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New York State Senate | 28th District



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Message from Liz...

On Independence Day, we celebrate the revolutionary idea that all people are created equal, and possess inherent rights to life, liberty, and the pursuit of happiness. When our nation was founded in 1776, this idea was far more an aspiration than a fact. But since then, Americans at our best have struggled, fought, and often died to expand the circle of liberty to come ever closer to our founding promise.

Yet at our worst we have fallen far short. The evils of slavery, the genocide of Native Americans, withholding the vote and many other rights from women, Japanese internment and shutting our doors to Jewish refugees in World War II - there are many shameful chapters in our history as well.

I fear we are living through yet another of those dark periods, and that is why before turning to my Albany report, I have to express my outrage at the inhumane Trump administration family separation policy. While the administration has now backtracked, the damaging consequences of the original policy remain, as thousands of children have still not been reunited with their parents and there is no clear plan to do so. I recently joined my Senate colleagues in writing to President Trump protesting this policy. Our letter is available here: <https://www.nysenate.gov/newsroom/press-releases/liz-krueger/new-york-state-legislators-demand-trump-administration-end>.

This was a particularly sleepy end to the legislative session in Albany. The State Senate leadership once again refused to address big picture issues such as the Reproductive Health Act, voting reforms, protecting immigrants, universal healthcare, environmental protections, and legislation to protect and expand affordable housing. I wish I could say I was surprised by this outcome, but unfortunately I've seen the same thing happen for too many years.

I want to focus this report on three outcomes – both good and bad – from the final days in Albany. The first, the failure to pass an expansion and extension of New York City's speed camera program, is a particularly egregious example of Albany dysfunction. The second, the failure to pass legislation to remove the density cap on residential buildings was an important win for local communities. And finally, one very good bill that did pass – the creation of a Commission on Prosecutorial Misconduct –

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was one of the rare examples of a deliberative process working in the Senate that perhaps points the way to a more functional legislature in the future.

Speed Camera Legislation: The Assembly passed a bill that would have extended and expanded the existing school zone speed camera program in New York City, but the Senate majority refused to allow the bill to come up for a vote. This life-saving program will expire on July 25th if the Senate does not return by then to act. The legislation would have allowed for an expansion of the number of speed cameras from 140 to 290 and extended the program through 2022.

A study by the NYC Department of Transportation found that speeding during school hours at typical fixed camera locations drops more than 63 percent and injuries at these locations dropped over 14 percent. The fact that New York City needs Albany's permission to operate these camera is a problem in and of itself, but it is truly tragic that the lives on New York's children are being endangered because of the intransigence of certain members of the Republican majority.

Removing the Density Cap on Residential Buildings: Sometimes the defeat of legislation in Albany is a good thing, and I was certainly relieved that thanks to the efforts of community advocates neither house moved legislation to remove the density cap on residential buildings in New York City. State law currently limits the Floor Area Ratio of residential developments to 12 – meaning that the total density of buildings cannot exceed 12 times the base lot size (it's actually a lot more complicated than that but that's the general concept). The real estate industry had been pushing legislation to remove this cap but a strong coalition of community groups and urban planning organizations successfully fought the proposal.

Some argue that removing the cap would enable the creation of more affordable housing, but based on my experience it is much more likely that it would encourage luxury development far beyond the means of most New Yorkers. Furthermore, it would exacerbate overdevelopment and overcrowding in neighborhoods that are already struggling with out of context development and a lack of open space. I am extremely pleased that this legislation died, and will continue to work to defeat it in the future.

Commission on Prosecutorial Misconduct: While I spend a lot of time in Albany frustrated by the process, there are occasional rays of light, and one of them was passage of legislation that would establish a Commission on Prosecutorial Misconduct, modeled on the existing Commission on Judicial Misconduct that has been in existence since the 1970s. While the legislature failed to act on many important criminal justice reform measures this term, this legislation can be counted as an important reform.

The Commission would be charged with investigating complaints of unethical or illegal practices by prosecutors. Prosecutors have incredible power in our judicial system, and it is necessary that there be some entity that people can turn to in cases where this power is abused. Thanks to the work of criminal justice advocates, more and more wrongful convictions are being identified, and in many of these cases there is evidence that the prosecutor in the case withheld exculpatory evidence from the defense. Wrongful conviction is a doubly tragic outcome, in that it puts an innocent person behind bars, and lets a criminal get away scot free. I am hopeful that this legislation will help make our justice system more just.

And while this bill was one of the most important things we passed in the final days of session, I also want to highlight the process, because the Senate debate over this legislation was perhaps the most

substantive debate I have seen in all my years in Albany. The bill had bipartisan support – and bipartisan opposition. Colleagues on my side of the aisle spoke about their concerns that the commission would intimidate prosecutors and prevent them from doing their jobs. Other Democratic colleagues spoke passionately about their own constituents who had been exonerated in cases involving potential prosecutorial misconduct, and how nothing could bring back the years they lost in prison. And some of my colleagues who would proudly identify as “law-and-order Republicans”, including the lead sponsor of the bill, spoke about the evidence that oversight was needed because of cases where there seemed to be undeniable evidence of prosecutorial misconduct with no consequences for those who had committed the misconduct. Most of the time when we pass bills debate is pro-forma and not a lot of Senators are paying close attention – but this time they were. That is something positive I can take from an otherwise uninspiring and unproductive legislative session.

POLICY SPOTLIGHT

Title X Family Planning Grant Program

The recent retirement of US Supreme Court Justice Anthony Kennedy has focused attention on a significant threat to abortion rights, as it dramatically increases the chances that the Court will overturn *Roe v. Wade* in the near future. But the Trump administration’s attack on abortion rights is already in full swing, and last month I joined fellow Senate and Assembly members of the New York State Bipartisan Pro-Choice Legislative Caucus (BPCLC) in opposing the Trump administration’s Title X proposed rule, which would prohibit Title X healthcare facilities from performing abortions and providing referrals for abortion care.

Title X is a federal grant program that was instituted in 1970 during Richard Nixon’s presidency, and is the only source of federal funding designated solely for family planning and preventive healthcare for low-income and inadequately insured individuals.

Nationwide, over four million women, men, and teens rely on Title X for their family planning and healthcare needs. Last year in New York State, the Title X program provided funding to 187 healthcare service sites, which served over 300,000 individuals. Title X facilities provide needed healthcare services such as screening for diabetes, anemia, and high blood pressure; wellness exams; pelvic exams; STD screening; health education; screening for cervical and breast cancer; contraception and contraceptive counseling; HIV screening; pregnancy testing; and fertility services. By doing so, the Title X program plays a critical role in preventing unintended pregnancies, including teen pregnancies, saving lives and strengthening public health through early detection of cancer and preventive healthcare, reducing transmission of sexually transmitted diseases, and saving taxpayer money. According to the U.S. Department of Health & Human Services, every dollar invested in the Title X program saves \$7.09 in government spending on Medicaid-related expenses.

Many Title X reproductive healthcare facilities also provide access to safe, legal abortion to women who do not have health insurance or who cannot afford the medical procedure. In compliance with federal law, Title X facilities do not use federal funding to cover the cost of providing abortion care, yet, the Trump administration claims that the Title X proposed rule is necessary to ensure compliance. It is clear that what the administration seeks is to defund Title X facilities that provide

abortion, Planned Parenthood in particular, as well as to further promote ineffective abstinence-only health education and family planning to the detriment of evidence-based, medically-approved methods.

The Trump administration's proposed rule is alarming on several fronts. From an ethical perspective, it would force Title X providers to break their professional code of ethics and it would violate patient rights. Physicians are obligated, legally and ethically, to provide comprehensive, unbiased medical care. Patients have the right to be fully informed of their medical options, including abortion; obtain the care they require; and receive a referral if needed. Systemically, this proposed rule would create a "domestic gag rule," negatively impact doctor-patient relationships, increase the potential for medical neglect, and subsequently threaten the integrity of our healthcare system.

From a reproductive healthcare perspective, this proposed rule would prevent hundreds of thousands of New Yorkers from accessing quality family planning and preventive health care services that are patient-focused, medically accurate, and evidence-based.

Finally, this proposed rule would have severe implications for women's health. In cases where pregnancy threatens a woman's health or life, and abortion is not accessible, she faces the possibility of future infertility, severe health complications, or death. The United States has a significantly higher rate of maternal morbidity and death than in comparable countries, which would likely increase if this proposed rule is implemented. The unintended pregnancy rate, including teen pregnancy, on the other hand, is at an all-time low, but would likely increase if access to contraception made more difficult.

Due to the concerning implications of the Trump administration's Title X proposed rule, legislators, advocates, and community members in New York and nationwide are fighting to have it retracted. The proposed rule was published in the Federal Register on June 1st under the title, "Compliance with Statutory Program Integrity Requirements."

The deadline to submit a public comment is July 31st. Public comments are to be submitted in writing by letter or online at: <https://www.regulations.gov/comment?D=HHS-OS-2018-0008-0001>. Please contact my office if you have any questions about the proposed rule or submitting a comment.

COMMUNITY SPOTLIGHT

Clutter and Hoarding Forum on July 17th:

On Tuesday July 17th, Assemblymember Rebecca Seawright and I are hosting a forum entitled "What to Do With All that Stuff: Information on clutter, hoarding and how to get help." Many New Yorkers have clutter in their apartments but some of us may have too much stuff. Having an enormous amount of clutter can create hazardous conditions and put your housing at risk. You may think the problem is out of control but help is available. Hear experts explain what hoarding disorders are, how to tell if you or someone you love is a hoarder, and learn about programs and resources that can help you put more order in your life. Speakers will include Rasheed Brown, LMSW, Director of Social Services at the Nelson Family Residence, BronxWorks; Sam (Clare) Hipschman, LMSW, Program Director, Project Ore, Educational Alliance; Audrey Tannen, Chief of Staff, Assembly Member Seawright's Office; and a person with lived experience. The event will take place from 6:00

p.m. - 8:00 p.m. at Church of the Holy Trinity, Draesel Hall, 316 East 88th Street (between 1st and 2nd Avenues). To RSVP call 212-288-4607 or visit <https://goo.gl/forms/r6J0DZru24ZZm7G11>.

Rent Guidelines Board Approves Increases of 1.5% and 2.5%:

I was disappointed that last month the Rent Guidelines Board approved rent increases of 1.5% on one-year leases and 2.5% on two-year leases. This was the largest increase for one-year leases since 2013. I submitted testimony to the Rent Guidelines Board supporting a rent freeze. Over past two decades, the Rent Guidelines Board has approved rent increases that dramatically outpaced both building owners' expenses and tenants' incomes. I fear that any additional increases will lead to further hardships, and even evictions, for tens of thousands of households who are already having great difficulty paying their current rents. The impacts of any increase on seniors, the disabled, and other vulnerable New Yorkers on fixed incomes will be especially grave. My testimony is available at <https://www.nysenate.gov/newsroom/articles/liz-krueger/testimony-rent-guidelines-board-regarding-proposed-rent-increases>.

Testimony Regarding Illegal Hotel Disclosure Legislation:

On June 26th I testified before the City Council in support of Intro 981 which would require short-term rental booking services to share transaction data with the Mayor's Office of Special Enforcement (OSE). This legislation is critically important to the city's efforts to crack down on illegal hotel activity and to preserve our limited housing stock for New Yorkers. The proliferation of illegal hotel activity has removed thousands of desperately needed housing units from our city's housing market. Intro 981 would substantially improve the OSE's ability to respond to complaints and proactively conduct enforcement action against commercial illegal hotel operators. My full testimony is available at <https://www.nysenate.gov/newsroom/articles/liz-krueger/testimony-new-york-city-council-regarding-requiring-short-term-rental>.

Fresh Food Box Program Offers Discounted Produce:

GrowNYC's Fresh Food Box Program is a food access initiative that enables under-served communities to purchase fresh, healthy, primarily regionally-grown produce well below traditional retail prices. Through the power of collaborative purchasing, Fresh Food Box customers purchase for \$14-15 what would cost \$20-\$30 in a store. All Fresh Food Box sites accept SNAP/EBT and Health Bucks, to make shares even more affordable. There are three locations in my Senate District:

- **Councilmember Ben Kallos' Office**, 244 East 93rd Street, Thursdays, 3:30 pm – 6:30 pm
- Lenox Hill Neighborhood House, 70th Street & 1st Avenue, 1st Avenue Entrance, Tuesdays, 3:30 pm – 6:30 pm
- Bellevue Hospital - 462 1st Avenue – in the Rotunda Thursdays, 11:00 am – 2:00 pm

For additional details and sites visit <https://www.grownyc.org/greenmarketco/foodbox>.

Summer Meals Program for Children:

The Department of Education's Summer Meals Program began on June 27, 2018 - the day after the school year ended. Summer Meals are available to all children 18 years old and under at hundreds of public schools, community pool centers, and other locations around the city; no registration, documentation, or ID is required to receive a free breakfast or lunch.

This program will be offered weekdays from Wednesday, June 27, to Friday, August 31(except July 4th and August 21st). Although the hours may vary by location, breakfast is typically served from 8:00 a.m. to 9:15 a.m., and lunch from 11:00 a.m. to 1:15 p.m. All DOE summer feeding sites will have posters outside indicating the hours specific to that building.

In my Senate district, breakfast and lunch will be available seven days a week at the John Jay Pool at 77th Street and Cherokee Place (East of York Avenue). Breakfast will be served from 9 a.m.to10 a.m. and lunch from noon to 1pm.

For additional information on feeding locations, please visit:
<http://www.schoolfoodnyc.org/resources/Summer2018.pdf>.

Shingrix Shingles Vaccination:

As you may already know, medical professionals and the CDC recommend that healthy people 50 years and older get two doses of the Shingrix vaccination to help prevent shingles. A pharmacist or physician can administer the Shingrix vaccination, and the doses should be administered two to six months apart. The concern that I have received calls about is paying for the vaccinations, since the Shingrix vaccinations are not covered by Medicare Part B. The following are different options available to Medicare policy holders:

1. Get the Shingrix vaccination from a local pharmacy that accepts your Medicare Part D plan. Although most Part D plans cover Shingrix, you will likely have to pay a portion of the cost out-of-pocket. Therefore, you will benefit from contacting several pharmacies to compare what they will charge you. Typically, you will pay less at in-network pharmacies. You also have the option to switch your Part D plan with another that provides increased coverage of the cost.
2. Get the Shingrix vaccination from your primary care physician. However, it is important to ask in advance whether your doctor's office can bill your Part D plan directly using an electronic billing system, or coordinate with a pharmacy to bill your Part D plan for the vaccine and injection. If your doctor's office cannot participate in either of these billing arrangements, you will need to pay the entire medical bill and then request reimbursement from your Part D plan. Keep in mind that your medical bill may be higher than your Part D plan approved amount for the Shingrix vaccination, in which case you will only be reimbursed the approved amount.
3. If you have Extra Help, also known as the Low-Income Subsidy Program (LIS), you are able to get the vaccination from an in-network pharmacy or an approved Medicare medical provider. You should only be responsible for the Extra Help co-pay, however, if the medical provider cannot bill your Part D plan, you will likely be required to pay the entire medical bill and then request reimbursement.

If you are not yet on Medicare and have private insurance, check with your insurance carrier as many plans cover Shingrix for individuals over 50.

EPIC and Extra Help:

Elderly Pharmaceutical Insurance Coverage (EPIC) and Low-Income Subsidy Program (LIS), also known as Extra Help, are New York State and Federal programs, respectively, that provide assistance with Part D prescription and plan costs for those who qualify. EPIC enrollees pay a reduced price for prescriptions covered by Medicare Part D and EPIC. If you are 65 years old or above, live in New York State, and have an income of up to \$75,000/singles or \$100,000/married couples, you may be eligible. Call 1-800-332-3742 for more information and to apply for EPIC. Extra Help provides subsidies that help cover Medicare Part D expenses such as annual premiums, deductibles, and prescription co-payments. If you live in one of the 50 states or the District of

Columbia, and meet the specified income and resource requirements, you may be eligible to enroll. Call 1-800-772-1213 for more information and to apply for Extra Help.

Case Closed Program Helps Get Old Criminal Records Sealed:

Every day, New Yorkers with criminal records are prevented from working, finding housing, and moving on with their lives because of criminal record discrimination. In response to these problems, the legislature passed a criminal record sealing law, CPL 160.59, last year. While the record sealing law is a huge step for New York, actually using it to benefit those in need is only possible if New Yorkers are aware of the new law. The Legal Aid Society launched "Case Closed" last year to help people seal convictions under CPL 160.59 and work towards helping people with criminal records on a larger scale.

You may be eligible to have old convictions sealed if you:

- Have less than three criminal convictions and
- Have no more than one felony conviction and
- At least 10 years have passed since your last conviction (Start counting the 10 years from the date you were sentenced, OR if you were sentenced to incarceration, from the date you were released) and
- You are not required to register as a sex offender and
- The conviction was not for a violent felony, Class A felony, homicide felony, sex offense, sexually violent offense, sexual performance by a child offense, or felony conspiracy to commit any of the above ineligible offense.
- You do not have an open criminal case.

If you think you may be eligible call the CASE CLOSED Toll Free Hotline 888-663-6880
Open Tues/Wed/Thurs 9:30am - 12:30pm, or email CaseClosed@legal-aid.org

Upcoming Pet Adoption Events:

Animal Care Centers of NYC (ACC) is sponsoring several Pet Adoption events around the district in December. Upcoming dates and locations are:

Sunday, July 15, Noon – 4:00 p.m. Petco Union Square
860 Broadway at 17th Street

Saturday, July 28, 11:00 a.m. – 3:00 p.m., Biscuits and Bath – Dogs only
1064 First Avenue b/t at 58th Street

Upcoming events are also listed at <http://nycacc.org/Events.htm>

Legal Advocacy Clinics At Lenox Hill Neighborhood House:

The Lenox Hill Neighborhood House Legal Advocacy Center Offers assistance on a number of different issues. Here is a list of their ongoing programs and clinics:

- SNAP (formerly Food Stamps) Clinics: Wednesdays from 10am to 1pm at Lenox Hill Neighborhood House, 331 East 70th Street. First come, first served. Bring proof of identity, income information, utility bill, proof of housing costs, information on any dependents and if you are 60 or over or on SSI/SSD, information on medical costs. For more information, call [212-218-0431](tel:212-218-0431).
- SCRIE Clinics: Walk-in Clinic. The next clinic will take place Thursday, August 9 from 10:00 a.m to 1:00 p.m at Lenox Hill Neighborhood House, 331 East 70th Street. You must arrive before Noon to ensure you can be seen. If you are 62 years or older, live in a rent regulated apartment and have an

annual household income of \$50,000 or less you may be eligible for the Rent Freeze Program. Find out if you are eligible and get assistance applying or recertifying for SCRIE.

- Tenants Rights Advice Clinic: Walk-in clinic, now at 2 locations.

- July 5 and September 6 from 10am to 1pm at 331 East 70th Street. First come-first Served, arrive by Noon.

- July 18 and August 15 from 2:00 to 5:00 p.m. at the East Harlem Health Action Center, 158 East 115th Street. First come, first served, arrive by 4 p.m.

Please bring all relevant housing-related documents with you.

- End-of-Life Planning/Advance Directives: volunteer attorneys may be able to assist you with one-on-one counseling and individualized drafting of Advance Directives including Health Care Proxies, Living Wills, Powers of Attorney, and simple, low-asset Wills. If you are interested in being screened for a possible appointment, call the intake hotline at 212-218-0503 ext 4.

- Health Care Access/Medicare/Medicaid: call 212-218-0503 ext 3. Find out about Medicare Savings Programs, Medicaid home care, Medicare Part D, Medicaid Spend-down, EPIC and if you are eligible for Medicaid.

- Health Insurance Enrollment: call 212-218-0432. Assistance with finding and enrolling in an affordable health insurance plan.

VOLS Legal Clinics for Seniors:

The VOLS Elderly Project will be at two locations in my district this month. The Elderly Project staff and pro bono attorneys provide free legal advice, information, document drafting, and other brief services to low-income Manhattan residents aged 60 and over, and to the social workers and advocates who assist them. Their schedule includes:

July 18th – 10:00 am to 2:00 pm, JASA’s Senior Resource & Advocacy Fair
UJA-Federation of New York, 130 E. 59th Street

July 20th - 10:00 am, Legal Clinic,
Stanley M. Isaacs Neighborhood Center, 415 East 93rd Street

Metrocard Bus and Van Schedule:

The MTA offers MetroCard-related services throughout New York City through mobile buses and vans. Buses provide a full range of services, including applying for or refilling a Reduced-Fare MetroCard, buying or refilling a regular MetroCard, or getting answers to a MetroCard-related question. Vans sell Unlimited Ride MetroCards and Pay-Per-Ride MetroCards, and they refill MetroCards and Reduced-Fare MetroCards. Buses and vans will be in my district on the following dates and locations:

July 10, 9 - 10:30 am, 92 Street & Lexington Avenue – Bus
July 10, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
July 10, 1:30 - 2:30 pm, 68 Street & Lexington Avenue – Bus
July 18, 11 am - 1 pm, 79 Street & York Avenue – Bus
July 18, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
July 18, 9 - 10:30 am, 92 Street & Lexington Avenue – Bus
July 19, 8:30 - 10:30 am, 47 Street & 2 Avenue – Van
July 19, 1:30 - 3:30 pm, 28 Street & 2 Avenue – Van
June 19, 9 - 10:30 am, 79 Street & 3 Avenue – Bus
July 24, 9 - 10:30 am, 92 Street & Lexington Avenue – Bus

July 24, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
July 24, 1:30 - 2:30 pm, 68 Street & Lexington Avenue – Bus
August 1, 11 am - 1 pm, 79 Street & York Avenue – Bus
August 1, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
August 1, 9 - 10:30 am, 92 Street & Lexington Avenue – Bus
August 2, 7 – 9 am, 91 Street and York Avenue - Van
August 2, 8:30 - 10:30 am, 47 Street & 2 Avenue – Van
August 2, 1:30 - 3:30 pm, 28 Street & 2 Avenue – Van
August 3, 9 - 10 am, 57 Street and 1 Avenue – Van
August 3, 10:30 - 11:30 am, 57 Street and 3 Avenue – Van
August 3, 12:30 - 2:30 pm, 68 Street and 1 Avenue – Van

The full mobile MetroCard schedule is available at <http://mta.info/metrocard/mms.htm>. Please note that MetroCard buses and vans do not take credit cards.