



# This Week in New York

**Covering New York State and City Government**

*A Publication of Pitta Bishop & Del Giorno LLC*

*February 1, 2019 Edition*



## ***In the News - State***



### **NY Gaming Commission Approves Sports Betting Rules**

The State Gaming Commission this week approved the regulations outlining how sports betting will be rolled-out in New York. The rules will be subject to a 60-day public comment period.

Four non-Indian casinos in New York - del Lago Resort & Casino in Seneca County, Resort World in the Catskills, Rivers Casino & Resort in Schenectady, and Tioga Downs in Tioga County would be permitted to offer sports wagering. The rules would also apply to Indian-operated casinos.

Under the regulations, sports betting must be conducted in dedicated, in-venue lounges, which must be at least 500 square feet, with no form of on-property mobile wagering or online betting permitted. All individuals directly involved in the operation of the sportsbook offering must be licensed or registered by the Commission.

Players aged 21 and over will be able to bet on any event whose outcome can be verified and provided the outcome of the wager can be generated by a reliable and independent process. The event's outcome must not be affected by bets being placed and the event must be conducted in compliance with all applicable laws, rules and regulations. Operators are required to regularly check the accuracy of the sports data feeds they use, and to employ an integrity monitoring provider to flag any unusual betting activity.

A casino operator may apply for certification effective for the duration of its casino license. In addition, the casinos may also partner with a vendor to operate or assist in the running of the sportsbook.

To date, Empire Resorts' Resorts World Catskills has paired off with bet365. The del Lago Resort & Casino has partnered with DraftKings. Tioga Downs is working with Paddy Power Betfair's FanDuel. Rush Street's interactive arm will direct sports betting at its Rivers Casino & Resort Schenectady. Earlier this month, the Oneidas announced a partnership with Caesars Entertainment to accept sports wagering. Under the agreement, the two entities would open "The Lounge with Caesars Sports" at Turning Stone, Point Place Casino in Bridgeport, and Yellow Brick Road Casino in Chittenango.

Wagering will not be permitted on horse racing or on any amateur or youth sports event other than collegiate sports approved by the commission. No bets can be placed on non-sporting events.

The Commission may also rule that betting on certain sporting events is contrary to public policy. Leagues or governing bodies may submit requests may request a wagering prohibition on events they manage, provided they do so 60 days ahead of the event.

## **Bills Passed by Both Houses**

**A1213 Sponsored by M of A Hunter/Senator Kaplan** -- Relates to access to foreign state records concerning previous or present mental illness of applicants for firearms license.

**A2851 Sponsored by M of A Lavine/Senator Kaminsky** -- Relates to allowing certain special assessing units other than cities to adjust their current base proportions.

**S101A Sponsored by Senator Kaminsty/ M of A Griffin** -- Limits educational institutions ability to authorize the possession of a weapon on school grounds,

**S2374 Sponsored by Senator Gianaris/M of A Paulin**-- Establishes an extension of time of up to thirty calendar days for national instant background checks.

**S2440 Sponsored by Senator Hoylman/M of A Senator Rosenthal** -- Provides for the timeliness of commencing criminal and civil action for sexual offenses committed against children.

**S2448 Sponsored by Senator Sepulveda/M of A Fahy** -- Prohibits the possession, manufacture, transport and disposition of rapid-fire modification devices.

**S2449 Sponsored by Senator Mayer/M of A Rosenthal** -- Establishes the municipal gun buyback program and municipal gun buyback program fund.

**S2451 Sponsored by Senator Kavanagh/M of A Simon** -- Establishes extreme risk protection orders as a court-issued order of protection prohibiting a person from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun.

## **Delivered to the Governor**

**S2523 Sponsored by Senator Skoufis/M of A Zebrowski** -- Relates to the extension for payment of real property taxes by furloughed or designated non-pay federal employees.



## Cuomo Administration Appointments

**Jill DesRosiers** has been appointed Chief of Staff. Ms. DesRosiers previously served as Executive Deputy Secretary to the Governor and as Deputy Secretary for Executive Operations and as Director of Scheduling for the Governor. After earning a degree from the University of Pennsylvania in Systems Engineering, Ms. DesRosiers worked in senior positions for the New York City Council for 12 years under both Speakers Gifford Miller and Christine Quinn.

**Major General Patrick A. Murphy** will be nominated Commissioner of the Division of Homeland Security and Emergency Services. Major General Patrick A. Murphy completes over 41 years of military service with his final assignment as the Director National Guard Bureau Joint Staff at the Pentagon, Washington D.C. Prior to his time in New York, he served as Deputy Chief of Staff for National Guard Affairs, US Third Army in Kuwait and Director Civil Support Plans, U.S. Northern Command. He holds a B.S. from Iowa State University, a Master from Shippensburg University of Pennsylvania and is a graduate of the U.S. Army War College.

**Angela Fernandez** will be nominated Commissioner of the Division of Human Rights. She currently serves as Executive Director and Supervising Attorney of the Northern Manhattan Coalition for Immigrant Rights. She also founded and managed two elementary schools in the South Bronx and Washington D.C., and spearheaded and implemented the first of its kind Women's Studies Program at Rikers Island Correctional Facility for female detainees. Ms. Fernandez previously served in the office of U.S. Senator Bill Bradley and as District Chief of Staff for Congressman José Serrano. She is a graduate of the Columbia University School of Law.

**Dale Bryk** will be appointed Deputy Secretary for Energy and the Environment. She currently serves at the Natural Resources Defense Council where she has served in a variety of positions, including Chief Planning Officer, Director of Programs, and Director of the Energy & Transportation Program. From 2002 to 2010, she also taught the Environmental Law Clinic at Yale Law School. She holds a bachelor's degree from Colgate University, a master's from the Fletcher School of Law and Diplomacy at Tufts University, and a J.D. from Harvard Law School.

**Johnathan Smith** will be appointed Deputy Secretary for Civil Rights. He currently serves as Legal Director at Muslim Advocates, a national civil rights organization in Washington, D.C. Previously, he served in the Obama Administration as Senior Counsel to the Assistant Attorney General for the Civil Rights Division at the U.S. Department of Justice. He began his career as a clerk for the Honorable Carl E. Stewart of the United States Court of Appeals for the Fifth Circuit. Mr. Smith has a B.A. and M.Ed. from Harvard University, and a J.D. from NYU School of Law.

**Maria Vullo** will be nominated as a member of State of New York Mortgage Agency. She currently serves as Superintendent of the Department of Financial Services. Ms. Vullo also served as Executive Deputy Attorney General for Economic Justice Division in the Office of the New York State Attorney General, under then New York State Attorney General Cuomo. She earned her J.D. from New York University School of Law, an M.P.A. from the New York University Wagner Graduate School of Public Service, and a B.A. from the College of Mount Saint Vincent. She clerked for the Hon. John A. MacKenzie, U.S. District Court, Eastern District of Virginia.

**Mimi Reisner** has been appointed Senior Advisor for Communications and Digital Strategy. Ms. Reisner previously served as Senior Advisor for Communications. Prior, she worked as Director of Communications Initiatives for the Clinton Foundation and as Media Outreach Liaison for the Office of the Chief of Protocol U.S. Department of State. Ms. Reisner holds a B.A. from Lehigh University and a J.D. from the University of Pennsylvania.

**John Maggiore** has been promoted to Senior Advisor to the Governor. In this role, he will oversee upstate economic development for the Governor's office, along with Empire State Development, and will direct upstate intergovernmental affairs. Mr. Maggiore most recently served as Director of Policy. Prior, he served as chief of staff to Lieutenant Governor Robert Duffy and, in 2011, as Governor Cuomo's Director of Regional Affairs. Previously, he served as Policy Advisor to Attorney General Cuomo, Assistant to HUD Secretary Cuomo. Mr. Maggiore began his professional career as confidential assistant to Governor Mario Cuomo. He is a native of Buffalo, with a B.A. from Connecticut College, M.A. from Rutgers University and M.P.A. from the Harvard Kennedy School.

**Amanda Lefton** will be appointed First Assistant Secretary for Energy and the Environment. She currently serves as Deputy Policy Director for the Nature Conservancy in New York. Prior, Ms. Lefton led the Albany District of the Rochester Regional Joint Board of Workers United and served as a Legislative Associate for the State Assembly and worked for the State Senate. She holds a B.A. from the University at Albany.

**Lauren Melendez** will be appointed Assistant Secretary for Transportation. She currently serves as Senior Analyst for Transportation and Infrastructure for the New York State Senate Finance Committee. She holds a B.A. and Master of Regional Planning from the University at Albany.

**Daniel Horwitz** has been appointed to the Joint Commission on Public Ethics. Mr. Horwitz previously served as Commissioner of JCOPE from 2011 to 2016 and as Chair from 2013 to 2016. Mr. Horwitz previously served as a New York County assistant district attorney for nearly a decade, where he investigated and prosecuted complex business crimes in the Frauds Bureau. Mr. Horwitz holds a J.D. cum laude from the American University Washington College of Law and a B.A. from Columbia University.

**Jihoon Kim** has been appointed Chief of Staff to the Senior Advisor, John Maggiore. In this role, Mr. Kim will help coordinate upstate economic development, intergovernmental affairs and policy. Mr. Kim has served at the Office of the New York State Attorney General in a variety of roles, most recently as Deputy Director of Legislative Affairs. Mr. Kim also previously worked for the New York State Senate. He holds a B.S. from Marist College and a M.S.W. from the Silberman School of Social Work at Hunter College.

# *In the News – City*



## **Fed Calls for NYCHA Monitor, City to Fund \$2.2B Over 10 Years**



U.S. Department of Housing and Urban Development (HUD) Secretary Ben Carson this week announced that the federal government will appoint a monitor to oversee the New York City Housing Authority (NYCHA) which runs 2,417 buildings housing almost 400,000 New Yorkers. Secretary Carson and NYC Mayor Bill de Blasio signed a formal agreement and the monitor will be named shortly.

“The families who have endured unimaginably poor housing conditions deserve better from their housing authority,” said Secretary Carson. “Today we are presenting NYCHA residents with bold new solutions for decades-old problems.”

The agreement, made under the authority of Secretary Carson and not subject to court approval, establishes specific requirements and milestones to address the serious health and safety hazards at NYCHA properties, including lead-based paint, mold, heat, vermin, among others. It also recognizes the existence of a substantial default by NYCHA but does not impose a receiver.

As part of the agreement, the City is committing at least \$2.2 billion in funding over the next 10 years to address these issues. HUD will continue to provide funding to NYCHA, which is estimated to be \$1.5 billion this year.

The agreement also establishes a federal monitor selected by HUD and the Southern District of New York (SDNY) with input from the City. The monitor will submit quarterly reports to HUD and SDNY, which will be made publicly available. The City will pay the cost of the monitor in addition to its other financial commitments. The parties expect to announce the monitor in the near future.

In addition, the plan meets the following key principles as required by HUD in December 2018 when Secretary Carson agreed to work with Mayor Bill de Blasio to reach an agreement to avoid receivership:

- A sustainable commitment to decent, safe and sanitary affordable housing using all tools available
- Setting specific performance targets for lead, mold, elevator, heat and vermin issues.
- Oversight to assure remediation objectives are met.
- Milestones for measuring meaningful progress toward remediation goals and other institutional improvements at NYCHA.
- Reduction of unwarranted costs and elimination of bureaucratic impediments to efficient operations.
- Local control of day-to-day operations by NYCHA and New York City.
- Strong remedies that are immediately available to address any future failure to perform, whether in the case of individuals or organizational structures.



## LeadFreeNYC: A Plan to End Childhood Lead Exposure

Mayor de Blasio and Sanitation Commissioner Kathryn Garcia this week released the City's *Roadmap to Eliminating Childhood Lead Exposure*, following a 90-day review of all agencies' policies related to lead prevention.

Under the LeadFreeNYC plan, the City will screen every apartment for potential lead hazards, eliminate lead risks in NYCHA apartments and family shelters, target unsafe consumer goods, provide children with dedicated nurses, and link together all City agencies responding to lead exposure.

The Roadmap's approach is twofold: prevent exposure to lead hazards, and respond quickly and comprehensively if a child has an elevated blood lead level. Specifically, under LeadFreeNYC, New York City will:

- **Reduce the amount of lead in paint and dust that triggers remediation and abatement.**
- **Require annual inspections of apartments in 1- and 2-family homes** previously excluded from the City's lead paint regime.
- **Expand the use of stop work orders** from the Department of Buildings when the Health Department finds lead exposure risks during construction.
- **Ensure children are immediately provided with blood lead level testing** in any home where housing inspectors identify a lead paint hazard.
- **Provide a dedicated nurse** to any child with an elevated blood lead level to coordinate care.
- **Launch ad campaigns** promoting testing for children in communities with low testing rates, to raise awareness about free water testing kits provided by the City, and promoting awareness of harmful consumer products containing lead.
- **Test all 135,000 NYCHA apartments** where lead has not been ruled out.
- **Proactively test and remediate** all lead sources in shelters.
- **Establish a new Lead-Free Designation** for homes where all lead has been eliminated.
- **Publish a Lead Products Index** of consumer goods like spices and ceramics that contain lead, consolidating Health Department rules to protect retailers and consumers.
- **Expedite service line replacement** beginning with low-income homes.
- **Reduce lead exposure risks from soil** by offering free clean topsoil to community gardens and surveying NYCHA playgrounds to cover exposed soil when needed.

The City will also hire a Citywide Lead Compliance Officer and expand an advisory board to help ensure the City stays on track to meet its goals and mission to eliminate lead exposure in New York City. The Officer will oversee the execution of these recommendations, coordinate data sharing among agencies, and will be responsible for the compliance of lead-related regulations. The advisory commission – currently organized by the Department of Health and Mental Hygiene – will be expanded to include additional environmental advocates, community groups and experts to help keep the city accountable in its mission and will meet on a quarterly basis.

# Briefs

## Judge Lifts For-Hire Vehicle Congestion Fee

A Manhattan judge this week lifted a temporary restraining order that barred congestion fees on for-hire vehicles. Imposition of the fee on for-hire vehicles will go into effect at 12:01 a.m. on Saturday, February 2, 2019.

The restraining order was issued in December after a coalition of taxi owners sued the state, the city, the Taxi and Limousine Commission and TLC Commissioner Meera Joshi over the surcharge. The congestion pricing plan would subject all taxi rides in Manhattan south of 96th Street to a \$2.50 fee. Ride-sharing services like Uber and Lyft would be subject to a \$2.75 fee.

The judge denied New York's motion to dismiss the suit and ruled that implementation of the fee while the case proceeds through the court is up to the State.

According to the NYS Department of Taxation Finance: The Congestion Surcharge (Tax Law Article 29-C) was enacted on April 1, 2018, with collection of the surcharge scheduled to begin on January 1, 2019. The onset of collections was delayed due to a temporary restraining order (Taxifleet Management LLC, et al. v. State of New York) that was lifted by the Court on January 31, 2019. Accordingly, the Congestion Surcharge must be collected beginning at 12:01 am on Saturday, February 2, 2019.

## State Forms Committee to Direct Census Efforts

Governor Andrew Cuomo this week announced his appointments to the New York State Complete Count Commission to direct the State's efforts in the upcoming 2020 Census. The Commission will be chaired by Secretary of State Rossana Rosado and Jim Malatras, President, Rockefeller Institute of Government.

In addition, Governor Cuomo appointed the following members of the Commission:

- Steve Bellone, Suffolk County Executive
- Karim Camara, Executive Director and Deputy Commissioner, Governor's Office of Faith-Based Community Development
- Bitta Mostofi, Commissioner of the New York City Mayor's Office of Immigrant Affairs
- Roberta Reardon, Commissioner, New York State Department of Labor
- Joseph Salvo, Chief Demographic Officer, New York City Planning Department
- Lovely Warren, Mayor of the City of Rochester

According to the Governor, nationwide, the hard to count population includes children under five years of age, people who live in dense urban settings and in very rural locations, immigrants, people of color and people who live in poverty. New York state has a disproportionately large number of people who fit into these categories.

## **Comptroller DiNapoli: Local Sales Tax Collections Jump for Third Year**

Local sales tax collections continued to climb in 2018, growing for the third year in a row, according to a report released this week by State Comptroller Thomas P. DiNapoli. Collections across the state of \$17.5 billion grew by \$872 million, or 5.3 percent.

Every region in the state has experienced an increased annual growth rate in sales tax collections in each of the last three years, with the exception of the Finger Lakes (which slowed from 4.9 percent in 2017 to 3.7 percent in 2018).

Year-over-year growth was especially strong in several upstate regions. The Southern Tier saw the highest year-over-year increase at 6.8 percent, the strongest for the region since 2011. The North Country had the second highest (5.9 percent), followed by the Mohawk Valley (5.8 percent). Downstate, the Long Island and Mid-Hudson regions saw collections grow by 4.5 percent and 5.1 percent in 2018. Notably, Central New York has seen a significant turnaround in its collections, climbing 5.1 percent in 2018, having been the only region with a decline in collections (-0.9 percent) in 2016.

New York City's sales tax collections grew by 5.7 percent.

For the 57 counties outside of New York City, collections grew in 55 of them. Sullivan County experienced the largest increase (16.4 percent), followed by Tioga and Hamilton counties (16.1 percent). Collections were down in 2018 in Cayuga (-1.3 percent) and Madison (-0.7 percent) counties.

## **Special Election on February 26<sup>th</sup> for NYC Public Advocate**

On Tuesday, February 26, 2019, New York City will hold a citywide special election for Public Advocate. Polling sites will be open from 6 a.m. – 9 p.m. on Election Day.

If you need to register to vote or update your existing registration, you can do online by February 1st, or in person at a Board of Elections office by February 16th.

To register to vote or update your existing registration, find your assigned poll site, check your registration status, or for more information on voting, visit [www.voting.nyc](http://www.voting.nyc) or call 311.

## ***Coming Up*** ***New York State***

***The Legislature is in session Monday February 4<sup>th</sup> through Tuesday February 5<sup>th</sup>***

## ***Monday February 4<sup>th</sup>***

### **2019-2020 Joint Legislative Budget Public Hearing – Housing**

Hamilton Hearing Room B, Legislative Office Building, 2<sup>nd</sup> Floor, Albany, 11 a.m.

### **2019-2020 Joint Legislative Budget Public Hearing – Workforce Development**

Hamilton Hearing Room B, Legislative Office Building, 2<sup>nd</sup> Floor, Albany, 3 p.m.

## ***Tuesday February 5<sup>th</sup>***

### **2019-2020 Joint Legislative Budget Public Hearing – Health/Medicaid**

Hamilton Hearing Room B, Legislative Office Building, 2<sup>nd</sup> Floor, Albany, 9:30 a.m.

## ***Wednesday February 6<sup>th</sup>***

### **2019-2020 Joint Legislative Budget Public Hearing – Elementary and Secondary Education**

Hamilton Hearing Room B, Legislative Office Building, 2<sup>nd</sup> Floor, Albany, 9:30 a.m.

## ***Thursday February 7<sup>th</sup>***

### **2019-2020 Joint Legislative Budget Public Hearing – Mental Hygiene**

Hamilton Hearing Room B, Legislative Office Building, 2<sup>nd</sup> Floor, Albany, 9:30 a.m.

## ***New York City***

## ***Monday February 4<sup>th</sup>***

***Committee on Governmental Operations***, Council Chambers – City Hall, 10 a.m.

***Committee on General Welfare***, Council Chambers – City Hall, 1 p.m.

## ***Wednesday February 6<sup>th</sup>***

***Committee on Public Housing***, Committee Room – City Hall, 10 a.m.

***Subcommittee on Planning, Dispositions and Concession***, Council Chambers – City Hall, 10:45 a.m.

***Committee on Land Use***, Council Chambers – City Hall, 11 a.m.

***Committee on Civil and Human Rights***, Committee Room – 250 Broadway, 16<sup>th</sup> Floor, 1 p.m.

## ***Thursday February 7<sup>th</sup>***

***Committee on Public Safety***, Council Chambers – City Hall, 10 a.m.

***Committee on Justice System***, Council Chambers – City Hall, 10 a.m.

***Committee on Parks and Recreation***, Committee Room – 250 Broadway, 16<sup>th</sup> floor, 10 a.m.

***Committee on Health***, Committee Room – City Hall, 1 p.m.

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