

Liz Krueger



New York State Senate | 28th District

April 2013

Message from Liz...

The legislature has once again enacted an on-time budget, which, given the legislature's record in recent decades, is something of an accomplishment. Unfortunately, the budget we passed is not a good one, and it offers a lesson as to why "compromise" is not always a good thing.

Sometimes what passes for compromise is actually more about political horse trading, with the outcome being convoluted, counterproductive public policies that will not achieve their stated goals. On three key issues in this year's budget – the minimum wage, tax policy, and funding for services for the developmentally disabled – the willingness of the Republican-led Senate Majority Coalition to compromise on key principles of fairness has resulted in some terrible public policies.

Minimum Wage

The minimum wage deal is the first example of a compromise gone wrong. Majorities of members in both the Senate and the Assembly supported setting the rate at \$9.00 an hour this year and building in future increases indexed to inflation. In spite of this, the Senate's "majority coalition" of Republicans and five breakaway Democrats instead forced a deal that will spread out the increase over three years, so the minimum wage won't actually reach \$9.00 until December 31, 2015. What's more, the deal does not index the minimum wage to inflation. Indexing is crucially important because it removes the politics from minimum wage increases, and instead bases them on actual increases in the cost of living faced by workers. This is also good for businesses – it provides more stability and predictability, instead of irregular, unpredictable lurches.

But the details of the increase itself are not the worst of it. As part of the "compromise," the minimum wage increase was linked to a tax credit for businesses who hire minimum wage workers between the ages of 16 and 19. This tax credit essentially makes taxpayers, rather than employers, shoulder almost the entire cost of the wage increase for these workers.

When you look at the fine print on this dubious tax credit, it becomes clear that this is truly awful policy no matter your opinion of the merits of the minimum wage. First, it will encourage employers to only hire younger workers, since they only get the credit for

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workers under 20. It will also discourage keeping those workers once they turn 20, since the employer loses the credit at that point, and if they can find a way to let them go, they can hire younger workers again and collect the credit. And because the employer loses 100 percent of the credit the moment they increase the workers' salary by even a penny over the minimum wage, it ensures that these young workers (and the older workers already at a disadvantage in competing for the jobs) will never get a raise. So, this model turns the "minimum wage" into the "maximum wage" for too many in our economy.

This incoherent policy shows the danger of trying to work out a "compromise" that makes everybody happy – instead of a deal that serves public policy goals, the four men in a room have created a Rube Goldberg contraption that will not work properly for workers or for businesses.

Tax Rebate Checks

Another "compromise" was in the area of tax policy. The governor wisely agreed to extend through 2018 the high-earners income tax surcharge, which was set to expire after 2014. Doing so keeps higher rates for those making over \$2 million, and keeps a slightly lowers tax rate for those making under \$300,000. While I argued for more progressivity when this plan was first enacted in 2011, keeping it at least ensures that we do not revert to a system where millionaires pay the same rates as people making \$40,000.

Unfortunately, this relatively good policy came at an annual cost of \$410 million in lost revenue from an inappropriate and politically motivated deal. The Senate Majority Coalition would not agree to extend the personal income tax rates without getting something they could call "tax relief," but what they got was a blatant political giveaway that is also patently unfair to many taxpayers. The deal calls for three years of \$350 checks to be sent to all families with children who make between \$40,000 and \$300,000. The first checks will go out in 2014, and based on past experience we should expect these checks to arrive in mid-October – right before the next election. The last time the state implemented such a policy, the checks were specially printed to prominently indicate they were sent courtesy of then-Governor Pataki and the State Legislature.

But beyond the politics of these checks, the details of the plan are awfully confusing. The checks will be based on tax records from two years previous, so a family would have to have met the income guidelines and had a child in 2012 to get a check in 2014 – so apparently families with newborns aren't worthy of tax relief. Nor are seniors or childless families, since individuals and families without children aren't eligible.

In my view, the most egregious part of this policy is the exclusion of families making under \$40,000. The backers of this provision claim that's because people making under \$40,000 don't pay taxes, which is patently false. In 2009, New Yorkers making less than \$40,000 paid \$1.26 billion in taxes. Furthermore, taxpayers are already required to have tax liability to be eligible for the credit.

As I pointed out on the Senate floor when debating this bill, in my district you won't find that many families with children living on less than \$40,000 annually, but that is certainly not the case in most of the rest of the state. I question the wisdom of these checks, which will cost the state an estimated \$410 million annually, but if this is to be state policy, it is particularly outrageous that there is no concept of progressivity built into the plan and the taxpayers with the lowest income are excluded from the benefit.

Cuts to Programs for the Developmentally Disabled

One thing we could be doing with some of the money from those rebate checks is restoring funding to programs for the most vulnerable New Yorkers. In his Executive Budget, the governor proposed an \$120 million cut to programs for the developmentally disabled. Because this funding cut would result in a matching cut in federal funding, the total loss would be \$240 million, or six percent of total state funding for these programs. The legislative leaders all spoke about the importance of eliminating this devastating cut, but in the end only restored \$30 million. With the federal match, that still leaves these agencies short \$180 million.

Of all the critical roles government plays, it is hard to think of one more important than meeting the needs of the developmentally disabled. These are people whose basic quality of life and in many cases their very survival depends on access to services that only government has the ability to fund. While there may be agencies that can absorb these cuts, the fact is that many service providers are operating with no margin for error, and I fully expect in the months ahead we will be hearing about residences for the developmentally disabled shutting their doors, leaving their clients and their families with no place to turn. I am deeply disappointed that the governor and legislative leaders could not find sources of funding to ensure these programs were not devastated.

While there were some good things in the budget, in the end I voted against many of the budget bills, including the revenue, aid to localities and health bills, because they included indefensible policies such as those outlined above. While the Senate Majority Coalition sees the on-time budget containing these compromises as a praiseworthy victory, I see bad public policy, real harm being done to some of the most vulnerable in our society, and a lost opportunity to enact a truly progressive budget.

We would have had the votes in the Senate to do much better than this, if a small number of breakaway Democrats had rejoined us and prioritized good public policy over these incoherent political compromises.

PS: As I write this, several state legislators, plus a city councilmember and assorted others, have just been indicted on bribery and corruption charges. As in the past, I have three immediate reactions:

1. Good for the law enforcement officials working to catch the bad guys – I hope they catch them all!
2. Damn! Now more people will think we are all crooks – including me – and it will make it that much harder to encourage good people to run for elected office.
3. Maybe this jolt will force legislators to uproot our state's culture of corruption at the source – a campaign finance system that centers on entrenched interests handing out large checks to politicians. We should respond to these indictments by finally passing serious campaign finance reform legislation!

COMMUNITY SPOTLIGHT

*State Senator Liz Krueger
Presents*

**Legislation for the Common Good: Where Did it Go?
Why You Should Care About Campaign Finance Reform!**

Panelists:

Jaron Benjamin

Executive Director, Met Council on Housing
Real Rent Reform Campaign Coordinator

Liz Kennedy, Esq.

Counsel, Demos

J. Adam Skaggs, Esq.

Senior Counsel, Brennan Center for Justice

Thursday, April 11, 2013

6:30-8:30 p.m.

Lighthouse International

111 East 59th Street

(Between Lexington and Park Avenues)

For more information, please call (212) 490-9535.

Town Hall on Developing a 2013 Open Space Election Platform:

In a city as dense as New York, parks are a vital component of livable neighborhoods but are too often treated as perks at budget time. New Yorkers for Parks is hosting a citywide town hall and facilitated break-out sessions to shape 2013 Open Space Election Platform, a set of proposed open space goals to bring to candidates running for New York City office. The Town Hall will take place Thursday, April 11, 2013 from 6:00 to 8:00 p.m. at the National Museum of the American Indian, 1 Bowling Green.

Space is limited, so please register ASAP at www.ny4p.org/advocacy/parksplatform.

For more information, contact ny4p@ny4p.org or call [212-838-9410](tel:212-838-9410).

April 16th is National Healthcare Decisions Day:

National Healthcare Decisions Day is a national initiative to encourage adults of all ages to plan ahead of a health crisis. Making decisions ahead of time and putting your wishes in writing brings peace of mind to families. It helps to avoid the difficult situations that are so common when a person becomes seriously ill and the family is left to guess what their loved one would have wanted. Another goal of this annual event is to encourage health care

providers to discuss the topic with their patients. Aging With Dignity, one of the sponsoring organizations, offers an online tool called Five Wishes, which is a comprehensive advance directive valid in 42 states including New York. Five Wishes lets you state:

- The person you want to make healthcare decisions for you if you can't;
- The kind of medical treatment you want or don't want;
- How comfortable you want to be;
- How you want people to treat you;
- What you want your loved ones to know.

You can fill out Five Wishes online at <https://fivewishesonline.agingwithdignity.org/>. My office also has printed copies of the booklet – call [212-490-9535](tel:212-490-9535) to request a copy.

Public Forum on Parkland on the Upper East Side:

Community Board 8 and New Yorkers for Parks are sponsoring a Public Forum on the Pressing Need for Parkland on Manhattan's Upper East Side. The forum will take place on Thursday, April 25th at 6:30 p.m. at the Metropolitan Museum of Art, 1000 Fifth Avenue, Bonnie J. Sacerdote Lecture Hall, located at the Ground Level of the Uris Center, entrance at Fifth Avenue and East 81st Street. For more information, contact Community Board 8 at [212-758-4340](tel:212-758-4340).

Neighborhood Slow Zone Program Accepting Applications:

The NYC Department of Transportation (DOT) is once accepting applications for its Neighborhood Slow Zone program. First implemented in the Bronx in 2011, this community-based program lowers the speed limit from 30 to 20 miles per hour in designated "slow zones" around the City. Doing so can help save lives and prevent injury by making traffic accidents less frequent and severe. The program also seeks to improve the quality of life in neighborhoods by reducing cut-through traffic and traffic noise.

Applications can be submitted by local community boards, civic associations, business improvement districts (BIDs), elected officials, or other community-based institutions such as schools or churches. Additional information about applying, including a list of the dozen or so neighborhoods already participating in the program, can be found on the DOT's website at <http://www.nyc.gov/html/dot/html/about/slowzones.shtml>.

The department will be accepting applications until May 31st.

Air Quality, Heating Oil, and Recycling Environmental Workshop:

Join CIVITAS and the NYC Clean Heat program for an educational workshop to help improve air quality in the neighborhood. There will also be a short informational discussion regarding the Apartment Building Recycling Initiative (ABRI) and what you can do to help.

Monday, April 22 at 6 pm

Lenox Hill Neighborhood House
331 East 70 Street (between 1st and 2nd Avenues)
Registration is requested.

RSVP to CIVITAS at [\(212\) 996-0745](tel:212-996-0745) or info@civitasnyc.org.

Free Head and Neck Cancer Screenings:

On Thursday, April 25 from 9:00 am - 12:00 Noon, Memorial Sloan-Kettering will provide free head and neck cancer screenings at Enid A. Haupt Pavilion, 425 East 67th Street, 4th floor Suite 5, between First and York Avenues. The screening will include a ten-minute exam to look for signs of head and neck cancer, counseling on how to quit smoking, and nutritional advice on cancer-preventive diets. No appointment is necessary. For further information, call [646-497-9161](tel:646-497-9161).

Free Tax Preparation Assistance:

I encourage you to take advantage of these services, which can save you money and ensure you avoid getting caught in “Refund Anticipation Loan” scams that many for-profit tax preparers engage in. Here are some sites in the 28th Senate District where you can get free assistance with your taxes:

Science, Industry and Business Library (SIBL), 188 Madison Ave @ 42nd Street

Telephone: [646-315-7703](tel:646-315-7703)

Site Hours: Monday, Tuesday 11am-3pm; Wednesday, Thursday, 4-6pm; Friday, Saturday 3-5pm.

Income Limits: No income restrictions. Sponsored by Food Bank for NYC

58th Street Library, 127 East 58th Street

Telephone: [212-759-7358](tel:212-759-7358)

Site Hours: Tuesday and Saturday, 10:30am-2:30pm

Income Limits: No income restrictions. Sponsored by AARP

67th Street Library, 328 East 67th Street

Telephone: [212-734-1717](tel:212-734-1717)

Site Hours: Friday, 10:30am-2:30pm

Income Limits: No income restrictions. Sponsored by AARP

Webster Branch Library, 1465 York Avenue

Telephone: [212-288-5049](tel:212-288-5049)

Site Hours: Monday, 10:30am-2:30pm

Income Limits: No income restrictions. Sponsored by AARP

Lenox Hill Neighborhood House, 331 East 70th Street

Telephone: [212-744-5022](tel:212-744-5022) ext. 1399

Site Hours: Wednesday, 10:00am-2:00pm

Income Limits: No income restrictions. Sponsored by AARP

Stanley Isaacs Neighborhood Center, 415 East 93rd Street

Telephone: [212-360-7620](tel:212-360-7620)

Site Hours: Friday, 10:30am-3:00pm

Income Limits: No income restrictions. Sponsored by AARP

Stein Senior Center, 204415 East 23rd Street

Telephone: 646-395-8083

Site Hours: Thursday, 9:30am-2:30pm

Income Limits: No income restrictions. Sponsored by AARP

Baruch College – Newman Library, 151 East 25th Street

Telephone: 646-312-4600

Site Hours: Tuesday-Thursday, 12pm-7pm; Friday, 12pm-6pm; Saturday, 12:30am-5:30pm

Income Limits: Income of 49,000 or less. Sponsored by VITA.

Learn About Your Rights – Monthly Legal Workshops:

The Legal Advocacy and Organizing Department at Lenox Hill Neighborhood House invites you to come learn about your rights at monthly workshops, which will be held at Lenox Hill Neighborhood House and at the Saint Peter's Church Senior Center.

Upcoming workshops include:

Lenox Hill Neighborhood House, East 70th Street at First Avenue

- April 4, 10:30am-11:30am – Medicaid Eligibility and Long Term Care
- May 2, 10:30am-11:30am – Tenants' Rights
- June 6, 10:30am-11:30am – Senior Benefits and Entitlements

Saint Peter's Church Senior Center, Lexington Avenue at 54th Street

- April 8, 11am-12pm – Medicaid Eligibility and Long Term Care
- May 6, 11am-12pm – Tenants' Rights
- June 3, 11am-12pm – Senior Benefits and Entitlements

Call (212) 308-1959 with any questions or for more information.

VOLS Legal Clinics for Low-Income Residents Over Age 60:

The Volunteers of Legal Services (VOLS) Elderly Project provides pro-bono legal services to low-income people over age 60 who live in Manhattan. VOLS conducts legal clinics each month at senior centers where seniors can discuss their legal concerns in confidence, receive legal advice and, where appropriate, obtain referrals to a volunteer lawyer for representation. Areas of legal assistance include wills, medical directives, powers of attorney, housing, consumer matters and Medicaid. Over 150 lawyers serve on their Elderly Project volunteer attorney roster.

Upcoming Clinic dates and locations are below:

- Burden Center for the Aging, 1484 First Avenue (between 77th & 78th Streets) — 2 pm — second Friday of each month (April 12th). Call 212-879-7400 for information.
- Stanley Isaacs Senior Center, 415 East 93rd Street (east of 1st Avenue) — 10 am — third Friday of each month (April 19th). Call 212-360-7620 for information.
- Encore Community Services Senior Center, St. Malachy's Church - 239 West 49th Street (between Broadway and 8th Avenue) — 10 am — fourth Monday of Each Month (April 22nd). Call Sister Margaret Rose at 212-581-2910, ext 118 for information.

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 MetroCard and Pay-Per-Ride

MetroCard, and refill MetroCards and Reduced-Fare MetroCards. Buses and vans will be in my district on the following dates and locations:

- April 9, 9 - 10:30 am, 92 Street & Lexington Avenue – Bus
- April 9, 1:30 - 2:30 pm, 69 Street & Lexington Avenue – Bus
- April 11, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
- April 23, 9 - 10:30 am, 92 Street & Lexington Avenue – Bus
- April 23, 1:30 - 2:30 pm, 69 Street & Lexington Avenue – Bus
- April 25, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
- May 1, 9 - 10:30 am, 79 Street & 3 Avenue – Bus
- May 1, 11 am - 1 pm, 79 Street & York Avenue – Bus
- May 1, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
- May 2, 7 - 9:30 am, 90 Street & York Avenue – Van
- May 2, 8:30 - 10:30 am, 47 Street & 2 Avenue – Van
- May 2, 1:30 - 3:30 pm, 28 Street & 2 Avenue – Van
- May 3, 9 - 10 am, 57 Street and 1 Avenue – Van
- May 3, 10:30 - 11:30 am, 57 Street and 3 Avenue – Van
- May 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>.

Affordable Housing Opportunities in Manhattan:

St. Nicholas Park Apartments is now accepting applications for 30 affordable 1 and 2 bedroom apartments under construction at 306 West 128th Street in the Central Harlem Section of Manhattan. Rents for these apartments range from \$533 to \$1022 depending on income and unit size. To be eligible, applicants must have incomes between \$20,263 and \$51,540, depending on income and family size. Preference will be given to Community Board 10 residents for 50% of units, mobility-impaired persons for 5% of units, visual- and/or hearing-impaired units for 2% of units, and City of New York municipal employees for 5% of units. Applicants who can document displacement by Hurricane Sandy and/or its related storms will receive preference for 25% of units. Preference for all units will go to New York City residents.

Applications may be downloaded from www.stnicholaspark.com or requested by regular mail from: St. Nicholas Park Apartments LP, 2214 Frederick Douglas Blvd., #386, New York NY 10026. Please include a self-addressed envelope with your request.

Completed applications must be returned by regular mail only to a post office box that will be listed on the application and must be postmarked by May 20, 2013. Applicants who submit more than one application will be disqualified.

POLICY SPOTLIGHT

Marijuana Decriminalization

During the budget negotiations, there was significant discussion of including a provision that would make possession of small amounts of marijuana a violation (as opposed to a more severe misdemeanor), whether or not the marijuana was in public view. As with the issues discussed above, this was supposed to be another compromise, in exchange for changes to the SAFE Act, the gun reform legislation passed earlier in the session, that upstate Republican members were seeking. In the end, the marijuana decriminalization provisions fell out of the budget, even as the governor agreed to weaken provisions of the SAFE Act by indefinitely suspending the ban on ten-bullet magazines.

Marijuana decriminalization should remain a priority, and I will be working to pressure my colleagues to adopt these important reforms, which will rationalize our approach to marijuana possession, and address racial inequities in enforcement.

Current law treats possession of small amounts of marijuana as a violation when it is not visible, but as a misdemeanor when it is visible. However, many individuals who are caught possessing marijuana are charged with a misdemeanor and arrested, even if their marijuana was concealed. This often happens because a police officer directs someone to reveal the marijuana in their possession or during a stop-and-frisk search, a tactic which has been shown to disproportionately impact young, black and Latino males.

Of those arrested for marijuana possession in public view in New York City in 2009, 86 percent were black and Latino, despite the fact that U.S. government surveys show that whites use marijuana at similar rates. In New York, these arrest disparities are exacerbated by stop-and-frisk policies that target minority youth. Currently, 15 percent of arrests in New York City are for marijuana possession, and these arrests cost the city \$50 million to \$100 million a year.

There is legislation that I cosponsor (S. 3315) that would standardize the legal treatment of marijuana possession that the Senate should act on this session. While it might have been easier to accomplish in the budget, perhaps as a standalone bill the legislature can avoid some of the bad tradeoffs that have been so dominant in the budget process. In addition to linking marijuana law reform to weakening the SAFE Act, there were discussions in the negotiations of making the change only applicable to New York City. This is another “deal” we should not be making – there is no reason upstate residents should face stiffer penalties than city residents.

I will be fighting for passage of S. 3315, which would implement this commonsense reform across New York State.