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New York State Senate | 28th District



June 2019

Message from Liz...

As we enter the final weeks of session, many issues are still on the table, including, among many others, rent regulations, adult-use marijuana, and comprehensive climate action. As I discussed in last month's bulletin, renewing and strengthening the rent regulation laws is a particularly important topic and I am happy to report that the Senate Democratic Conference has come out in support of all nine bills included in the Real Rent Reform package. This should result in dramatic improvements when the rent laws are renewed sometime between now and June 15th.

In this message I want to focus on another high priority of mine, which is updating the equal protection clause of the New York State Constitution. Equality of rights is a fundamental principle of both our state and our nation, but conceptions of what equality of rights means have changed dramatically over our history. New York State's current equal rights provision was adopted in 1938, prior to the civil rights movement, the women's movement, the LGBTQ movement, the disability rights movement, and the many other challenges to discrimination in our state and nation. Furthermore, because of its wording, court decisions have severely limited the application of the existing amendment.

In order to bring our State Constitution's conception of equal rights into the 21st century, I have introduced S.517B, which is sponsored in the Assembly by Rebecca Seawright. New York's Constitution should reflect the progress of our understanding of equal rights and protections from discrimination that has occurred over the last eighty years.

Section 11 of the New York Bill of Rights currently contains an equal protection provision that mirrors the equal protection clause of the federal Constitution, and a separate anti-discrimination provision covering race, color, creed or religion. The amendment I am proposing expands the covered categories of people to include other classifications that have been used to subordinate and disadvantage certain members of those groups including, for example, women. These new classifications are: ethnicity, national origin, age, disability, and sex, including pregnancy, sexual orientation, and gender identity or expression.

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Another flaw in the existing provisions relates to how the courts have interpreted the phrase “civil rights.” The current discrimination provision purports to bar both governmental and private discrimination in "civil rights." However, judicial decisions (See *Dorsey v. Stuyvesant Town Corp.*, 299 N.Y. 512) have sharply limited the effectiveness of this provision on the basis that it fails to define the term "civil rights" and is therefore not self-executing. Claims based on this constitutional provision are likely to fail in cases where there is no law that explicitly bans discriminatory practices. The amendment I am proposing defines “civil rights” and makes the provision self-executing. A constitutional provision such as this should have its own force of law, the way the Bill of Rights of the US Constitution does.

I am hopeful that we can pass this amendment before the end of session. The constitutional amendment process is long in New York, and before the amendment is adopted it must pass again in the next legislative session (beginning in 2021) and then be approved by the voters. But we can and should start the process now of bringing the equal protection clause of our constitution into the 21st Century.

POLICY SPOTLIGHT

Surprise Medical Bills

In these final days of session I am working with to pass legislation I carry with Assembly Member Kevin Cahill (S.3171A/A.264B), to protect patients from excessive medical bills from hospitals for emergency services.

In 2014, New York enacted a landmark law that protects consumers from surprise medical bills from individual doctors and providers providing emergency services, who do not participate in their health insurance plan provider network. The new law created an Independent Dispute Resolution (IDR) process to resolve the disputed charges, which appears to be working well. However, a loophole in the current law prevents consumers and health plans from using the IDR process when the bill comes from the hospital itself.

In New York, consumers’ out-of-pocket costs for emergency services in a non-participating hospital must be the same as they would have been if they had received services from a participating hospital. Since the health insurance plan ultimately has to make sure the consumer is not charged more, hospitals sometimes charge excessive fees, knowing they are likely to collect a sharply higher amount. Even if a non-participating hospital charges an exorbitant amount for emergency services, they are virtually guaranteed to have those charges paid eventually.

Through the typical billing process, the non-participating hospital sends the bill directly to the patient, who then sends it to their insurance company. The insurance company reimburses the consumer the amount they believe is reasonable for the services they received. The consumer then pays the hospital. If the hospital thinks the reimbursement is not enough, they send another bill to the consumer for the balance of the charges. This starts the process with the insurance company all over again. Consumers should not be put in the middle of a billing dispute between their insurance company and hospital.

S.3171A/A.264B will close the loophole in the Surprise Medical Bills law by extending the existing independent arbitration process to all hospital emergency admission related charges, not just doctors' bills. This will protect consumers against excessive hospital charges in emergencies, and help keep health insurance affordable.

COMMUNITY SPOTLIGHT

Later Life Planning Series:

In June I am hosting a series addressing issues in later life planning, designed to offer key information and tools necessary to navigate later life planning for you and your loved ones. The remaining sessions are as follows:

Monday, June 17 – Important Documents

Speaker: Ronald Fatoullah, Esq., Ronald Fatoullah and Associates

Monday, June 24 – Palliative Care, Hospice and Your Family

Speakers: Ronald Adelman, MD, Randi Diamond, MD, and Chaplain Jean Walsch, of NewYork-Presbyterian/Weill Cornell Medical Center

All sessions will take place from 6:00 to 8:00 p.m. at Belfer Research Building, Weill Cornell Medicine, 413 East 69th Street, Rm. 204, between York and First Avenues. Space is limited so please RSVP. To RSVP for each session, or for further information, visit <https://tinyurl.com/2019LaterLifePlanning> or call 212-490-9535.

Forum on Scams July 16th:

On Tuesday July 16th from 6-8 pm I will be hosting a forum on scams. This event will include two NYPD officers and Chuck Bell, Programs Director of Consumers Union. The police officers will present a PowerPoint on certain phone scams, unsolicited calls, and email/mail scams, do's and don'ts, and who you can alert when you encounter these scams. Chuck Bell will speak about state and federal government legislative efforts, as well as industry efforts, to protect consumers from these scams. The forum will take place at Lenox Hill Hospital, 130 E 77th St, 2nd Floor, Weisner Conference Room 201A/B. To RSVP, email lkrueger@nysenate.gov with subject Scams Forum, or call 212-490-9535.

Community Board 8 Forum on Addressing Sexual Harassment June 13th:

On June 13th the Women and Families Committee of Community Board 8 is hosting a public forum entitled "Cracking Down on Sexual Harassment: What You Need to Know." Speakers include Manhattan District Attorney Cyrus Vance, Jr., Dana Sussman, Deputy Director of the NYC Commission on Human Rights, and Rick Rossein, Professor at CUNY Law School. The event will take place at 6:30 PM at Metropolitan Museum of Art, entrance at Fifth Avenue and 81st Street. No RSVP is required. For further information, email info@CB8M.com.

Turtle Bay CSA Links Farmers and Consumers:

The Turtle Bay CSA (community-supported agriculture) is a group of neighborhood consumers partnering with an upstate New York farm to bring fresh, organic produce and other farm products to

their members at affordable prices while supporting local, sustainable farming practices. All participants volunteer their time in some way to support this farm-to-customer distribution channel.

Turtle Bay CSA distributes on Tuesdays from 5-8PM at the Vanderbilt YMCA, located at 224 East 47th St. between 2nd and 3rd Aves. The season is 22 weeks long and they expect their 2019 season to run from June 11th through November 12th. There is still time to register if you would like to enjoy the bounty of farm fresh veggies, fruit, eggs, chicken, beef, honey, and maple syrup!
turtlebaycsa.com / info@turtlebaycsa.com,

Clinic On Standby Guardianship At Lenox Hill Neighborhood House:

A standby guardianship is a type of advance directive that allows parents to formally document who they want to care for their minor children in case of an immigration-related or health-related separation, such as placement of the parents in immigration detention, deportation or incapacitation due to a health condition. The guardianship only becomes effective upon separation due to one of these issues and can be revoked at any time. Parents can specifically designate the types of decisions the temporary guardian is allowed to make and may also sign a form that would allow their children to travel back to their home country in the event of their parents' deportation.

This clinic would be especially beneficial for parents who are concerned about their immigration status or their health and wish to make a plan for their children due to an immigration or health-related separation.

This clinic will be held on Thursday, June 27th at 1:30pm in the Auditorium at Lenox Hill Neighborhood House (331 E. 70th Street, New York, NY 10021). This clinic will provide clients with an opportunity to receive advice on and/or execute standby guardianship documents.

Appointments are being scheduled in advance, but some walk-in clients can be seen on a first-come, first-serve basis.

For more information, and to schedule an appointment, call 212-218-0336.

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. Arrive by Noon.

- Mondays from 9am to 3pm at Bellevue Hospital Ambulatory Care Pavilion, First Avenue between 26th and 27th Streets, 3rd Floor. Arrive by 2pm.

First come, first served. Bring proof of identity, income information, utility bill, proof of housing costs, information on any dependents, proof of immigration status for non-citizens, and if you are 60 or over or on SSI/SSD, information on medical costs. For more information, call [212-218-0503](tel:212-218-0503), option 2.

- SCRIE Clinics: Walk-in Clinic. The next clinics will take place June 18 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.

- DRIE Clinics: The next clinic will take place June 12 from 2:00 p.m to 4:00 p.m at Lenox Hill Neighborhood House, 331 East 70th Street. If you are receiving disability benefits, 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 DRIE. For more information, please email DRIE@lenoxhill.org or call 212-218-1503, option 0.

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

- June 13 and July 25 from 10am to 1pm at 331 East 70th Street. First come-first Served, arrive by Noon.

- June 19 and July 17 from 2:00 to 5:00 p.m. at the Lenox Hill Neighborhood House Casa Mutua Clinics at 159 East 102nd Street. First come, first served, arrive by 4 p.m. Please bring all relevant housing-related documents with you.

- Health Care Access Project: call [212-218-0503](tel:212-218-0503). Assistance with Medicaid, Medicare Savings Program Medicare Part D, Epic and health insurance through the New York State of Health Marketplace.

VOLS Legal Clinics for Seniors:

The VOLS Elderly Project will be at one location 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

Friday June 14th - 2:00 pm, Legal Clinic,
Burden Center for the Aging, 415 East 73rd Street (b/t 1st and York)

Friday, June 21st - 10:00 am, Legal Clinic,
Stanley M. Isaacs Neighborhood Center, 415 East 93rd Street

Monday June 24th - 10:00 am, Legal Clinic,
Encore Community Services Center, 239 West 49th Street (b/t Broadway and 8th Ave.)

Affordable Housing Opportunities in Manhattan:

The Gilbert on First is now accepting applications for 144 affordable studio, 1-, 2, and 3- bedroom apartments newly constructed at 1912 First Avenue in the East Harlem neighborhood in Manhattan. Rents for these apartments range from \$328 to \$3,009 depending on income and unit size. To be eligible, applicants must have incomes between \$13,200 and \$199,650 depending on unit and family size. Asset limits also apply. Preference will be given to residents of Community Board 11 for 50% of units mobility-impaired persons for 5% of units, visual- and/or hearing-impaired persons for 2% of units, and municipal employees for 5% of units. A full description of the building and application process is available at

<https://a806-housingconnect.nyc.gov/nyclottery/AdvertisementPdf/726.pdf>.

Households may elect to submit an application by one of two methods: EITHER online OR by mail.

To submit your application online now, please visit NYC Housing Connect at

www.nyc.gov/housingconnect and select "Apply for Housing." To request an application by mail, mail a self-addressed envelope to: The Gilbert on First/c/o Wavecrest Consulting LLC, 87-14 116th Street, Richmond Hill, NY 11418.

Applications must be submitted online or postmarked by June 17, 2019. Applicants who submit more than one application may be disqualified.

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:

June 11, 9 - 10:30 am, 92 Street & Lexington Avenue – Bus
June 11, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
June 11, 1:30 - 2:30 pm, 68 Street & Lexington Avenue – Bus
June 19, 9 – 10:30 am, 79 Street & Third Avenue - Bus
June 19, 11 am - 1 pm, 79 Street & York Avenue – Bus
June 19, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
June 20, 8:00 - 10:30 am, 47 Street & 2 Avenue – Van
June 20, 11:30 am - 2:00 pm, 28 Street & 2 Avenue – Van
June 25, 9 - 10:30 am, 92 Street & Lexington Avenue – Bus
June 25, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
June 25, 1:30 - 2:30 pm, 68 Street & Lexington Avenue – Bus
July 3, 9 - 10:30 am, 79 Street & Third Avenue – Bus
July 3, 11 am - 1 pm, 79 Street & York Avenue – Bus
July 3, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
July 5, 9 - 10 am, 57 Street and 1 Avenue – Van
July 5, 10:30 - 11:30 am, 57 Street and 3 Avenue – Van
July 5, 12:30 - 2:00 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.