



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



Executive Budget 30-Day Amendments Will Include Revisions to Adult-Use Cannabis Legislation

Governor Andrew Cuomo this week announced 30-day amendments to the Executive Budget proposal to establish an adult-use cannabis program in New York. Specifically, these amendments will detail how the \$100 Million in Social Equity funding will be allocated, enable the use of delivery services, and refine which criminal charges will be enforced as it relates to the improper sale of cannabis.

Allocation of \$100 Million Cannabis Social Equity Fund

Under the amended proposal, the Department of State would allocate the funding, through grants administered by Empire State Development Corporation, in collaboration with the departments of Labor and Health, as well as with the Division of Housing and Community Renewal, and the offices of Addiction Services and Supports and Children and Family Services. Final allocations and administration of funding would also be contingent upon approval from the Division of the Budget.

Through this fund, qualified community-based nonprofit organizations and local governments would apply for funding to support a number of different community revitalization efforts, including, but not limited to:

- Job placement and skills services
- Adult education
- Mental health treatment
- Substance use disorder treatment
- Housing
- Financial literacy
- Community banking
- Nutrition services
- Services to address adverse childhood experiences
- Afterschool and childcare services, system navigation services

- Legal services to address barriers to reentry
- Linkages to medical care, women's health services and other community-based supportive services.

Enabling the Use of Delivery Services

According to Governor Cuomo, legalization is projected to create more than 60,000 new jobs, and spur \$3.5 billion in economic activity while generating an estimated \$350 million in tax revenue once fully implemented.

The Governor is amending his proposal to allow for the permitting of delivery services as a way to open access to the industry. Local governments would have the opportunity to opt out from delivery services occurring within their jurisdiction.

Criminality of Improper Sales

Under the Governor's amended proposal, specific penalties will be reduced as follows:

- Criminal sale in the third degree (sale to under 21-year old) will be made a class A Misdemeanor.
- Criminal sale in the second degree (sale of over 16 ounces or 80 grams of concentrate) will be made a class E felony.
- Criminal sale in the first degree (sale of over 64 ounces or 320 grams of concentrate) will be made a class D felony.



NYS Department of Financial Services Issues Report on Facebook Investigation

The New York State Department of Financial Services (DFS) this week issued a [report](#) on its investigation into the transmission of sensitive user data by application and website designers to Facebook, finding that Facebook did little to prevent apps from sharing sensitive user data.

Specifically, DFS found that consumer data was regularly shared with Facebook by app developers who downloaded Facebook's Software Development Kit as part of Facebook's free online data analytics services. Personal data that was wrongfully shared included sensitive and/or medical data such as health diagnoses, blood pressure readings, and fertility data.

Following a [report by the Wall Street Journal](#), Governor Andrew Cuomo directed DFS to perform an investigation which found that app developers regularly sent Facebook sensitive data, including medical and personal data, derived from consumers' usage of third-party websites and applications. Though such data-sharing violated Facebook policy, according to DFS, Facebook took few steps to enforce the policy or to block the flow of sensitive data prior to the state's investigation.

"Consumer protection is at the center of everything we do at DFS, and data privacy is increasingly important to consumers. Facebook instructed app developers and websites not to share medical, financial, and other sensitive personal consumer data but took no steps to police this rule," said Superintendent of Financial Services Linda A. Lacewell. "By continuing to do business with app developers that broke the rule, Facebook put itself in a position to profit from sensitive data that it was never supposed to receive in the first place. Consumers deserve better."

The report focuses on the inadequate controls at Facebook that allowed it to happen, the remedial measures Facebook has undertaken as a result of the DFS investigation, and the Department's recommendations on how to better protect consumer privacy:

- **Inadequate Controls:** Despite the fact that sensitive data has been transmitted to Facebook every day in violation of Facebook policy, prior to the DFS investigation, Facebook did little to track whether app developers were violating its policies and to this day takes no real action against developers that do.
- **Remediation Efforts as a Result of the Department's Investigation:** As a result of the DFS investigation, Facebook built and implemented a screening system that is designed to identify and block sensitive information before it enters the Facebook system. Facebook also enhanced app developer education to better inform developers of their obligations to avoid transmitting sensitive data and took steps to give users more control over data that is collected about them, including from off-Facebook activity.
- **Recommended Further Action:** Although Facebook's remediation efforts are important first steps, Facebook must ensure that developers are fully aware of its prohibition on transmitting sensitive data, and the report recommends Facebook do more to prevent developers from transmitting sensitive data in the first place rather than simply relying on a back-end screening system. The report further urges Facebook to take additional steps to police its own rules by putting in place appropriate consequences for doing so.
- **Federal Regulatory Oversight:** Current laws and regulations have not kept pace with the technological advancements of the "big data" industry. Although the U.S. Federal Trade Commission has taken some action, consumers would benefit from a comprehensive federal regulatory approach, as noted in the DFS's [Twitter report](#).

The report also supports the adoption of Governor Cuomo's State of the State [proposal](#) to enact NYDATA, a data privacy law that would mandate that any entity that collects data on large numbers of New Yorkers disclose the purposes of such collection, and limit the data collected to that purpose.

Legislative Hearings on Executive Budget

Tuesday, February 23rd	Economic Development	9:30 a.m.
	Taxes	1 p.m.
Thursday, February 25th	Health	9:30 a.m.

In the News – City

New York City Promotes Double Mask Use

New York City’s Health Department is now recommending that City residents wear two face masks instead of one to stop the spread of COVID-19.

The City’s new face-covering guidance from the Department of Health comes after the federal Centers for Disease Control and Prevention recently [updated its own guidance](#), indicating additional layers of material “is a good way to reduce the number of respiratory droplets containing the virus that come through the mask.”

City Health Commissioner Dr. Dave Chokshi said the department’s double-mask guidance is based on the guidance from the CDC.

“The single most important thing remains — wearing a face covering consistently and properly so that it covers both your nose and mouth and you wear it both indoors and outdoors,” Dr. Chokshi said.

In addition, the Commissioner Chokshi suggested that those 65 and older and those with underlying conditions should “consider” using a higher-grade face mask like a KN95.

How to Wear Two Face Coverings

Wearing two face coverings can provide you and others with added protection by increasing the number of layers of material and making for a snugger fit.

When wearing two face coverings, consider the following:

- ✔ Use one cloth face covering and one disposable mask. The disposable mask should be worn underneath and the cloth face covering on top.
- ✘ Do not use two disposable masks.
- ✘ Do not use a face covering over or under a KN95 mask. A KN95 should be worn alone.

No matter what type of covering you wear, the most important thing is to wear at least one and wear it correctly (over the nose and mouth, and snug against the face).





MTA Approves Toll Increase But Avoids “Worst Case” Service Cuts

The Metropolitan Transportation Authority (MTA) Board this week approved a toll increase for commuters effective in April, but the Authority was able to avoid “worst case” service cuts in both 2021 and 2022 and the associated layoffs due to federal funding approved in December.

However, MTA Chairman and CEO Patrick Foye noted that further funding is necessary to stave off service cuts in 2023 and 2024.

“The Federal funding provided by Congress in December...has allowed the MTA to avoid the worst case cuts not just in 2021 but also 2022,” said Chairman Foye. “But the pandemic is projected to continue to wreak havoc on the MTA’s finances for the next four years as ridership gradually rebuilds. We continue to urgently request \$8 billion in additional Federal aid as part of the American Rescue Plan so we can serve as the economic engine leading New York’s recovery from this devastating pandemic.”

In addition to the receipt of \$4 billion in federal aid, this short-term stability was a result of \$2.9 billion in deficit financing through the Federal Municipal Liquidity Facility and improved re-estimates in dedicated taxes and fees.

Also, the MTA predicts a gradual return to normal ridership levels, with increases in 2021 and 2022 leading to a “new normal” ridership that stabilizes in 2023 and 2024 between 80% and 92% of pre-pandemic levels.

The financial plan detailed this week anticipates that the MTA will generate \$62 million in 2021 and \$116 million annually as of 2022 via a 7% increase in toll rates at its nine bridges and tunnels that will take effect in April.

The Board also approved the creation of a new mid-tier toll rate for motorists who are NYCSC E-ZPass holders but are tolled via license plate because they are not using their E-ZPass tags properly. Motorists with NYCSC E-ZPass who properly use their tags will continue to get the lowest rate. Motorists who hold NYCSC E-ZPass accounts, but who do not properly use their E-ZPass tag at the time they cross an MTA bridge or tunnel will be now be charged a special rate that is lower than the Tolls by Mail rate, but higher than they would be charged had they properly used their E-ZPass tag. NYCSC E-ZPass.

The new rates for motorists to take effect in April are below:

<u>Bridge / Tunnel</u>	<u>Current auto toll</u>	<u>Auto toll to take effect in April</u>
Bronx-Whitestone Bridge Hugh L. Carey Tunnel Queens-Midtown Tunnel RFK Bridge Throgs Neck Bridge Verrazzano-Narrows Bridge	\$6.12 NYCSC E-ZPass \$9.50 Tolls By Mail/non-NYCSC Tag Holders	\$6.55 for tolls transacted by NYCSC E-ZPass \$8.36 for NYCSC E-ZPass account holders who do not properly use their tags \$10.17 for Tolls By Mail or non-NYCSC Tag Holders
Henry Hudson Bridge	\$2.80 NYCSC E-ZPass \$7.00 Tolls By Mail/non-NYCSC Tag Holders	\$3.00 for tolls transacted by NYCSC E-ZPass \$4.62 for NYCSC E-ZPass account holders who do not properly use their tags \$7.50 for Tolls By Mail or non-NYCSC Tag Holders

Cross Bay Bridge	\$2.29 NYCSC E-ZPass	\$2.45 for tolls transacted by NYCSC E-ZPass
Marine Parkway-Gil Hodges Memorial Bridge	\$4.75 Tolls By Mail/non-NYCSC Tag Holders	\$3.77 for NYCSC E-ZPass account holders who do not properly use their tags \$5.09 for Tolls By Mail or non-NYCSC Tag Holders
Verrazzano-Narrows Bridge Staten Island Resident Including Discount and Rebate	\$2.75 (effective rate after high-frequency discounts and rebates)	\$2.95 for ALL trips (including rebates) when the NYCSC E-ZPass tag with the plan discount is properly used

Source: MTA

Toll rates for trucks, buses and motorcycles will be posted online at MTA.info.

Briefs

Empire State Development Approves Empire Station Complex Plan

Governor Andrew Cuomo today announced that Empire State Development's Board of Directors has adopted the General Project Plan and certified the draft Environmental Impact Statement for the area surrounding Penn Station, part of the Empire Station Complex, which was outlined in the Governor's [2020 State of the State](#) Agenda.

The Empire Station Complex General Project Plan would begin transit-oriented redevelopment on eight sites, creating a mixed-use district with approximately 20 million gross square feet of Class A commercial office, retail, hotel, and potentially residential space in ten buildings. Additionally, the plan introduces public transportation improvements, including new entrances and access ways to Penn Station and nearby public transit.

The project area is generally bounded by Sixth and Ninth Avenues to the east and west, and by West 30th and West 34th Streets to the south and north in Midtown Manhattan, Community Districts 4 and 5.

Three of the eight proposed sites would accommodate the potential expansion of Penn Station to allow for new, below-grade tracks and platforms. The design, construction, and operation of an expanded Penn Station, which is being analyzed as part of a separate planning and federal environmental review process, would be assumed by the Metropolitan Transit Authority, Amtrak, and the New Jersey Transit Authority.

ESD is working with Vornado Realty Trust, the owner of a significant amount of property in the project area, including most of five of the project's development sites. The planning, design and implementation of public improvements are a collaborative effort with the New York City Department of City Planning and the New York City Department of Transportation. ESD is collaborating with the MTA, Amtrak and NJT with respect to the implementation of public transportation improvements and the potential expansion of Penn Station.

Recreational Activities Reopening

Governor Andrew Cuomo this week announced that indoor family entertainment centers and places of amusement can open with a 25 percent capacity limit beginning Friday, March 26. Outdoor amusement parks can open with a 33 percent capacity limit beginning Friday, April 9 and day and overnight summer camps in New York State can begin to plan for reopening.

All facilities must submit reopening plans with health protocols to the local health department. Face coverings and social distancing will be required for all customers and staff, and customers will be required to have a health screening with temperature checks prior to entry. Additionally, The Department of Health will issue specific reopening guidance, including details on timing, in the coming weeks.

In addition to face coverings, social distancing and mandatory health screenings, all indoor family and entertainment centers and places of amusement, and outdoor amusement parks, must follow the below guidelines:

- Contact information must be collected from each party to inform contact tracing, if needed.
- High-touch areas, attractions, and rides must be cleaned and disinfected frequently.
- Attractions must close if they cannot ensure distancing and be frequently cleaned/disinfected.
- Sufficient staff must be deployed to enforce compliance with rules.
- Tickets should be sold in advance, and entry/exit and waiting times should be staggered.
- Indoor areas must meet enhanced air filtration, ventilation and purification standards.

Attorney General James Files Lawsuit Against Amazon for Failing to Protect Workers During COVID-19 Pandemic

New York Attorney General Letitia James filed a [lawsuit](#) against Amazon over its failures to provide adequate health and safety measures for employees at the company's New York facilities and Amazon's retaliatory actions against multiple employees amidst the COVID-19 pandemic.

In failing to maintain a safe work environment by reasonably protecting workers from the spread of COVID-19, Amazon violated New York State Labor Law. In addition, Amazon unlawfully fired and disciplined employees that objected to Amazon's unsafe work conditions.

The lawsuit, filed in the Supreme Court of New York County, argues that Amazon's actions are in violation of New York labor, whistleblower protection, and anti-retaliation laws.

Attorney General James opened an investigation into Amazon in March 2020 following numerous complaints about the lack of precautions taken to protect employees in Amazon facilities as New York was ravaged by COVID-19.

The investigation was later broadened to examine whether Amazon unlawfully fired or disciplined employees who reported these safety concerns. In particular, the investigation focused on two facilities with a combined workforce of more than 5,000 individuals — JFK8, a fulfillment center on Staten Island, and DBK1, a distribution center in Queens.

New York City Subway to Restore Partial Overnight Service

The Metropolitan Transportation Authority (MTA) will partially restore overnight service on the New York City Subway, pending continued positive trends in New York's COVID indicators. Effective Monday, February 22nd, the MTA will extend late-night subway service by two hours, moving to a 2 a.m. - 4 a.m. closure daily.

According to Governor Andrew Cuomo, the changes will lengthen the subway's operations by two hours while enabling the MTA to continue the most aggressive deep cleaning and disinfecting regimen in its history. Since May 6th, the subway has been closed nightly from 1 a.m. to 5 a.m. to allow the MTA to enhance cleaning and disinfecting of the subway.

BE NYC to Support Black-Owned Businesses

The de Blasio Administration this week announced Shop Your City: BE NYC, a targeted campaign to encourage New Yorkers to shop at the city's Black-owned businesses.

Black businesses currently make up 3.5% of all businesses in New York City. The Shop Your City: BE NYC campaign will:

- Spotlight Black businesses on social media that have continued to operate and serve their communities throughout the pandemic.
- Post online resources to help New Yorkers discover and shop at the City's Black-owned small businesses.
- Encourage New Yorkers to tag a small Black-owned business they're supporting, using our Instagram story template.

According to the Administration, studies show that Black businesses have been severely impacted by the pandemic and are twice as likely to shut down during the pandemic. Black businesses as a whole saw a 41 percent decrease in business activity between February and April of 2020 alone.

Coming Up

New York State

Monday February 22nd

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

Senate Standing Committee on Crime Victims, Crime, and Correction, Online Meeting, (<https://www.nysenate.gov/>), 10:30 a.m.

Senate Standing Committee on Women's Issues, Online Meeting, (<https://www.nysenate.gov/>), 11:00 a.m.

Senate Standing Committee on Codes, Online Meeting, (<https://www.nysenate.gov/>), 11:30 p.m.

Senate Standing Committee on Ethics and Internal Government, Online Meeting, (<https://www.nysenate.gov/>), 12:00 p.m.

Senate Standing Committee on Energy and Telecommunications, Online Meeting, (<https://www.nysenate.gov/>), 12:30 p.m.

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

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

Tuesday February 23rd

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

Senate Joint Legislative Public Hearing on 2021 Executive Budget Proposal: Topic- Economic Development, Online Meeting (<https://www.zoom.com/>), 9:30 a.m.

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

Senate Standing Committee on Corporations, Authorities, and Commissions, Online Meeting, (<https://www.nysenate.gov/>), 10:30 a.m.

Senate Standing Committee on Civil Service and Pensions, Online Meeting, (<https://www.nysenate.gov/>), 11:00 a.m.

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

Senate Standing Committee on Transportation, Online Meeting, (<https://www.nysenate.gov/>), 12:30 p.m.

Senate Joint Legislative Public Hearing on 2021 Executive Budget Proposal: Topic- Taxes, (<https://www.zoom.com/>), 1:00 p.m.

Senate Standing Committee on Children and Families, NYS Capitol Building, 1:30 p.m.

Senate Session, NYS Capitol Building, 3:00 p.m.,

Assembly Session, NYS Capitol Building

Wednesday February 24th

Senate Standing Committee on Commerce, Economic Development and Small Business, Online Meeting, (<https://www.nysenate.gov/>), 9:00 a.m.

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

Senate Session, NYS Capitol Building, 11:00 a.m.

2021 Economic & Revenue Consensus Forecasting Conference, Online Meeting, (<https://www.nysenate.gov/>), 1 p.m. – 3 p.m.

Agriculture Listening Tour – Session #2, Online Meeting, (<https://www.nysenate.gov/>), 2 p.m. – 4 p.m.

Thursday February 25th

Senate Joint Legislative Public Hearing on 2021 Executive Budget Proposal: Topic- Health/Medicaid, Zoom (<https://www.zoom.com/>), 9:30 a.m.

Trailblazing Black Americans: A Celebration in Honor of Black History Month, Online Meeting, (<https://www.nysenate.gov/>), 7:00 p.m. – 8:30 p.m.

New York City

Monday February 22nd

Committee on Mental Health, Disabilities and Addiction, Remote Hearing (Virtual Room 2), 10 a.m.

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

Tuesday February 23rd

Subcommittee on Zoning and Franchise, Remote Hearing Virtual Room #1), 9:45 a.m.

Subcommittee on Capital Budget, Remote Hearing Virtual Room #3), 10 a.m.

Committee on Higher Education, (Virtual Room #2), 10 a.m.

Wednesday February 24th

Committee on Transportation, Remote Hearing (Virtual Room #3), 10 a.m.

Committee on Public Housing, Remote Hearing (Virtual Room #2), 11 a.m.

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

Thursday February 25th

Committee on Finance, Remote Hearing (Virtual Room #1), 10 a.m.

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-**

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