hold accountable hospitals, nursing homes, clinical laboratories, and care providers for patient safety violations and use its power under the law to impose stronger fines. In addition, DOH does not ensure fines collected are directed to increase patient safety, as required, according to an audit released this week by State Comptroller Thomas DiNapoli.

Under the Patient Health Information and Quality Improvement Act of 2000, DOH is responsible for ensuring civil violations of state health law are enforced. It oversees a resolution process that can result in settlement agreements, including fines and penalties, for health care providers (e.g., clinical laboratories, hospitals, and nursing homes) and individuals (e.g., licensed nurses and certified nurse aides), according to the Comptroller. Penalty amounts above \$2,000 are to be used to support the program's work through a special account established for that purpose, according to the Comptroller.

DOH can suspend a portion of a penalty depending on certain factors, such as history of enforcement and non-compliance and strength of the evidence. However, Comptroller DiNapoli's auditors found DOH, in some cases, is suspending a substantial portion of the penalty imposed.

For a sample of 109 orders, DiNapoli's auditors found that DOH often suspended a large percentage of each respondent's overall penalty — as much as 90 percent in one case. Overall, of the \$2,422,150 in penalties reviewed, DOH suspended \$1,050,400 (43 percent).

In addition, auditors found DOH was widely inconsistent in how it applied suspensions of penalties for repeat violators. In one case, DOH gave an individual a 40 percent penalty suspension on a first Controlled Substances settlement agreement. The individual subsequently violated the terms of that agreement, yet DOH granted an 81 percent penalty suspension on the second Controlled Substances settlement agreement.

The audit found that when respondents violated their settlement payment plans, DOH was lax in holding them to account. Of a random sample of seven settlements in which DOH allowed the violator to pay a penalty on an installment plan, in all cases, the respondent violated the payment plan terms and DOH did little to follow up, the Comptroller's auditors cited.

The audit outlined a number of policies and procedures that should be implemented. In its response to the audit, DOH outlined the actions it had taken or will take to implement them.



# COVID-19 UPDATES

## Domestic Travel

- ❑ Domestic travelers will no longer be required to quarantine after entering New York from another U.S. State or U.S. Territory starting April 1st.
- ❑ While no longer required, the NYS Department of Health still recommends quarantine after domestic travel as an added precaution.
- ❑ Mandatory quarantine remains in effect for international travelers.

## Vaccine Eligibility

- ❑ New Yorkers 60 years of age are eligible (March 9<sup>th</sup>).
- ❑ Government Employees, Nonprofit Workers, and Essential Building Service Workers Are Eligible for COVID-19 Vaccine (March 17<sup>th</sup>).
- ❑ All Providers, except pharmacies, can vaccinate any eligible New Yorker (March 17).
- ❑ Pharmacies can vaccinate 60-plus and teachers per federal guidance (March 10).

## Indoor Dining (March 19<sup>th</sup>)

- ❑ Beginning March 19th, New York City and New Jersey will expand indoor dining capacity to 50 percent and restaurants outside of New York City will expand to 75 percent.

## Residential Gatherings (March 22)

- ❑ Residential gatherings of up to 25 people can be held outdoors.
- ❑ Indoor residential gatherings remain capped at 10 people to reduce the continued risk of spread. Also, non-residential social gatherings of up to 100 people can occur indoors and up to 200 people can occur outdoors.

## Event, arts, and entertainment venues (April 2)

- ❑ Can reopen at 33 percent capacity, up to 100 people indoors and up to 200 people outdoors.
- ❑ If all attendees present proof of negative test prior to entry, capacity can increase up to 150 people indoors and up to 500 people outdoors.
- ❑ Social distancing and face coverings will be required by all attendees, as well as strict adherence to all applicable Department of Health guidance.

## *In the News – City*



### **Pediatric Peer-Reviewed Study: Low Covid-19 Transmission in NYC Schools**

A [peer-reviewed study](#) of COVID-19 infections in New York City schools offers the strongest evidence to date of low transmission within in-person learning, according to Mayor Bill de Blasio. The study found that in-person learning in New York City public schools was not associated with increased prevalence or incidence of COVID-19 infection compared with the general community.

According to the study, of the 234,132 people tested across 1,594 different schools, only 986 (0.4%) tested positive, showing that COVID-19 prevalence in schools was similar to or less than estimates of prevalence in the community.

“This study shows that New York City is able to safely provide more students in-person learning than any other major school district in this country, said New York City Schools Chancellor Meisha Porter. “We are proud of our exceedingly-low transmission rates, and deeply grateful to our educators, school leaders, custodial and school construction staff, and a deep partnership with DOHMH and the Test & Trace Corps. Our schools are safe, and we will continue to analyze the data and follow the advice of public health experts closely as we welcome back our students and staff.”

Published in *Pediatrics*, the Official Journal of the American Academy of Pediatrics, the study analyzed hundreds of thousands of in-school COVID-19 tests from the three-month period between October 9- December 18th, 2020. In addition, it includes results from contact tracing investigations for over 36,000 students and staff quarantined after COVID-19 exposure in a school building. It was led by Senior Health Advisor Dr. Jay Varma.

When comparing 2,231 COVID-19 cases that occurred in students and staff with 86,576 persons in New York City diagnosed during the same period, the overall incidence - meaning the total number of newly reported cases - was lower for persons in public schools compared with the general community. Of 36,423 school-based close contacts, 191 (0.5%) subsequently tested positive for COVID-19 during quarantine monitoring. This "attack" rate is substantially lower than the rate of transmission that occurs in households, demonstrating the effectiveness of the safety and health measures within school buildings.

According to the study, New York City school protocols “might have contributed” to the low transmission, but more research is necessary to determine which measures are most important.

However, the study concluded that “...Other jurisdictions seeking to open schools might wish to consider similar policies and practices for reducing transmission, periodic testing to monitor the effectiveness of COVID-19 safety measures, and use of multi-agency operations centers...to manage the complex process of receiving, investigating, and acting upon COVID-19 cases continuously.”



## De Blasio Administration Looks to Zoning Changes to Increase Food Access, Transit Accessibility, & Small Business Growth

Mayor Bill de Blasio this week announced a set of new citywide zoning actions that seek to incentivize the creation of green grocery stores; improve accessibility to transit stations; remove hurdles to opening community gyms and other health facilities; and ensure the zoning code is not a barrier to supporting small businesses in the Open Restaurants program.

These changes will each start public review this spring, to be adopted by the end of this year. New citywide proposals are:

**FRESH II:** In partnership with the City Council, the City will seek to expand the existing [Food Retail Expansion to Support Health \(FRESH\)](#) program, which offers zoning incentives and financial benefits to encourage the creation of accessible stores that provide fresh fruit, meats and vegetables, in addition to a full range of grocery products. The [new FRESH proposal](#) aims to bring the program to 11 more community districts – in addition to 19 districts currently in the program – including: Bronx Community Districts 8 and 9; Brooklyn Community Districts 1, 2, 12 and 13; Queens Community Districts 1, 3, 4 and 14; Staten Island Community District 1.

**Elevate Transit: Zoning for Accessibility (ZFA) Text Amendment:** In collaboration with the Metropolitan Transportation Authority (MTA), City Council, and disability advocates, the City will expand zoning rules that allow the MTA to leverage private development to add elevators or other station access to New York City Transit (NYCT), Staten Island Railway (SIR), Long Island Rail Road, and Metro-North stations in the City. Currently, less than 30% of the 493 NYCT subway and SIR stations in New York City are currently wheelchair accessible.

**Health and Fitness Text Amendment:** Currently, exercise gyms, licensed massage therapy, martial arts studios, and spas, among other health-related businesses, are required to obtain special permission from the City's Board of Standards and Appeals (BSA) to open. The process for obtaining a permit often adds six months and at least \$50,000 in additional startup costs to open a gym. The City is working to allow these businesses to open “as of right,” or without first seeking special permission.

**Open Restaurants:** The City will propose to remove zoning limitations that may hinder efforts to make the program permanent.

According to the Mayor, public meetings for these actions will be scheduled over the coming month, with the start of public review for each of these proposals this spring or summer. The Mayor's goal is to reach approval before the end of the administration.

## *Briefs*

### **Assembly Speaker Carl Heastie Authorizes Assembly Judiciary Committee to Begin Impeachment Investigation into Governor Cuomo**

Assembly Speaker Carl Heastie yesterday authorized the Assembly Judiciary Committee to begin an impeachment investigation, led by Committee Chair Charles Lavine, to examine allegations of misconduct against Governor Andrew Cuomo.

According to the Speaker, the committee will have the authority to interview witnesses, subpoena documents, and evaluate evidence, as is allowed by the New York State Constitution. He said the Assembly inquiry will not interfere with the independent investigation being conducted by Attorney General Letitia James.

On Sunday, Senate Majority Leader Andrea Stewart-Cousins issued the following statement: "New York is still in the midst of this pandemic and is still facing the societal, health and economic impacts of it... We need to govern without daily distraction. For the good of the state Governor Cuomo must resign," according to published reports.

### **Beth Garvey Appointed Acting Counsel to the Governor**

Beth Garvey has been appointed Acting Counsel to the Governor. Ms. Garvey replaces Kumiki Gibson who has served in this position since 2019 and has accepted a new position in the non-profit sector.

Since 2019, Ms. Garvey has served as Special Counsel and Senior Advisor to the Governor, responsible for the Governor's budget, legislative and policy priorities. In this new role, she will continue to be responsible for these priorities, as well as serve as Chief Counsel to the Governor.

Prior to joining the administration, Ms. Garvey served as Senior Vice Chancellor for Legal Affairs and General Counsel for the State University of New York. She also served on the Chancellor's Cabinet as the legal adviser to the SUNY System Administration. Prior to her position at SUNY, Ms. Garvey served as Counsel for the New York State Senate Majority, First Assistant Counsel to the Majority, and Assistant Counsel.

She earned a B.A. in Communication, cum laude, from Mary Baldwin College and a J.D., cum laude, from Albany Law School.

## **Governor Signs Legislation Scaling Back Emergency Powers**

Governor Andrew Cuomo this week approved legislation (Chapter 71 of the Laws of 2021) to scale back the emergency executive powers provided by the Legislature at the beginning of the COVID-19 pandemic.

The legislation, sponsored by Senate Majority Leader Andrea Stewart Cousins and Assembly Speaker Carl Heastie, repeals the initial broad authority and replaces it with strict parameters to limit the scope of the directives, ensure legislative and local notification of any new or revised directives, and increase transparency regarding directive specifics and necessity.

It was passed by the legislature on Friday, March 5<sup>th</sup> and signed by the Governor on Sunday, March 7<sup>th</sup>. It was effective immediately.

## **Mayor de Blasio Announces Taxi Medallion Owner-Driver Relief Fund**

Mayor Bill de Blasio this week announced the creation of the city's Taxi Medallion Owner-Driver Relief Fund for financially troubled taxi medallion owner-drivers. The Fund, which will be stimulus-dependent, will offer debt relief to taxi medallion owner-drivers.

The \$65 million Taxi Medallion Owner-Driver Relief Fund will include: 0% interest loans of up to \$20,000 to use as a down payment to assist in restructuring medallion debt; and up to \$9,000 in no-interest loans to make as many as six monthly loan payments of \$1,500.

The TLC Owner/Driver Resource Center will also continue to assist licensees in obtaining stimulus and other benefits, including federal Payroll Protection Plan (PPP) loans that have already helped medallion owners cover business expenses. The application period for PPP loans expires March 31.

# ***Coming Up*** ***New York State***

## ***Monday March 15th***

***Assembly Session, NYS Capitol Building, Online Meeting, (<https://www.nyasembly.gov/>), 2:00 p.m.***

***Senate Session, NYS Capitol Building, Online Meeting, (<https://www.nysenate.gov/>), 3:00 p.m.***



**Tuesday March 16<sup>th</sup>**

**Senate Standing Committee on Aging, Online Meeting,**  
(<https://www.nysenate.gov/>),  
9:00 a.m.

**Assembly Standing Committee on Real Property and Taxation , Online Meeting,**  
(<https://www.nyasassembly.gov/>), 9:30 a.m.

**Senate Standing Committee on Local Government, Online Meeting, (<https://www.nysenate.gov/>),**  
9:30 a.m.

**Assembly Standing Committee on Judiciary, Online Meeting, (<https://www.nyasassembly.gov/>),**  
10:00 a.m.

**Senate Standing Committee on Crime Victims, Crime and Correction, Online Meeting,**  
(<https://www.nysenate.gov/>), 10:00 a.m.

**Assembly Standing Committee on Correction, Online Meeting, (<https://www.nyasassembly.gov/>),**  
10:30 a.m.

**Senate Standing Committee on Insurance, Online Meeting, (<https://www.nysenate.gov/>), 10:30 a.m.**

**Assembly Standing Committee on Codes, Online Meeting, (<https://www.nyasassembly.gov/>),**  
11:00 a.m.

**Senate Standing Committee on Health, Online Meeting, (<https://www.nysenate.gov/>), 11:00 a.m.**

**Assembly Standing Committee on Corporations, Authorities and Commissions, Online Meeting,**  
(<https://www.nyasassembly.gov/>), 11:30 a.m.

**Senate Standing Committee on Environmental Conservation, Online Meeting,**  
(<https://www.nysenate.gov/>), 11:30 a.m.

**Assembly Standing Committee on Environmental Conservation, Online Meeting,**  
(<https://www.nyasassembly.gov/>), 12:00 p.m.

**Senate Standing Committee on Labor, Online Meeting, (<https://www.nysenate.gov/>), 12:00 p.m.**

**Assembly Standing Committee on Labor, Online Meeting, (<https://www.nyasassembly.gov/>),**  
12:30 a.m.

**Senate Session, NYS Capitol Building, (<https://www.nysenate.gov/>), 3:00 p.m.**

**Assembly Session, NYS Capitol Building, (<https://www.nyasassembly.gov/>),**

**Wednesday March 17<sup>th</sup>**

**Assembly Standing Committee on Small Business, Online Meeting, (<https://www.nyasembly.gov/>), 9:30 a.m.**

**Assembly Standing Committee on Insurance, Online Meeting, (<https://www.nyasembly.gov/>), 10:00 a.m.**

**Senate Standing Committee on Energy and Telecommunications, Online Meeting, (<https://www.nysenate.gov/>), 10:00 a.m.**

**Assembly Standing Committee on Energy, Online Meeting, (<https://www.nyasembly.gov/>), 10:30 a.m.**

**Senate Session, NYS Capitol Building, (<https://www.nysenate.gov/>), 3:00 p.m.**

**Assembly Session, NYS Capitol Building, (<https://www.nyasembly.gov/>),**

### **Thursday March 18<sup>th</sup>**

**Senate Session, NYS Capitol Building, (<https://www.nysenate.gov/>), 3:00 p.m.**

**Assembly Session, NYS Capitol Building, (<https://www.nyasembly.gov/>).**

## **New York City**

### **Monday March 15<sup>th</sup>**

**Committee on Governmental Operations, Remote Hearing (Virtual Room #2), 11:00 a.m.**

**Committee on Mental Illness, Disabilities, and Addiction, Remote Hearing (Virtual Room 3), 1:00 p.m.**

### **Tuesday March 16<sup>th</sup>**

**Committee on Public Safety, Remote Hearing (Virtual Room 2), 9:30 a.m.**

**Committee on Consumer Affairs and Business Licensing, Remote Hearing (Virtual Room #3), 10:00 a.m.**

**Subcommittee on Zoning and Franchises, (Virtual Room #1), 10:00 a.m.**

### **Wednesday March 17<sup>th</sup>**

**Committee on General Welfare, Remote Hearing (Virtual Room #3), 9:30 a.m.**

**Committee on Oversight and Investigations, Remote Hearing (Virtual Room #3), 1:00 p.m.**

*Committee on Small Business, Remote Hearing (Virtual Room #4), 1:00 p.m.*

***Thursday March 18<sup>th</sup>***

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

***Friday March 19<sup>th</sup>***

*Committee on Fire and Emergency Management, Remote Hearing (Virtual Room 2), 10:00 a.m.*

*Committee on Economic Development, Remote Hearing (Virtual Room #1), 10:00 a.m.*

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**“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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