

# This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop Del Giorno & Giblin LLC  
September 14, 2012 Edition



## In the News – New York State



### NYS Law Enforcement Get Access to “Real Time” DMV Information

Governor Andrew M. Cuomo this week announced a new data sharing initiative that will give law enforcement agencies greater and instantaneous access to Department of Motor Vehicles (DMV) information. This information includes photos of all New York State drivers and non-drivers, vehicle registrations, drivers’ lifetime driving histories, as well as real-time notifications of traffic violations and other changes to a driver’s record.

The initiative will provide law enforcement with expanded and faster access to:

- **LAWMAN** – All law enforcement agencies will have access to the searchable database of all 15.6 million New York State vehicle registration files.

Currently, the New York State Police must perform all LAWMAN searches for vehicle registration information on behalf of law enforcement agencies around the state. This initiative allows all law enforcement agencies to have direct access to the LAWMAN database over a secure internet site, even when they are in their patrol cars as long as the car has internet access.

Usage will be audited by the Division of Criminal Justice Services (DCJS) on an ongoing basis to ensure appropriate usage to maintain the protection of privacy.

- **DMV Photo** – All law enforcement agencies will have access to license information and ID photos of all New York State drivers and non-drivers via a database of approximately 16 million photo images. *DMV Photo* allows officers to compare a driver’s license photo against a person’s appearance.

Currently, to obtain a driver license or non-driver ID photo, a law enforcement agency has to be authorized based on a set of complex criteria. This new initiative opens the process, allowing each law enforcement agency the opportunity to set up a protocol to request photos. Once a police department sets up its specific protocol, its officers will be able to access the photos in any internet-enabled patrol car.

Usage of DMV Photo will also be continually audited by DCJS to ensure appropriate usage.

- **Driver’s Abstracts** – The full history of each New York State driver, including all driving related violations and criminal convictions, will be made available to prosecutors.

Currently, only the last four years of a person's driving record is available to prosecutors or, in the case of a DWI conviction, the previous 10 years. A full driving history will help prosecutors make charging and sentencing recommendations.

- **License Event Notification System (LENS)** – Law enforcement will be able to receive real-time notification of traffic violations.

According to the Cuomo administration, currently, over 30,000 individuals in New York State are on parole or probation for driving-related crimes whose driving privileges have been suspended or restricted. The DMV-maintained "LENS" system is being modified to enable law enforcement to receive real-time notifications of tickets issued to drivers under such supervision.

Parole and probation officers can enroll in this service and will be notified automatically if an individual under their supervision receives a traffic ticket, indicating that he or she has violated the terms and conditions of his or her parole or probation by driving. This improved access will be limited to law enforcement only.



**APPROVED**

**Actions by the  
Governor**

**VETOED**

### *Signed*

**Chapter 450 (Sponsored by M or A Rosenthal/Senator Little)** -- Provides increased protections for a consignor or his or her heirs when, their works of art are under the fiduciary care of a consignee or art merchant.

**Chapter 451 (Sponsored by the Rules Committee (at the request of M of A Morelle)/Senator Young)** -  
- Relates to permitted deductions from wages.

**Chapter 454 (Sponsored by Senator Bonacic/M. of A. Pretlow)** – Allows vendor tracks to carryover the unused portion of their capital awards from one year into subsequent years.

**Chapter 456 (Sponsored by Senator Golden/Rules Committee (at the request of Senator Lentol)** – Strengthens the laws in relation to the crime of possessing an obscene sexual performance by a child.

## *Vetoed*

*Veto 152 (Sponsored by M. of A. Abbate/Senator Flanagan)* -- Provides procedures for resolution of disputes between a public employer and Suffolk county probation officers.

## *In the News – New York City*

### **City Council Cracks Down On Illegal Hotels**

The New York City Council voted this week to crack down on illegal hotels, approving legislation which would establish fines up to \$25,000 for those who illegally convert permanent residential units into illegal hotels.

The legislation (Introduction 404A) will set fines at \$1,000 to \$25,000 for those who illegally convert multiple apartments or receive repeated illegal conversion violations. It adds a section to the City's Administrative Code prohibiting the illegal conversion of permanent residential units and would classify the illegal conversion of more than one permanent dwelling unit or a subsequent violation for an illegal conversion at the same dwelling unit or building as an immediately hazardous violation. The Council voted 38-5 with Council Members Lewis Fidler, David Greenfield, Dan Halloran, and Vincent Ignizio, and Minority Leader James Oddo voting against the measure. Opponents of the legislation indicated that it stymies the growth of the City's rental industry.

The bill was promoted as a means of protecting the City's affordable housing and tourist interests.



**Speaker Quinn**

“Time and time again, we hear from residents who have been pushed out of their homes by landlords looking to make a quick buck,” said Speaker Christine C. Quinn. “Our legislation will make sure there are immediate and severe consequences for landlords who endanger the safety of residents and tourists and take away affordable housing from New Yorkers in need.”

According to the Council, the City issued 1,897 violations to landlords for illegal hotel conversions in 2011, up 244% from 2010. Last year, the city ordered residents out of 51 locations that posed immediately hazardous conditions, an increase of 75.9% from the previous year. However, those actions were taken in response to building code violations. The hotel conversion itself will now be considered a violation with its own set of fines.

“Illegal hotels are a black mark for New York City’s booming hospitality industry,” said Peter Ward, President Hotel Trades Council. “They undermine the safety of workers, guests and tenants in the buildings they occupy. This legislation makes sure that City officials can enforce the law with real fines and penalties.

Bill advocates acknowledged the need to promote “low-cost accommodations for tourists,” but maintained the importance of safety.

“New York City needs more legitimate, quality, low-cost accommodations for tourists, but we should not meet this need by converting permanent residential units into unsafe dwellings, driving out lawful tenants, and rewarding illegal behavior,” Council Member Gail Brewer concluded.



## **Public Advocate de Blasio: Primary Election Marred by Poll Site Confusion**

Following reports of poll site confusion during Thursday’s primary, Public Advocate Bill de Blasio called on the City Board of Elections to resolve mistakes that plagued Primary Day voters and could result in widespread confusion in November’s presidential election.

In a letter to the Board, Public Advocate de Blasio called on the agency to verify all poll site location information printed on mailers prior to November’s election, provide additional affidavit ballots on Election Day, and ensure poll workers are prepared to direct voters to the proper poll sites.

The Public Advocate received complaints on Thursday from voters who did not receive accurate poll site information in the mail and encountered poll workers unable to direct them to the proper poll site when they arrived to vote.

“In order to fully assess the scope of problems facing New York City voters, I request that the Board of Elections provide my office with a complete breakdown of all voting related complaints that were reported to the Board of Elections in the City of New York – via phone, email or other forms of communication – regarding the September 13, 2012 primary election by no later than Thursday, September 20, 2012,” Mr. de Blasio wrote. “Specifically, the report should reference the number of constituents who reported receiving instructions from mailings or poll workers directing them to the incorrect poll site.”

In addition, Mr. de Blasio urged the Board of Elections to:

- Verify that all poll site information mailed to voters prior to November's election is up to date and accurate.
- Ensure poll site workers are sufficiently trained and informed about redistricting changes and can direct voters to the correct poll site on Election Day.
- Provide an efficient and clear affidavit voting process and extra affidavit ballots on Election Day so that voters facing hardship traveling to another polling site can still cast a vote.

## *In Brief*

### **Sanitation Assault Law Goes Into Effect on Sunday**



**Assaulted Sanitation worker Juan Ramos speaks at today's press**

Effective Sunday, September 16<sup>th</sup>, individuals who assault a NYC sanitation worker during the course of his or her duties will be committing a felony, under legislation put forth by the Uniformed Sanitationmen's Association IBT Local 831 and signed into law by Governor Andrew Cuomo.

Spearheaded by Brooklyn District Attorney Joseph Hynes, the legislation was sponsored by Brooklyn legislators Martin Golden and Joseph Lentol. It was supported by Assemblymembers Michael DenDekker, Rory Lancmen and City Council member Liz Crowley.

The legislation was signed by Governor Cuomo in August.

### **Governor Cuomo Announces Statewide Partnership to Improve Access to Legal Services for Vulnerable New Yorkers**

The State Office for the Aging, the State Office of Court Administration, and the New York State Bar Association have entered into a partnership to better provide affordable legal services to senior citizens and New Yorkers with disabilities. The collaborative effort will identify the legal needs and barriers faced by older adults and individuals with disabilities. A "Think Group"—composed of attorneys, judges, health care professionals, experts on aging and disabilities, and others—will devise a blueprint for enhancing access to affordable legal services by the targeted populations and their caregivers.

The partnership is expected to yield a variety of educational programs and tools, including an interactive website, a series of community forums to raise awareness about the legal issues often faced by the targeted populations, an elder preparedness self-assessment tool, an elder law treatise for attorneys and other professionals, and strategies for increasing the availability of free and low-cost legal services.

## **NYC Bans Supersized Drinks**

The New York City Board of Health this week passed the Bloomberg Administration's proposal to limit the size of sugary beverages sold in food service establishments to 16 ounces. The proposal passed the board with eight votes in favor and one abstention. The new regulation, which goes into effect on March 12, 2013, states sugary beverages with more than 25 calories per eight ounces can only be sold in portions of 16 ounces or less. The regulation will apply to any food service establishment that is regulated by the Department of Health and Mental Hygiene: restaurants, mobile food carts, delis and concessions at movie theaters, stadiums and arenas. Beverages that are less than 25 calories per 8 ounces, more than 50 percent milk or 100 percent fruit or vegetable juice are exempt. In addition, all self-service cups or containers shall not contain more than 16 fluid ounces.

Announced during the spring, the proposal was formally introduced at the June 12, 2012 Board of Health meeting and was available for public comment through July 24th, when a public hearing was held before the Board of Health. The Board received more than 38,000 written comments and 55 individuals testified.

According to the Department, the regulation will be enforced through the City's regular restaurant inspection process.

## **NYC Plans for New Health Care Facility & Nursing School**

### *Memorial Sloan-Kettering Cancer Center to Build New Outpatient Cancer Care Facility*

### *CUNY Hunter College Plans New Science and Health Professions Building*

The Bloomberg Administration, Memorial Sloan-Kettering Cancer Center, and the City University of New York this week announced plans to build two new science and medical facilities on Manhattan's Upper East Side. The projects are estimated to create more than 3,200 construction jobs and nearly 830 permanent jobs.

Memorial Sloan-Kettering Cancer Center will construct an up to 750,000-square-foot cancer care facility that will allow for outpatient treatment plan development. Currently, Memorial Sloan-Kettering plans to use the facility to provide care for patients with lung, head, neck and hematological cancers. The building will include outpatient bone marrow transplantation and other services.

CUNY Hunter College will build a 336,000-square-foot Science and Health Professions building to upgrade its science and nursing facilities. Currently, CUNY Hunter's health sciences and basic sciences are located at two different campuses: basic sciences are located on Hunter's main campus at East 68th Street and Lexington Avenue in facilities that date back to 1939; and health sciences and nursing are located on East 25th Street and First Avenue in a physical plant inherited from Bellevue Hospital in 1967. The new site enables Hunter to create consolidated science and nursing facilities, and eliminates the need for duplicate eating halls, libraries and other facilities at the current 25th Street campus.

## NYC Calls for PEG Cuts

The Bloomberg Administration today released a call for agency budget cuts to address a larger-than-anticipated budget deficit. Budget Director Mark Page sent a letter to NYC agency heads seeking 5.4 percent spending reductions for the 2013 fiscal year (excluding uniformed forces and the education department). The City's FY 2013 budget estimated a \$2.5 billion budget gap for FY 2014. The administration's estimates now show the gap will grow to more than \$3 billion annually in FY 2015 and FY 2016 and it may grow larger due to the recent court decision on taxi medallions.

Budget Director Page called for the following cuts:

*Civilian Agencies (not including the Department of Education):*

- 5.4 percent of controllable planned spending in FY 2013 (current year).
- 8 percent of controllable planned spending in FY 2014.

*Uniform agencies (Police, Fire, Sanitation and Correction):*

- 2.7 percent of controllable planned spending in FY 2013.
- 4 percent of controllable planned spending in FY 2014.

*The Department of Education:*

- 1.6 percent of controllable planned spending in FY 2013.
- 4 percent of controllable planned spending in FY 2014.

The total target for this action is \$2 billion in savings – \$750 million in FY 2013 and \$1.25 billion in FY 2014. Agencies must submit their proposals by October 4<sup>th</sup>.

## Coming Up

### *New York State*

#### ***Wednesday September 19<sup>th</sup>***

***To investigate circumstances surrounding organized retail crime and stolen goods.***  
***Committee on Consumer Protection, Touro Law Center, 225 Eastview Drive, Central Islip, 11 a.m.***

### *New York City*

#### ***Wednesday September 19<sup>th</sup>***

***Subcommittee on Zoning and Franchises, 250 Broadway -Committee Rm,16<sup>th</sup> Fl, 9:30 a.m.***

***Committees on Technology & Transportation, 250 Broadway -Committee Rm, 14<sup>th</sup> Fl, 10 a.m.***  
***Int 0599-2011*** In relation to requiring that taxicab passenger enhancement systems be accessible to people with disabilities.

***T2012-5236*** Oversight - Challenges and Opportunities of Technology in the Taxi & FHV Industries.

***Subcommittee on Landmarks, Public Siting, and Maritime Uses, 250 Broadway, 16<sup>th</sup> Fl, 11 a.m.***

***Committees on Housing and Buildings & State/Federal Legislation, 250 Broadway -Committee Rm,14<sup>th</sup> Fl, 1 p.m.***

***T2012-5203*** Oversight – Examining the Report of the New York City/New York State Task Force on Building and Fire Safety.

***Subcommittee on Planning, Dispositions, and Concessions, Council Chambers-City Hall, 1 p.m.***

#### ***Thursday September 20<sup>th</sup>***

***Committee on Land Use, 250 Broadway- Committee Rm, 16<sup>th</sup> Fl, 10 a.m.***

***Committees on Higher Educationm & Small Business, Baruch College Small Business Development Center, 11 a.m.***

***T2012-5171*** Tour: Baruch College Small Business Development Center

***Committee on Economic Development, 250 Broadway- Hearing Rm, 16<sup>th</sup> Fl, 1 p.m.***

***T2012-5237*** Oversight - The Restructuring of the New York City Economic Development Corporation  
- What is the impact going forward?



**Committee on Environmental Protection**, 250 Broadway- Committee Rm, 16<sup>th</sup> Fl, 1 p.m.  
*T2012-5172* Oversight - Midterm Review of the Filtration Avoidance Determination for the City's Catskill/Delaware Water Supply System.

**Committee on Consumer Affairs**, 250 Broadway- Committee Rm, 14<sup>th</sup> Fl, 2 p.m.  
*Int 0702-2011* In relation to requiring that all signs advertising the price of gasoline and/or diesel motor fuel disclose the total selling price for cash and credit card purchases.

*T2012-5204* Oversight - Gas Stations in New York City: Putting a Premium on Consumer Protection.

## **Friday September 21<sup>st</sup>**

**Committees on Higher Education & Civil Rights**, 250 Broadway- Committee Rm, 16<sup>th</sup> Fl, 10 a.m.  
*T2012-5197* Oversight - What are Public and Private Higher Education Institutions Doing to Improve Faculty Diversity and Academic Leadership?

**Committee on Juvenile Justice**, 250 Broadway- Committee Rm, 14<sup>th</sup> Fl, 10 a.m.

**Committee on Lower Manhattan Redevelopment**, 250 Broadway- Hearing Rm, 16<sup>th</sup> Fl, 1 p.m.  
*T2012-5257* Oversight - The Effect of Increased Tourism In Lower Manhattan

**Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse, and Disability Services**, 250 Broadway- Committee Rm, 14<sup>th</sup> Fl, 1 p.m.  
*Res 1229-2012* Resolution recognizing September as Suicide Awareness Month in New York City and calling upon government agencies and non-governmental organizations to focus on teen suicide prevention.

**Committee on Civil Service and Labor**, 250 Broadway- Committee Rm, 16<sup>th</sup> Fl, 1 p.m.

---

**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 partners or employees or its clients. Neither Pitta Bishop Del Giorno & Giblin LLC, nor its partners 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 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.

**To Our Clients and Friends:** 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](mailto:tcosgrove@pittabishop.com) or at (518) 449-3320.

---

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

111 Washington Ave, St. 401  
Albany, New York 12210  
Telephone (518) 449-3320  
Facsimile (518) 449-5812

120 Broadway, 28<sup>th</sup> Floor  
New York, New York 10271  
Telephone (212) 652-3890  
Facsimile (212) 652-3891

50 Main Street, 10th Floor  
White Plains, NY 10606  
Telephone (914) 682-2632  
Facsimile (914) 663-5180

191 Grand Central Ave.  
Amityville, NY 11701  
Telephone (516) 742-8930  
Facsimile (516) 742-8937