



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop Del Giorno & Giblin LLC

June 19, 2015 Edition



In the News – New York State



Pandora's Box Opened

When the legislative leaders and the Governor announced the 5-day rent control agreement, a faint creaking sound could be heard throughout the State Capitol.

Pandora's Box was unlocked, giving life to legislative possibilities.

Legislators and lobbyists will spend the weekend reviewing their "must" lists and strategizing on how to revive initiatives that were – up until the extended session – on next year's agenda.

The Senate and Assembly will return on Tuesday, June 23rd to address any outstanding issues. The Assembly is expected to follow suit. This gives lobbyists and legislators one more day to push bills through.

On July 18th (the original "last day" of session) the Senate passed 118 bills and the Assembly approved 169 bills. Of those bills, 175 will be delivered to the Governor for consideration.

Vigilance will be key in the closing days of the 2015 session. Veteran stakeholders welcome the opportunity for one more push, but are also mindful that "No man's life, liberty or property are safe while the legislature is in session" (Judge Gideon J. Tucker).

To follow is a sampling of initiatives that received two-house approval this week:

A1034A M of A Gunther (Senator Funke) -- Classifies assault on a person providing direct patient care as an assault in the second degree.

A1233A M of A Paulin (Senator Gallivan) -- require meetings of public bodies covered by the Open Meetings Law to be streamed in real-time and to be posted on the agency's website, to the extent practicable.

A1335 M of A Zebrowski (Senator Murphy) -- improve the process of evaluating the potential impact of rules on jobs and employment opportunities, by, among other things, requiring methodological transparency and consideration of the quality of jobs that would potentially be impacted.

A2409 M of A Rodriguez -(Senator Perkins) -- No scaffolding permit shall be renewed by the Commissioner of the Department of Buildings except for an "ongoing construction project."

A3404 M of A Titone (Senator Savino)-- To review information technology systems used for locating missing children for the purpose of making recommendations on the creation of a statewide communication program.

A5290 M of A Abbate (Senator Golden) -- Provides for an accidental disability retirement for uniformed court officers and peace officers employed in the unified court system.

A6771A M of A Abbate (Senator Golden) -- Allows any Tier 6 member who is a uniformed court officer or peace officer employed by the unified court system to retire without early age reduction upon attaining 30 years of creditable service and age 55.

A6809 M of A Weprin (Senator Golden) -- Allows the City of New York to extends its existing Biotechnology Credit for another three years from January 1, 2016 through December 31, 2018.

A6902B M of A Blake (Senator Martins) -- Requires state agencies to pay small businesses within 15 days of receipt of an invoice.

A6978 M of A Abbate (Senator Golden) -- To extend to July 1, 2017, the provisions relating to compulsory arbitration to resolve impasses in collective negotiations between the Metropolitan Transportation Authority (MTA), MTA New York City Transit or the MTA Bridges and Tunnels and employee organizations.

A6990B M of A Glick (Senator LaValle) -- Enacts the "veterinary emergency response and mobility act of 2015."

A7332 M of A Lupardo (Senator Libous) -- Provides for the continuity of care to persons with developmental disabilities upon diminution of state operated services to such persons.

A7641 M of A Brennan (Senator Razenhofer) -- Relates to the effectiveness of provisions of law relating to prohibiting employees of a not-for-profit corporation from serving as chair of the board.

A7681A M of A Gottfried (Senator Murphy) -- Provides for streamlined application process for affiliates of licensed operators of adult care facilities and assisted living facilities.

A7683A M of A Rozic (Senator Marcellino) -- authorizes the Metropolitan Transportation Authority's (MTA) Transit Adjudication Board (TAB) to have jurisdiction over violations occurring on MTA Bus vehicles.

A7721 M of A Peoples-Stokes (Senator Martins) -- To ensure employee safety through the development and implementation of workplace violence prevention programs for not-for-profit corporations who have received at least fifty percent of their budget through a municipal, state or federal government sources.

A7725C M of A Stirpe (Senator Seward) -- To clarify that insurers may issue dental, vision, and intercollegiate sports injury coverage classified as "excepted benefits" to institutions of higher education.

S14 Senator LaValle (M of A Jaffee) -- Establishes a uniform standard for quality and training of clinical practitioners in out-of-state laboratories.

S3638A Senator Ortt (M of A Gunther) -- Relates to oversight of developmental disability care organizations and coordinate services.

S4324A Senator Hannon (M of A Gunther) -- Relates to meningococcal immunizations.

S5497 Senator Serino (M of A Jaffee) -- Directs the commissioner of health to collect and report data on the early intervention program for infants and toddlers with disabilities for the purpose of improving such program.

S5692 Senator Savino (M of A DenDekker) -- Relates to the definition of wages earned from multiple employers and of plan year for the New York city retirement systems.

S5712A Senator Felder (M of A Morelle) -- Relates to consumer directed personal assistance programs.

S5796 Senator Savino (M of A Abbate) -- Grants employees in labor class positions rights with regards to the suspension or demotion upon abolition or reduction of certain positions.

S5946 Senator Avella (M of A Rosenthal) -- Requires pet dealers to provide recommendations on the care of small animals.

S5965 Senator LaValle (M of A Glick) -- Relates to the implementation by colleges and universities of sexual assault, dating violence, domestic violence and stalking prevention and response policies and procedures.

S5972 Senator Seward (M of A Simotas) -- Relates to permitting pregnant individuals to enroll in the state health insurance exchange at any time.

In the News – New York City



Brooklyn District Attorney
Ken Thompson



WE CAN HELP YOU TAKE CARE OF THAT OLD WARRANT

FATHER'S DAY WEEKEND
Friday, June 19 and
Saturday, June 20, 2015

Emmanuel Baptist Church
279 Lafayette Ave. (corner of St. James Place)
9:00 a.m. - 3:00 p.m.

The Court and Defense Attorneys Will Be Available to
Resolve Outstanding Summons Warrants Including Those For:

- Consumption of Alcohol in Public
- Unlawful Possession of Marijuana
- Riding a Bicycle on the Sidewalk
- Littering
- Transit Fare Evasion
- Loitering
- Being In the Park after Closing
- Disorderly Conduct
- Trespass
- Unleashed Dog
- Spitting
- Making Unreasonable Noise
- And More

FOR MORE INFORMATION: 718-250-3888
WWW.BROOKLYNDA.ORG



De Blasio Administrative Releases Audit Report of Verizon's Citywide FiOS Implementation

City finds Verizon failed to meet obligations to deliver fiber optic technology to New Yorkers across the five boroughs

Mayor Bill de Blasio this week released the City's audit findings of Verizon's citywide Fiber Optic Service (FiOS) implementation, indicating the company failed to meet obligations to deliver fiber optic technology across the five boroughs.

The audit reviews a 2008 agreement with New York City in which Verizon committed to extend its FiOS network to every household across the five boroughs by June 30, 2014.

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

According to the Administration, consistent with complaints from New Yorkers, the audit – initiated by the Department of Information Technology and Telecommunications last September – documents “far-reaching failures” and reveals that more than six years after its agreement with the City, Verizon has yet to deliver on the commitments spelled out in the franchise agreement.

“Through a thorough and comprehensive audit, we have determined that Verizon substantially failed to meet its commitment to the people of New York City,” said Mayor Bill de Blasio. “Broadband is a key component of this Administration’s fight to create opportunity and sustainable economic development in every corner of the five boroughs. As I’ve said time and again, Verizon must deliver on its obligation to the City of New York and we will hold them accountable.”

The audit results reveal an “egregious” failure on the part of Verizon to deliver on the FiOS agreement, including:

- **Verizon has not run fiber throughout enough of the City’s residential neighborhoods to deliver on its commitments.** DoITT field inspections confirm that blocks claimed by Verizon as completed in fact have not had installed the necessary equipment to deliver service.
- **Verizon’s own records indicate that service is “unavailable” at certain residential addresses, despite company claims that it can deliver service to all New Yorkers who want FiOS.** The audit found evidence of callers being told by Verizon that the company has *no plans* to bring FiOS to their address. And for prospective customers, details about current and future FiOS availability are unavailable from either Verizon’s customer service representatives or the company’s website.
- **Verizon has failed to consistently document service requests.** Verizon staff admitted to DoITT that they did not record or track inquiries from prospective customers who requested service before fall 2014. This is in direct violation of the franchise agreement, which requires Verizon to track requests for cable service.
- **Where Verizon *has* accepted requests for service, it has consistently failed to respond to service requests within the required six- and 12-month timeframes.** DoITT’s audit reveals that 75 percent of the more than 40,000 non-standard requests – i.e. requests from buildings that had not previously been wired for FiOS service – that were labeled outstanding as of December 31, 2014, had been *outstanding for over a year*.
- **Despite clear requirements in the franchise agreement, Verizon has only tracked complaints from actual subscribers and has not tracked complaints and inquiries from prospective customers.** The franchise agreement requires Verizon to keep records of all complaints—with no distinction between current and prospective customers – for six years. However, Verizon’s own complaint procedures, glossary, and interviews reveal that the company only records and tracks complaints of actual paying subscribers, rather than potential subscribers who request service in their neighborhoods.

- **Verizon failed to cooperate with the City's audit of FiOS rollout, in violation of its franchise agreement.** Verizon initially failed to provide access to the systems used in calculating the status of network build, with access granted five months after the initial request. Throughout the course of the audit, and in violation of its franchise agreement, the company significantly delayed or failed to provide access to various other records, reports, and contracts requested by the City to conduct a full assessment of FiOS implementation.

Legislation Signed by the Mayor

Intro. 198-A, Council Member Johnson, requires the installation of side guards on all city trucks and trade waste haulers in order to ensure safer streets. All large vehicles in the city's fleet, and all trade waste hauling vehicles licensed by BIC, will be required to install side guards by January 1, 2024. There are several exceptions to this law for vehicles on which side guard installation would be impractical, including street sweepers, fire engines, and other specialized vehicles.

Intro. 315-A, Council Members Chin and Vallone, requires DOT to conduct a study of compliance of truck routes, and use the results of the study to take measures to increase compliance, including converting two-way streets to one-way streets, and increasing signage, education, and outreach to the trucking community.

Intro 440-A, Council Member Johnson, requires the Department of Health and Mental Hygiene to submit a report every three months to the Mayor and Council Speaker detailing the health of inmates in city correctional facilities during the previous quarter. DOHMH is required to issue the first report no later than July 15, 2015, and every three months thereafter. The report will be required to include, but would not be limited to, the following available information: performance indicators reported to DOHMH by the entity providing services, methodology used to measure performance indicators, which metrics were used to determine whether performance indicators meet targets, the results of such determinations, and any actions that DOHMH has taken or plans to take in response to the data reported. If performance indicators relating to intake, follow-up care, patient safety, preventable hospitalizations, or preventable errors in medical care are reported to DOHMH, the department will be required include such data in the report.

Intro. 511-A, Council Member Lander, requires the Department of Education to report annually on student demographics and DOE's efforts to encourage diversity in city schools. DOE will report on the demographics of students in grades K-12, and on the number of students who receive special education services, are English language learners, receive free or reduced lunch, reside in temporary housing, and, for students in K-8, attend school out of their community school district. These numbers will be disaggregated by grade level, race or ethnicity, gender, and ELL status, and the report will also include demographic information for students enrolled in the pre-K program. DOE will additionally be required to report on steps taken during the preceding school year to encourage diversity in its schools and special programs.

Intro. 641-A, Council Members Chin and Vallone, requires DOT to investigate the number of crashes involving pedestrians and cyclists in the last five years, and review and make recommendations on the strategies and policies used to ensure safety on truck routes.

Intro. 736-A, Council Member Levine, requires the creation of an Office of Civil Justice, to be headed by a Civil Justice Coordinator and operated by the Human Resources Administration. The CJC will report to the Mayor and the Council on an annual basis on the civil legal service needs of low-income city residents – including but not limited to matters concerning housing, health insurance, medical expenses and debts, personal finances, employment, immigration, public benefits, and domestic and family matters – and on the availability of free and low-cost civil legal services to meet such needs. The CJC will also be required to make recommendations on the expansion of free and low-cost civil legal services programs, mediation programs, and other mechanisms that can assist low-income city residents with their civil legal service needs. The bill also requires the CJC to prepare a plan for providing these free or low-cost civil legal services to low-income New Yorkers who need such services. The plan is due within one year of the first civil legal services need report and will be updated every five years thereafter.

Briefs

State Board of Regents Approves Four-month Waiver for Teacher Evaluations

New York School districts can apply for a four-month waiver to delay the November 15 deadline to implement new teacher evaluations under changes approved this week by the Board of Regents subcommittee. Regents Chancellor Merryl Tisch proposed the “hardship waiver” as a way to help districts, and Governor Andrew Cuomo said he opposed a blanket delay for all districts.

School district waivers can be extended to no later than September 2016.

State Agencies to Train Fire Departments Statewide In the Use of Heroin Overdose Antidote Naloxone

The New York State Division of Homeland Security and Emergency Services (DHSES) this week announced a partnership with two New York State agencies to provide free naloxone training to fire departments across the state that do not typically provide Emergency Medical Services (EMS). After completing the training, naloxone, a medication that can reverse the deadly effects of heroin and other opioids, will be made available free of charge to participating fire departments. The training, a component of Governor Andrew M. Cuomo's Combat Heroin and Prescription Drug Abuse campaign, is funded by the New York State Office of Alcoholism and Substance Abuse Services (NYS OASAS) and administered by the New York State Department of Health (DOH).

DOH and the DHSES Office of Fire Prevention and Control (OFPC) have prepared an approved training curriculum, and state fire instructors provide the instruction.

Name	Counties	Website
Hudson-Mohawk Regional EMS Council	Albany, Columbia, Greene, Rensselaer, Saratoga, Schenectady	www.remo-ems.com
Hudson Valley Regional EMS Council	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster	www.hvremSCO.org
Midstate Regional EMS Council	Herkimer, Madison, Oneida	www.midstateems.org
Monroe-Livingston Regional EMS Council	Livingston, Monroe	www.mlremSCO.org
Nassau Regional EMS Council	Nassau	www.nassauems.org
Regional EMS Council of New York City	Bronx, Kings, New York, Queens, Richmond	www.nycremsco.org
Southern Tier Regional EMS Council	Chemung, Schuyler, Steuben	www.emstar.org/stremscouncil
Suffolk Regional EMS Council	Suffolk	www.suffolkremSCO.com
Susquehanna Regional EMS Council	Broome, Chenango, Tioga	www.sremSCO.com

PA James on Albany Passing SCRIE/DRIE Legislation

Public Advocate Leticia James commended the State Legislature for passing legislation (A.7247/S.5826-B) to overrule a recent New York City Department of Finance (DOF) policy change regarding SCRIE and DRIE benefits.

According to the Public Advocate, last year DOF “quietly” instituted a new policy requiring individuals to apply within 60 days for benefit takeover after the death of a head of household. This new legislation requires notice to the bereaved and gives them at least six months to file.

"When dealing with the immediate grief after the death of a parent or spouse, no one should have to worry about losing their home. I commend the State legislature for passing important reforms that will protect families that depend on SCRIE and DRIE benefits. Every New Yorker deserves to live in a safe home, and we have a responsibility to take special care to our most vulnerable community members - namely our seniors and people with disabilities."

Public Advocate James is currently engaged in a lawsuit against DOF over the legality of implementing the 60-day rule. She is a co-plaintiff with eight individuals, represented by Legal Services, who are facing eviction following the death of parent or spouse. In October, Public Advocate James held a community clinic to assist individuals applying for SCRIE and DRIE benefits.

Coming Up

New York State

Tuesday, June 23rd

New York State Legislative Session

New York City

Monday, June 22nd

Subcommittee on Zoning and Franchises, 250 Broadway Committee Room 16th Fl-, 9:30 a.m.

Committee on Youth Services, 250 Broadway Committee Room 14th Fl, 10:00 a.m.

Oversight—What can we do as a city to better address the issue of youth violence?

Subcommittee on Landmarks, Public Siting and Maritime Uses, 250 Broadway, 16th Fl-, 11:00 a.m.

Committees Immigration, Youth Services, Community Development and Higher Education, Council Chambers – City Hall, 12:00 p.m.

Oversight-How is New York City Educating its Adult Immigrant Community?

Subcommittee on Planning, Dispositions and Concessions, 250 Broadway, 16th Fl-, 1:00 p.m.

Committee on Waterfronts, Committee Room - City Hall, 1:30 p.m.

Oversight-Update on Development of Governors Island.

Tuesday, June 23rd

Committees on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services and Public Safety, Council Chambers – City Hall, 10 a.m.

Oversight-Examining New York City's Response to Heroin Use and Overdoses.

Int 0748 -2015 In relation to an office of drug strategy.

T2015-3198 Resolution recognizing and honoring the 25th anniversary of the July 26, 1990 signing of the Americans With Disabilities Act of 1990.

Committee on Civil Service and Labor, Committee Room - City Hall, 10:00 a.m.

Int 3099 -2015 In relation to the establishment of a retirement security review board.

Wednesday, June 24th

Committee on General Welfare, Council Chambers – City Hall, 10 a.m.

Oversight-Services and Policies at the HIV/AIDS Services Administration.

Committee on Health, 250 Broadway Committee Room 16th Fl-, 2:00 p.m.

Int 0703 -2015 In relation to the administrative code of the city of New York, in relation to cooling centers.

Int 0712 -2015 In relation to requiring the department of health and mental hygiene to conduct community air quality surveys and publish the results annually.

Thursday, June 25th

Committee on Environmental Protection, 250 Broadway Committee Room—City Hall, 1:00 p.m.

Int 0420 -2015 In relation to mitigation of construction noise within seventy-five feet of a school.

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 & Giblin LLC, or any of its members or employees or its clients. Neither Pitta Bishop Del Giorno & Giblin 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 & Giblin 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 & Giblin LLC professional with whom you usually work.

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