



# This Week in New York

Covering New York State and City Government

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March 26, 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-**

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## *In the News – New York State*



### **Cuomo Administration Revises Nursing Home Visitation Guidance**

Governor Andrew Cuomo and State Health Commissioner Dr. Howard Zucker yesterday announced the release of [revised nursing home visitation guidance](#) to align with guidelines recently released by the U.S. Centers for Medicare and Medicaid Services.

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The guidance, which takes effect immediately, permits visitation at all times and for all residents with limited exceptions for unvaccinated residents in areas of high community spread and lower resident vaccination rates, residents with confirmed COVID-19 infection or those in isolation or quarantine. Facilities must still continue to adhere to strong infection control practices.

According to the Governor’s press release, “DOH strongly recommends that all facilities offer testing for visitors as COVID-19 is still present in communities statewide. Compassionate Care visits, which had previously been allowed in all facilities at all times, will continue under this new guidance. ...This guidance replaces the February 23rd guidance which required a facility to be COVID free for 14 days.”

In addition, the guidelines specify that “all health care workers who are not employees of the facility but provide direct care to the facility’s residents, such as hospice workers...social workers, clergy, etc., must be permitted to come into the facility as long as they are not subject to a work exclusion due to an exposure to COVID-19 or showing signs or symptoms of COVID-19 after being screened.”

The new guidelines were announced as legislation providing for compassionate care-giving visitors at nursing homes and residential health care facilities sits on the Governor’s desk.

Sponsored by Senator Rachel May and Assemblyman Harry Bronson, the bill authorizes DOH to develop regulations to allow family member and legal guardians visitation for personal caregiving, compassionate caregiving, provision of short-term emergency care, and end of life support. It was delivered to the Governor on March 17.

When asked about the legislation at a recent press conference, Governor Cuomo’s Counsel Beth Garvey indicated that she was reviewing the legislation in relation to CDC guidance.



## **COVID-19 UPDATES**

### **Vaccine Eligibility (March 23)**

- Beginning March 23<sup>rd</sup>, New Yorkers age 50 and above are eligible for vaccines.

### **Indoor Entertainment Facilities (March 26)**

- Indoor family entertainment centers and places of amusement can open with a 25 percent capacity limit beginning Friday, March 26.

## Professional Sports (April 1)

- New York's Major League Baseball teams, the New York Mets and New York Yankees, can resume play with spectators in the stadiums, beginning April 1. Professional sports in large outdoor stadiums that hold 10,000 people or more will be allowed to reopen at 20 percent capacity. Attendees must show proof of a recent negative test or completed vaccination series prior to entry and are subject to strict state guidance on face coverings, social distancing, and health screening. If the public health situation continues to improve, State Department of Health may discontinue testing and vaccination entry requirements in mid-May. Vaccinations will continue to be administered at Yankee Stadium and Citi Field during the MLB season.
- Smaller, regional sports venues that hold 1,500 people indoors or 2,500 people outdoors can also reopen, beginning April 1. Initial capacity will be limited to 10 percent indoors and 20 percent outdoors. Attendee health status information requirements and social distancing guidance apply.

## 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.

## Extended Hours: Gym, movie theaters, bowling alleys, casinos, and billiards halls (April 5)

- Gyms, movie theaters, bowling alleys, casinos, and billiards halls will be able to stay open past 11 p.m. The curfew remains in place for restaurants, bars, and catered events.

# *In the News – City*



## Mayor de Blasio Announces NYC Racial Justice Commission

Mayor Bill de Blasio this week announced the formation of the New York City Racial Justice Commission, tasked with identifying and reforming structural and institutional inequity across the City. The Racial Justice Commission will simultaneously serve as a charter revision commission.

The Mayor called upon the Commission to produce a formal report and recommendations by December 2021, and to produce a “community-informed” guide toward a “fair, equitable, and just New York City.”

The Commission is primarily tasked with reviewing the City's Charter and delivering proposals for charter revisions. It may also recommend policy and programmatic changes that do not require charter revision, or changes to advocate for on a state or federal level.

According to the Mayor, the Commission is "expected to focus on significant structural changes to the powers, structures, and processes of New York City government that underlie sources of inequity, rather than narrow procedural changes or superficial policy fixes."

Anusha Venkataraman, who currently leads NYC Service as the City's Chief Service Officer, will serve as the Commission's Executive Director. The 11-member commission will include:

- **Jennifer Jones Austin**, CEO and Executive Director, FPWA, Chair
- **Henry Garrido**, Executive Director, DC 37 AFSCME, Vice Chair
- **K. Bain**, Founder and Executive Director, Community Capacity Development
- **Ana M. Bermúdez Esq.**, Commissioner, Department of Probation
- **Rev. Fred Davie**, Executive Vice President, Union Theological Seminary and Chair of the Civilian Complaint Review Board (CCRB)
- **Lurie Daniel Favors, Esq.**, Interim Executive Director at the Center for Law and Social Justice at Medgar Evers College
- **Darrick Hamilton**, Founding Director, Institute on Race and Political Economy at The New School and Henry Cohen Professor of Economics and Urban Policy
- **Chris Kui**, former Executive Director, Asian Americans for Equality
- **Yesenia Mata**, Executive Director, La Colmena
- **Phil Thompson**, Deputy Mayor for Strategic Policy Initiatives
- **Jo-Ann Yoo**, Executive Director, Asian American Federation



## **NYC Releases Applications for 2021 Expansion of Open Streets**

The New York City Department of Transportation (DOT) has released the 2021 application for New York City's Open Streets program, which allows communities to dedicate roadway space to pedestrians and cyclists. Interested businesses and community partners can learn more and apply at [www.nyc.gov/openstreets](http://www.nyc.gov/openstreets).

"With better signage, new barriers, and more support for community partners, this program will be sustainable for the long term – and better position New York City to break free of car culture and build a recovery for all of us," said Mayor Bill de Blasio.

DOT will work with community partners to develop operational plans for multiple uses, including outdoor dining and programming, while maintaining loading, deliveries, and emergency access.

According to the Mayor, the Open Streets program will now replace DOT's Weekend Walks and Seasonal Streets programs. Groups of three or more eligible businesses along a corridor may also submit an application for Open Streets but must identify one business entity to apply for and represent the group. Both new and returning partners must apply to manage an Open Street in their communities.

This application will be open for groups interested in managing either of two distinct types of Open Streets:

- Temporary Limited Local Access – street designated for pedestrian and cyclist use, during a specified set of hours and days each week, where local vehicle access for parking and loading is permitted, and drivers are advised to drive 5 mph.
- Temporary Full Closure – temporarily closed to vehicles for pedestrian and cyclist use, to support local businesses, and for community programming (formerly including [Open Streets: Restaurants](#)).

Open Streets applicants submitting a proposal agree to help manage all aspects of the program, which may include but are not limited to the following:

- Managing street closure barricades (setup, oversight, breakdown).
- Coordinating operations and any programming executed on Open Streets.
- Regularly notifying local stakeholders and the community about hours and guidelines using social media, digital outreach, and print media outlets, and/or other forms of communication
- Facilitating Open Streets certification for all restaurants and retail/service establishments included in the temporary full street closure and coordinating operations and any programming executed on Open Streets.



## **Bills Approved by the City Council**

**Int. No 1671-A**, sponsored by Council Member Adrienne Adams, sponsored by Council Member Adrienne Adams, will require the New York City Police Department to issue a quarterly report on all vehicles stops.

**Int. 2212-A**, sponsored by Council Member Vanessa Gibson, will clarify that the Civilian Complaint Review Board has the power

**Int. No. 2118-A**, sponsored by Council Member Keith Powers, would transfer authority over press credentials from the NYPD to the Mayor's Office of Media and Entertainment (MOME).  
to investigate bias-based policing and racial profiling complaints made by the public.

**Int. 2220-A**, sponsored by Council Member Stephen Levin, will establish a local right of security against unreasonable search and seizure and against excessive force regardless of whether such force is used in connection with a search or seizure.

**Int. 2224-A**, sponsored by Council Member Ydanis Rodriguez, bill will require the Department of Transportation to create a crash investigation and analysis unit tasked with investigating, analyzing and reporting on all vehicle crashes involving significant injury.

**Int. No. 2243-A**, sponsored by Council Member Carlina Rivera and Council Speaker Corey Johnson, will extend the timeframe during which Local Law 55 applies for three additional months through June 30, 2021. Local Law 55/Int. 1932 temporarily suspends personal liability provisions in the leases of certain COVID-impacted businesses.

## *Briefs*

### **U.S. Senate Passes Extension to Paycheck Protection Program Deadline Now May 31, 2021**

On March 25, 2021, the United States Senate passed legislation moving the Paycheck Protection Program (“PPP”) application from March 31 to May 31 by a vote of 92-7. The House of Representatives passed the legislation on March 17 by overwhelming support, 415-4. President Joe Biden is expected to sign the legislation into law.

The United States Congress passed the legislation because the United States Small Business Administration (“SBA”) testified at a Congressional hearing that more than 190,000 applications were still held up in the SBA’s PPP platform because of unresolved error codes related to validation checks instituted by the SBA to prevent fraud. The PPP extension legislation does not provide additional funding for the current round of PPP. Earlier this month, President Biden signed the American Rescue Plan of 2021 (“ARPA”). The ARPA includes another \$7.25 billion in funding for the PPP and lifts some of the Program’s earlier restrictions.

The PPP provides forgivable loans that can be used to cover payroll, rent, mortgage interest, utilities, and certain COVID-19 related expenses, such as personal protection equipment. Eligible entities are able to borrow from private financial institutions the lesser of 2.5 times the borrower’s monthly payroll costs or \$10 million. The PPP loans can be forgiven if at least 60% of the funds are spent on payroll costs over either an 8-week period or 24-week period.

Under the ARPA, entities will only qualify for a PPP loan if: (1) the entity does not receive more than 15% of its receipts from lobbying activity; (2) the lobbying activities of the entity do not compromise more than 15% of the total activities of the organization; (3) the cost of lobbying activities for the entity did not exceed \$1,000,000 during the most recent tax year prior to February 15, 2020; and (4) the entity does not employ more than 300 employees. **Applications for a second draw of PPP loans are now due on May 31, 2021.** Further guidance from the United States Small Business Administration is probably to be expected, but all 501 (c) organizations are encouraged to apply as soon as possible. This is a link to the SBA's website for guidance: <https://www.sba.gov/page/coronavirus-covid-19-small-business-guidance-loan-resources>.

## **NYS Comptroller DiNapoli: Wall Street's 2020 Bonuses Rose Amid Volatility**

### ***Average Bonus in NYC Securities Industry Reaches \$184,000, Up 10%***

The average bonus paid to employees in New York City's securities industry grew by 10 percent in 2020 to \$184,000. This figure is in line with the city's most recent 9.9 percent projection and will likely allow the city to meet or exceed its income tax revenue projections in FY2021, according to annual estimates released today by New York State Comptroller Thomas DiNapoli.

Comptroller DiNapoli estimates the 2020 bonus pool for New York City securities industry workers increased by 6.8 percent to \$31.7 billion during the traditional December-March bonus season, up from \$29.7 billion in 2019. Bonuses fell by 33 percent in 2001 after 9/11 and by 47 percent in 2008 after the Great Recession. Bonuses have fallen four times since 2008, with an average decline of 12 percent.

The securities industry accounts for one-fifth of private sector wages in New York City, even though it is less than 5 percent of private sector employment. Comptroller DiNapoli estimates that nearly 1 in 10 jobs in the city are either directly or indirectly associated with the securities industry.

As a major source of revenue, Comptroller DiNapoli estimates that the securities industry accounted for 18 percent (\$15.1 billion) of state tax collections in state fiscal year (SFY) 2020 and 6 percent (\$3.9 billion) of city tax collections in city fiscal year (CFY) 2020.

## **Attorney General James Ensures Delivery of Approximately \$76 Million in Rebates to 4 Million New Yorkers Charged Fees for Sports Programming Never Provided During COVID-19 Pandemic**

New York Attorney General Letitia James this week announced that nearly 4 million cable and satellite television subscribers across New York state have received approximately \$76 million in rebates after they were charged for live sports programming last year during the peak of the coronavirus disease 2019 (COVID-19) pandemic even though all live sports events had been cancelled.

In response to news reports highlighting the problem, last April, Attorney General James sent seven major cable and satellite television providers in New York letters, demanding they provide financial relief to consumers by reducing or eliminating fees attributable to live sports programming.

After discussions with the Office of the Attorney General (OAG), the seven companies — Altice USA, AT&T Inc., Charter Communications, Comcast Cable, DISH Network, RCN Corporation, and Verizon Communications — committed to passing on to their customers rebates being sought from regional sports networks, which in turn were negotiating rebates from leagues and teams that were not partaking in live sporting events.

## **State Launches Citizen Public Health Training Program to Educate New Yorkers as Public Health Leaders**

*Program First Announced as Part of Governor Cuomo's 2021 State of the State Address*

Governor Andrew Cuomo announced the launch of a free, online Citizen Public Health Training Course for New Yorkers to learn about preparedness for and prevention of public health emergencies.

The course, delivered by the New York State Department of Health in partnership with Cornell University and supported by the State University of New York, will prepare and equip New Yorkers to become NYS Citizen Public Health Leaders and build an informed network of community health leaders across the state. Participants will learn about COVID-19, public health emergency preparedness and response, and other public health issues, while gaining insight into information and resources that will benefit their communities.

More information on the Citizen Public Health Training Program, including how to register to become a NYS Citizen Public Health Leader, is available [here](#).

## **City Council Approves New York Police Reform and Reinvention Collaborative Plan**

The New York City Council yesterday adopted the New York Police Reform and Reinvention Collaborative Plan (Resolution No. 1584), as required by State Executive Order.

On June 12, 2020, Governor Andrew Cuomo issued Executive Order No. 203, directing each local government in the State to create a plan to reform and reinvent their police force. If a plan is not adopted by the Council by April 1, 2021, the State Director of the Division of the Budget is authorized to withhold future appropriated State or federal funding for which New York City would otherwise be eligible.

According to the Council, the plan lays out dozens of initiatives and policy changes, centered around five goals: 1) the decriminalization of poverty, 2) recognition and continual examination of historical and modern-day racialized policing in New York City, 3) transparency and accountability to the people of New York City, 4) community representation and partnership, and 5) a diverse, resilient, and supportive NYPD.

# Coming Up

## New York State

### Tuesday March 30<sup>th</sup>

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

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

### Wednesday March 31<sup>st</sup>

Senate Session, NYS Capitol Building, (<https://www.nysenate.gov/>).

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

## New York City

*No hearings scheduled.*

**“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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