



A PUBLICATION OF  
PITTA BISHOP & DEL GIORNO LLC  
Government Relations / Consulting

## THIS WEEK IN NEW YORK

COVERING NEW YORK & CITY GOVERNMENT

DECEMBER 6, 2024 EDITION



*"Obstacles don't define us. Rather, it is the unparalleled courage and character of us that defines us as a people. So my confidence in the future is steeped in our glorious past - in the face of adversity, we always persist. We persevere, we prevail." Governor Kathy Hochul*

## *In The News-New York State*



### **Governor Hochul Signs New Law to Support Workers Facing Job-Related Post-Traumatic Stress**

Governor Kathy Hochul signed new legislation to support working people who are facing job-related mental health crises. This law will allow any worker to file for workers' compensation for specific types of mental injury premised on extraordinary work-related stress.

"New Yorkers work hard — and those who have experienced the unthinkable while on the job deserve to be treated fairly," Governor Hochul said. "The mental health crisis our country has experienced since the COVID-19 pandemic is unprecedented, and we need to do everything in our power to lend a hand to those in need. I'll never stop fighting for the working people of New York."

Through an agreement with the Legislature, Chapter 546 will allow any worker to file for workers' compensation for specific types of mental injury premised on extraordinary work-related stress. This expands coverage to all workers in the State of New York; previously, only certain first responders were eligible for such benefits.

The legislation was sponsored by Senator Jessica Ramos and Assemblymember Karina Reyes.

"...For far too long, New York's workers have been denied the basic access of having their claims of work-related mental distress from being reviewed by the Workers' Compensation Board, Assemblymember Reyes explained. "Claims of post-traumatic stress disorder and other forms of mental injury, which are becoming more common in workplaces and industries, are more than deserving of study and potential consideration for disability benefits. It is time for our state to recognize that productivity requires the safety and security of the mind, equal to that of the body."

New York State AFL-CIO President Mario Cilento called the legislation an "important step" toward helping workers suffering from mental illness as a result of their employment that removes significant hurdles workers face when accessing care and benefits for workplace mental health claims.

“Not all injuries are physical,” Senator Ramos explained. “...Together, we are consistently enacting the change and ushering through the investments needed to take care of New Yorkers’ mental health.”

The Governor’s FY 2025 Enacted Budget included \$20 million to continue expanding school-based mental health clinic satellites, \$19 million to provide care to young people outside of school environments, \$33 million to build supports for individuals living with a mental illness who are involved in the criminal justice system, and \$55 million to add 200 inpatient beds at state-operated psychiatric centers.



## **Comptroller DiNapoli: Critical Pre-School Special Education Services Not Reaching All Students Who Need Them**

Preschool students in need of special education services are not always getting the help they need or are getting services late, according to [an audit released this week](#) by New York State Comptroller Thomas DiNapoli.

The audit of the State Department of Education (SED) found many local school districts maintain waitlists for services because there are not enough providers, and SED’s oversight of services was hindered because it did not know how many students were enrolled in the preschool special education service program, the services they are receiving in real time, or the number of districts using waitlists.

“Providing timely, quality early education services to preschool children with special needs can make a world of difference in their development, and delays can have long term consequences for their academic futures,” Comptroller DiNapoli said. “Too many children are not getting the services and therapies they are entitled to within required timeframes, and some are not getting the services at all. The State Education Department and school districts must do a better job serving these students. I am pleased that SED agreed with our findings and has taken several steps to improve service delivery for students entitled to these essential special education services.”

Children who are referred for special education services undergo a parent-approved evaluation within prescribed timeframes, and if approved, an Individualized Education Program (IEP) is developed. The services recommended under the child’s IEP are supposed to start within 60 school days of receiving parental consent. School districts are responsible for ensuring services are provided in the 60-day timeframe. Eligible students are entitled to all services prescribed in the IEPs under the federal Individuals with Disabilities Education Act (IDEA).

Comptroller DiNapoli’s audit found that many children are not getting the services they need and some are not getting them in the required 60-day timeframe. Of 550 school districts (not including New York City) that responded to an audit survey, 83% said they have a waitlist for services. In site visits to an additional 40 districts, auditors found 21 (53%) that also maintained waitlists – which accounted for a total of 301 students who were waiting for services.

SED acknowledged that waitlists are in violation of the requirement that students with disabilities receive the IEP programs and services to which they are entitled, but does not know how many students are not receiving required services. SED does not have the data it needs to be aware of the challenges, such as provider shortages, school districts face in fulfilling the services mandate that force the need for waitlists – and has been unable to support them in a solution.

SED also does not collect any information on school districts' waitlists to identify potential need issues, nor does it monitor how districts choose waitlisted students for services to ensure fairness in selection and placement. Without knowing how many waitlists are in use across the state or how long those waitlists are, SED also has no awareness of how many students are not getting all or some of their services they're entitled to, or what services are most in need and where.

DiNapoli's audit also found that the SED division that monitors preschool special education services, Special Education Quality Assurance (SEQA), reviews only 1/6 of the state's school districts (118 of 710) annually for compliance with requirements. As a result, there is a delay in addressing problems with student eligibility and enrollment, as well as in identifying where schools are facing provider shortages.

Discrepancies among various SED data systems and sources result in unreliable information regarding services provided, and SED's lack of analysis of the information it does have limits its ability to monitor issues at school districts, such as unserved students or delayed evaluations.

Comptroller DiNapoli's audit made seven recommendations to SED, including that it:

- Develop a strategy to address the statewide shortage of preschool special education service providers and work with school districts to identify ways to obtain the necessary services.
- Increase monitoring of districts to strengthen the timeliness of evaluations, IEPs and regional service needs in real time.
- Identify school districts that need immediate review of their preschool special education services.
- Create data controls to ensure complete and accurate records.

In response, SED agreed with the audit recommendations, noting that it shared many of the concerns raised in the report.



## Bills Delivered to the Governor



**A4904/S9350 – Sponsored by AM Gibbs/Senator Salazar** - Provides for rules and regulations for strip searches in correctional facilities.

**A4943A/S4414A – Sponsored by AM Epstein/Senator Krueger** - Relates to prohibiting the sale or distribution of expanded polystyrene containers that are designed or intended to be used for cold storage.

***A6244C/S4993C – Sponsored by AM Stern/Senator Martinez*** - Authorizes the presence of dogs in state parks.

***A9099/S8462 – Sponsored by AM Anderson/Senator Comrie*** - Establishes a captive insurance program for commuter vans, black cars, ambulettes and paratransit vehicles, and small school buses pre-arranged for-hire vehicles, and accessible vehicles.

***A175A/S2901A – Sponsored by AM Paulin/Senator Comrie*** - Relates to the organization of the Port Authority including adding four new non-voting commissioner positions to the Board, two of whom must be mass transit users recommended by rider advocacy groups and two of whom are to be recommended by labor organizations.

***A9011A/S3397A – Sponsored by AM Eachus/Senator Skoufis*** - Establishes a maximum temperature in school buildings and indoor facilities.

***A8138B/S7676B – Sponsored by AM Weinstains/Senator Ramos*** - Establishes contract requirements for contracts involving the creation and use of digital replicas.

***A9540/S8788 – Sponsored by AM Pheffer Amato/Senator Jackson*** - Relates to age and service eligibility requirements for ordinary retirement for members of the unified court system.

***A10401/S9709 – Sponsored by Assembly Rules (Braunstein)/Senator Sepulveda*** - Extends the effectiveness of certain provisions relating to joint bidding on contracts for public work projects.

## ***In The News-New York City***



### **Mayor Adams Unveils *Axe the Tax for the Working Class*, Eliminating New York City Income Taxes for Working-Class Families**



New York City Mayor Eric Adams this week announced, “Axe the Tax for the Working Class,” a proposal to bring tax relief to working-class families and return over \$63 million to more than 582,000 New Yorkers.

The plan would eliminate the New York City Personal Income Tax for filers with dependents living at or below 150 percent of the federal poverty line, as well as lower city personal income taxes for filers immediately above that threshold. Mayor Adams will advocate for the proposal as

part of the Fiscal Year 2026 (FY26) New York state budget with the support of New York State Senator Leroy Comrie and New York State Assemblymember Rodneyse Bichotte Hermelyn, who will introduce it during the upcoming legislative session.



If passed into law, the plan will put more than \$63 million back into the pockets of over 582,000 New Yorkers, and, when combined with the New York City Earned Income Tax Credit, will put more than \$400 million back into the pockets of 2 million working-class New Yorkers.

“Extreme costs are driving many working-class families out of cities like New York, and while, for too many decades, across too many administrations, we let these problems languish, our administration said enough is enough,” said Mayor Adams. “On issue after issue, New York

City is leading the nation, so we’re hopeful more cities across the country will ‘Axe the Tax.’ I want to thank Senator Comrie and Assemblymember Bichotte Hermelyn for agreeing to introduce this legislation, as well as HTC and 32BJ for their support. We look forward to working with Albany over the next few months to pass this landmark proposal and give working-class families the relief they finally deserve.”

Family Size	Income at 150% Federal Poverty Level	Rounded Example Annual Income	Relief from Axe the Tax	Relief From NYC EITC Before Expansion	Added Relief from NYC EITC Expansion	Total Relief
One Adult one child	\$31,503	\$31,000	\$255	\$100	\$200	\$555
One Adult two children	\$36,824	\$36,000	\$282	\$141	\$282	\$705
Two adults one child	\$36,789	\$36,000	\$257	\$109	\$218	\$584
Two adults two children	\$46,350	\$46,000	\$521	\$100	\$201	\$822

*Table showing possible tax relief for New York City families from both Enhanced NYC EITC as well as Axe the Tax for the Working Class.*



## Mayor Adams, Governor Hochul, and Speaker Adams Celebrate Passage of the “Most Pro-Housing” Proposal in New York City History

New York City Mayor Eric Adams, New York State Governor Kathy Hochul, New York City Council Speaker Adrienne Adams and New York City Department of City Planning (DCP) Director and City Planning Commission (CPC) Chair Dan Garodnick yesterday celebrated the passage of [“City of Yes for Housing Opportunity”](#).

The City Council approved the citywide rezoning program (31 to 20) that will enable the creation of 80,000 new homes over the next 15 years and invest \$5 billion towards critical infrastructure updates and housing.

“This city is our economic engine,” Governor Hochul said. “I want to make sure that it is more affordable. It’s all about affordability... We have said it comes down to one simple thing — building more housing will drive down the cost of housing.”

Highlights of the historic *City of Yes* agreement include:

- Creating the Universal Affordability Preference (UAP), allowing roughly 20 percent more housing in medium- and high-density developments, as long as the additional homes are permanently affordable. If UAP had been in place since 2014, an additional 20,000 income-restricted homes could have been created.

- Legalizing small accessory dwelling units (ADU) for one- and two-family homes, with some restrictions in limited areas to address concerns around flooding and neighborhood context. These small homes, which include backyard cottages and converted garages, can give homeowners extra income and allow families to age in place.
- Permitting transit-oriented development and Town Center zoning, to create three-, four-, and five-story apartment buildings near most transit and along commercial corridors, respectively, with an affordability incentive for projects with more than roughly 50 homes.
- Allowing height-limited, contextual development on large campuses or lots, including those owned by faith-based organizations, that previously could not use their existing development rights because of outdated and conflicting rules.
- Rolling back parking mandates for new residential construction through a [three-zone system](#) that lifts them entirely in Zone 1, reduces them in Zone 2, and keeps them in place in Zone 3. Zone 1 will be the most populous parking mandate-free area in the U.S. — nearly triple the population of Austin, the largest U.S. city to lift parking mandates.
- Enacting new high-density zoning districts that would allow more housing, including mandatory affordable housing in high-demand central areas where it is urgently needed.
- Re-legalizing small and shared housing models with common facilities like kitchens.
- Making it easier to convert offices and other non-residential buildings into housing.

*City of Yes for Housing Opportunity* invests \$5 billion in the city’s housing and infrastructure updates. Mayor Adams is committing \$1 billion for housing capital. He is also investing \$2 billion in infrastructure projects — to be reflected in upcoming financial plans — that will support investments in sewer and flood infrastructure, street improvements, and open space. Finally, Mayor Adams will spend \$1 billion in expense funding over 10 years in tenant protection, voucher assistance and combatting source-of-income discrimination, flood monitoring, and neighborhood planning. Additionally, Governor Hochul is committing another \$1 billion to housing capital over the next five years, subject to state budget approval.

## Briefs

### **New York’s Clean Energy Job Growth at Record High with Thousands of Jobs Added in 2023**

The 2024 [New York Clean Energy Industry Report](#), released this week by the New York State Energy Research and Development Authority (NYSERDA), showed record high clean energy job growth in New York State with 178,000 workers employed at the end of 2023—an increase of 7,700 jobs.

Growth in clean energy sector jobs more than doubled that of overall job growth statewide, according to Governor Kathy Hochul.

New York’s clean energy economy grew 5 percent from 2022 to 2023 and added more than 32,000 jobs since 2016, when NYSERDA first began tracking clean energy jobs. Additional findings from this year's report include:

- Clean and alternative transportation jobs grew the fastest at 16 percent, expanding by 2,100 jobs in 12 months.

- Electric vehicle charging jobs increased by 27 percent over the last year, representing one of the fastest growing segments in clean energy.
- The building decarbonization and energy efficiency sector rose by 3 percent, exceeding its pre-pandemic high, adding nearly 4,000 jobs. It remains the largest source of clean energy jobs, employing more than half of all clean energy workers.
- Grid modernization and energy storage jobs increased by 7 percent.
- Renewable electric power generation jobs grew by 6 percent, with more than 1,400 new jobs.
- Roughly one-third of clean energy jobs were in disadvantaged communities, including 2,200 jobs added in 2023.

## **Governor Calls on US Department of Homeland Security to Increase Staffing on Canadian Border**

Governor Kathy Hochul called on the U.S. Department of Homeland Security (DHS) to increase the number of Border Patrol agents on New York's Canadian border following an increase in illegal crossings in the region. In a letter to DHS Secretary Alejandro Mayorkas, Governor Hochul asserted that additional federal resources are urgently needed on the state's northern border to manage the increase in southbound illegal crossings.

The Swanton Sector of New York's Canadian border (New York to New Hampshire) has 338 funded agent positions, and of these only 260 are filled. The Governor asserted the area requires more than 700 agents to adequately secure the region.

In the 2024 fiscal year, Border Patrol agents in the Swanton Sector reported over 19,000 arrests. In 2022, the agents made approximately 1,000 arrests.

Governor Hochul also reiterated her request for DHS to reverse its plan to reduce hours at several border crossings in northern New York, beginning early next year. Those crossings will cease operating 24 hours a day, according to U.S. Customs and Border Protection.

The State has allocated \$5 million in federal and state homeland security grant funding to enhance security in the region.

## **NY Attorney General James and NJ Attorney General Platkin Stop No-Poach Agreements at Top Building Services Company**

### ***Guardian Will End No-Poach Agreements That Suppress Wages and Limit Competition***

New York Attorney General Letitia James and New Jersey Attorney General Matthew Platkin this week announced a settlement with Guardian Service Industries, Inc. (Guardian) for using illegal no-poach agreements that can lower employees' wages, reduce competition, and restrict employees' job options by preventing competitors from hiring them.

A joint investigation conducted by the attorneys general and the Federal Trade Commission (FTC) found that Guardian, one of the largest building services contractors in the tri-state area, entered into no-poach agreements with buildings that they contracted with to provide services like maintenance and security.

As a result of the settlements, Guardian will cancel any existing no-poach agreements and is barred from entering into new ones. Guardian will also cooperate with the attorneys general in any ongoing investigation they may conduct in the building services industry.

## **Mayor Adams Celebrates Confirmation of Muriel Goode-Trufant as New York City Corporation Counsel**

New York City Mayor Eric Adams this week celebrated the confirmation of Muriel Goode-Trufant, his pick for New York City's 82nd corporation counsel, by the New York City Council in a 41-7 vote. Goode-Trufant has spent more than 30 years at the New York City Law Department, where she has served as acting corporation counsel since this summer.

As corporation counsel, Goode-Trufant will lead the Law Department, which is primarily responsible for providing legal representation to the City of New York — including for the Mayor's Office, the Public Advocate's Office, the Comptroller's Office, city agencies, and the City Council — in all affirmative and defensive civil litigation. Goode-Trufant replaces Judge Sylvia Hinds-Radix, who retired this spring.

Goode-Trufant began her career at the New York City Law Department in 1991 as an attorney in the General Litigation Division, where she held numerous roles, including assistant chief of the division. She later became the agency's equal employment opportunity officer and rose to the position of chief in the Special Federal Litigation Division. Goode-Trufant became the Law Department's managing attorney in 2015 and first assistant corporation counsel in 2023.

## **Governor Hochul to Deliver the State of the State Address on January 14<sup>th</sup>**

Governor Kathy Hochul will deliver the 2025 State of the State address on Tuesday, January 14<sup>th</sup>.

The Annual Message will be delivered to the Legislature at 1 p.m. in the Hart Theater at the Egg of the Empire State Plaza. Governor Hochul delivered her previous three addresses in the Assembly chamber in the State Capitol.



# ***Coming Up***

## ***New York State***

### ***Monday, December 9<sup>th</sup>***

***NYS Board of Elections Commissioners Meeting,***  
40 North Pearl Street, 5<sup>th</sup> Floor, Albany, 12 p.m.

### ***Tuesday, December 10<sup>th</sup>***

***Cannabis Control Board Meeting,***  
Empire State Plaza Concourse, Meeting Room 3, Albany, 11 a.m.

***Metropolitan Transit Authority: Congestion Pricing Webinar,*** 6 p.m.

### ***Thursday, December 12<sup>th</sup>***

***Metropolitan Transit Authority: Congestion Pricing Webinar,*** 11 a.m.

## ***New York City***

### ***Monday, December 9<sup>th</sup>***

***Committee on Consumer and Worker Protection,*** Council Chambers – City Hall, 1 p.m.

### ***Tuesday, December 10<sup>th</sup>***

***Committee on Cultural Affairs, Libraries and International Intergroup Relations,***  
Council Chambers – City Hall, 10 a.m.

### ***Wednesday, December 11<sup>th</sup>***

***Committee on Transportation and Infrastructure,*** Council Chambers – City Hall, 10 a.m.

### ***Thursday, December 12<sup>th</sup>***

***Committee on Children and Youth,*** Committee Room – City Hall, 10 a.m.

***Subcommittee on Zoning and Franchises,*** 250 Broadway – Committee Room, 14<sup>th</sup> Floor, 11 a.m.

***Committee on Civil and Human Rights,*** Committee Room – City Hall, 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 LLC, or any of its members or employees or its clients. Neither Pitta Bishop & Del Giorno 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 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](mailto: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 LLC professional with whom you usually work. ***This Week in New York*** is a publication of Pitta Bishop & Del Giorno LLC.

**120 Broadway, 28th Floor  
New York, New York 10271**  
Telephone (212) 652-3890

**111 Washington Avenue, St. 401  
Albany, New York 12210**  
Telephone (518) 449-3320

**1220 19th Street NW, St. 600  
Washington, D.C. 20036**  
Telephone (202) 964-4753