

*Dear New Yorker,*

*Here in Albany, change is in the air.*

*With the Governor moving on to other ventures, it is certain there will be a new occupant of the second floor of the Capitol in just six months. This unsettled climate has contributed to lively conversation around town, but as of this writing — the final weeks of the legislative session — not much actual work has been accomplished.*

*While conference committees have been more active than in the past and the legislative leadership successfully negotiated an on-time budget for the second year in a row, the process leading to the budget leaves plenty of room for improvement, as does the aftermath of passage. When he vetoed many items in the budget, the Governor argued that since he considered the vetoed provisions to be unconstitutional, he would ignore any subsequent overrides. Both houses overrode most of the Governors vetoes, but the constitutional standoff continues.*

*We made little progress to date on non-fiscal issues like campaign finance and redistricting reform, parity for mental health coverage, and restoring local control over housing policy to New York City.*

*I'll be sure to report more on the limited accomplishments of the end-of-session rush in the next edition of "Albany Report."*

*Liz Krueger*

#### THE REFORM AGENDA:

### **Tighter contribution reporting for lobbyists**

If you know that the very word "lobbyist" is reputed to have been *invented* in Albany to describe the gaggle of those seeking favors in the outer hall of our legislative chambers, it will not surprise you to learn that New York State has some of the loosest standards in the country controlling campaign financing and lobbyist interactions with legislators. And it's not as if the current standards are working — two legislators have gone to prison recently for ethics improprieties.

I've proposed changes in Senate rules banning legislators from receiving anything worth more than \$25 a year from any lobbyist.

In addition, I've introduced legislation (S.6704) banning legislators from receiving fees for speaking engagements related to their legislative duties. These fees or honoraria have become a method for lobbyists and interest groups can use to enrich public officials. Twenty-three states have already prohibited them, and we should join them.

Gifts are only one way in which lobbyists influence legislators. Campaign contributions are another, and currently lobbyists don't report their campaign contributions on their filings with the state lobbying commission. (They are filed by campaign committees who receive lobbyist donations.) To remedy this, I introduced S.7267 this year to require that lobbyists report campaign contributions on their lobbying commission filings—and also detail any business relation-

ships between lobbyists and legislators or their family members. The public has a right to know if a lobbyist is lobbying a legislator who works for the same law firm employing that legislator, or if a legislator's spouse, son or daughter works for the same firm as the lobbyist.

## Meeting budget deadlines is only the first step. How about better budgets, too?

The current state budget situation highlights the continued importance of reforming the budget process—and not just meeting the deadline. Again this year, passage of the budget was followed by over 200 vetoes by the Governor, most of which were then overridden by the Legislature. If we had a functional process, that would be the end of the cycle.

But, of course, Albany isn't functional, and the rear-guard actions continue long after a budget is "passed." Among the vetoes I'm most concerned with are those impacting health care. The Governor vetoed \$1.27 billion in funding for the Medical Assistance Program (MAP), which will have a major impact on low and moderate income New Yorkers in need of health care as well as the hospitals and nursing homes that serve them.

This battle between the Legislature and the Governor is another symptom of our incoherent health care delivery system. Too much energy is devoted to commissions and studies of discrete segments of the system without recognizing that the problems are actually interrelated. What's really needed is a full revamp of health care insurance and hospital coverage. I happen to believe that a universal-single payer model would resolve many of the issues we face, and would rationalize what is now plainly an unworkable system.

The larger problem this highlights is the need for continued reform of our State budget process. We need to address the fundamental imbalance in the budget process — embedded in the State Constitution — between the Governor and the Legislature, which deals the best cards to the Governor and shortchanges the Legislature's ability to have a counterbalance to the Governor's priorities.

A proposed constitutional amendment (S.3195) which I co-sponsor would impose new requirements on the Governor's budget that would eliminate the problem of the Governor inserting policy changes in

budget bills, and also requires that budget bills be clearly itemized so that the purpose of expenditures can be easily determined. S.3195 passed the legislature last year, and must pass again in the next legislative session, before appearing on the ballot for public approval.

## Shining a light on pork-barrel spending



Every state in the union has "pork-barrel politics," but in New York, as with so much else, we have our own bigger-and-better approach.

In the Albany version, the two legislative leaders and the Governor agree to insert lump sums into the annual budget bills for projects to be determined at a later date. After the budget is passed and signed, those three decide the spending details in private, with no vote or participation of other legislators. The details are formalized through Memoranda of Understanding (MOUs), which are themselves kept private. The "understanding" reached is that each leader gets a share of the funds to distribute as they choose, without public input or scrutiny.

The old saying about laws and sausages comes to mind — but while there are at least inspection laws when it comes to food; there are few rules when it comes to pork spending. Like anything else done in secret, this results in distorted, irrational decisions.

- In a March 2006 study, the Institute for Competitive Government (ICG) found that one category of MOU deals authorized \$3.2 billion — *billion* with a "b" — in state borrowing.
- ICG also discovered apparent regional disparities in spending, ranging from a high of \$1,000 per person in some upstate regions to a low of just \$29 per capita in New York City.

The Governor and two legislative leaders have never fully disclosed to the public, or even their own legislators, how they spend this borrowed money. Billions of dollars fly around New York State below the radar, with no audits and little public scrutiny.

I'm introducing legislation (S.7092-A) to make MOUs public documents under the Freedom of Information Law (FOIL) and require that they be made available for public review. It would also require all MOUs to be put before the legislature for a vote, giv-

# HOUSING & TENANT ROUNDUP

## 'Phony-demolition' task force

An increasingly common tactic unscrupulous landlords use to force tenants from their homes is phony demolition claims. Under the law, landlords are allowed to evict tenants if they are tearing down a building, but not when doing more modest renovations. Unfortunately, the state Division of Housing and Community Renewal (DHCR) has been allowing evictions under the phony demolition rule even when the building is not being demolished.

Since the units that are vacated in this way inevitably become de-regulated after tenants are evicted, "phony demolition" is yet another attack on affordable housing in New York City. I belong to a "Phony Demolition" Task Force with other elected officials. We're working together to convince government agencies to be more diligent in enforcing the existing law. I'm also working with other legislators to develop legislation to clarify that DHCR has zero discretion in allowing evictions in buildings that are not being totally demolished.

## Omnibus housing reform legislation:

This year I have brought together a number of proposals to strengthen tenant protections into an omnibus housing reform bill (S.7629). Among the key provisions:

- Changing the rules for Major Capital Improvement (MCI) rent increases so that rather than becoming a permanent part of a tenant's rent, the improvement fee would be a temporary surcharge that expires after seven years.

- Allowing tenants to repair hazardous conditions in their apartments and deduct the amount from their rent, in cases where landlords refuse to do repairs.

- Allowing tenants to withhold rent when landlords fail to provide heat.

- Changing the rules around luxury decontrol so units cannot be decontrolled due to administrative errors by tenants who have incomes under the \$175,000 threshold.

- Establishing penalties for frivolous claims brought by landlords that a tenant doesn't actually live in their apartment.

These changes would go

a long way toward protecting tenants from unjustified rent increases and landlord harassment, and would help protect vulnerable rent-regulated units from being decontrolled.

## Accountability for housing construction subsidies

One of New York City's greatest needs is more affordable housing. But current application of subsidies for affordable housing construction is seriously flawed. The NYS Housing Finance Agency — which has authority to issue almost \$1 billion in tax exempt bonds — operates with little oversight and has a record of distributing a high percentage of its subsidies to a very few developers, with little attention to the cost per unit of affordable housing created.

To address the problem, I am introducing the "Housing Finance Agency Public Accountability and Transparency Act" which will prohibit lobbyists from serving on the HFA board, change the composition of the board so it's not entirely made of of the Governor's a information HFA must provide to the

public and the legislature.

I'm a huge supporter of affordable housing construction, but it's just as critical that we have transparency and efficiency in housing policy.

## Fighting Tenant Blacklisting

Tenants who've been sued in Housing Court can face difficulty finding another apartment because they may have been put on a blacklist by a tenant screening company, even when they win their case!

Fortunately, there was a recent victory for tenants in regards to the issue of the tenant blacklist. A recent court decision required one major tenant screening company to correct inaccurate information regarding Housing Court cases for thousands of tenants.

I've been working with a group of elected officials and housing advocates to change Office of Court Administration's policy regarding the sharing of information about Housing Court cases, and will keep you posted.

ing us, the representatives of the public, a role in the decisionmaking process.

Legislation that shines light on MOUs would go a long way toward limiting some of the more outrageous examples of pork-barrel spending. In fact, there is already important evidence of progress. After my Senate minority colleagues and I highlighted the

problem of secrecy in the member item process this year, legislative leaders agreed to improve disclosure of which projects are being funded by which legislators. While this reform — like so many in Albany — is only a partial improvement (disclosure doesn't come until *after* the money has been distributed), it's a step in the right direction.

# Albany Update

## State Senator Liz Krueger's



New York State Senate, Albany, NY 12247

PRSR-STD  
U.S. Postage  
PAID  
New York Senate

State Senator  
Liz Krueger's

JULY 10, 11 & 12

Summer  
Blood Shortage  
Drive

9 : 30 A M – 5 : 30 P M

NYU Medical Center  
530 First Avenue between 30th & 31st  
*Appointments preferred*  
*—call 212-263-5440—*  
*but walk-ins accepted*

I'm pressing the city to adopt two projects:

- Pedestrian-friendly measures must be taken, including re-timing the crosswalk lights to allow more time for crossing, repairing street and sidewalk imperfections, installing pedestrian ramps on all curbs, and better separating bicycles from pedestrians.
- Establishing "Elder Districts" in census tracts with high numbers of seniors. There, combining the above-mentioned with broader measures aimed at slowing traffic and protecting pedestrians, similar to those used around schools.

The primary mode of transportation for New Yorkers is by foot. We need to start factoring in the needs of pedestrians in our transportation planning.

## Improving East Side Public Transportation: Bus Rapid Transit

This April, I hosted a Town Hall on efforts to bring Bus Rapid Transit (BRT) to the East Side. BRT is a combination of steps to help buses move faster and on a more predictable schedule, and increase accessibility of buses for seniors and the disabled. At the Town Hall, the Metropolitan Transportation Authority (MTA) and transit advocates discussed plans for BRT with members of the community. The MTA has been studying the implementation of BRT on the M15 line among several others across the city, and I've been advocating for a quick completion of the study phase so that we can move toward implementation of this important transportation technology in the near future.

## Improving Pedestrian Safety

As of May 1st, 35 pedestrians have been killed on city streets this year, up 20% from the same period in 2005. Seniors, who represent only 13% of city population, accounted for 33% of pedestrian injuries and fatalities last year. As our population continues to age, it's critical that government find ways to make streets safer for pedestrians.

What's more, 15 streets that account for only *four-tenths of one percent* of Manhattan's 6000-mile street grid accounted for 18% of pedestrian injuries and fatalities between 1995 and 2001. Among the most-dangerous streets are 23rd, 34th, 42nd, 57th, 72nd, 79th, 86th and 96th Streets.