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New York State Senate | 28th District



August 2017

Message from Liz...

I am pleased that over the last month or so city and state officials have shown an increasing focus on the deteriorating state of our public transportation system. New MTA Chair Joseph Lhotta has established both short- and long-term goals for addressing problems with the subway system. Just as importantly, he has indicated a willingness to re-examine the priorities of the MTA. While new train lines and wi-fi in stations are lovely additions to the system, if the shiny things get priority over more prosaic matters like maintaining adequate service and addressing basic system maintenance we will never get out of the public transportation crisis we now find ourselves in. When Chair Lhotta testified before the Senate during his confirmation, his mantra was “state of good repair.” I hope he will continue to repeat that mantra in the months and years ahead despite the inevitable political pressure he will face to prioritize pet projects.

The first phase of the “Subway Action Plan” over the next year will focus on improvements to signal and track maintenance, car reliability, system safety and cleanliness, customer communications, and management of incidents. Chair Lhotta has indicated this will require an additional \$800 million split between the operating and capital budgets, and has asked the city and state to divide the sum evenly. I agree that finding the dollars to pay for these improvements is critical, but also believe that a clear accounting of what monies are already in the pipeline that could be directed to these critical needs is a reasonable first step. In a recent study, the Citizens Budget Commission found that critical infrastructure projects could be funded by redirecting or delaying longer-term system expansions. Given the crisis we now face, that seems a reasonable step.

The state also needs to stop redirecting funds away from the MTA. The MTA has various direct revenue streams such as the payroll tax that are supposed to be reserved for MTA use, but since 2011, the state has diverted \$456 million in operating funding away from the MTA to non-MTA purposes. Governor Cuomo claims that this isn’t a diversion because of increased revenue from dedicated sources, but a reduction in other funding is still a reduction, and the consequences of this underinvestment in the MTA are now clear to all. There also needs to be more transparency about what monies may already be available, as there is undoubtedly capital funding that has not been spent because of project delays or because the release of the funds for specific projects has not been approved. All these resources need to be on the table to address the current crisis.

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And I will be clear – the MTA is a state agency and a state responsibility. Yes, the city should and does devote significant funding to the MTA; city residents already shoulder the bulk of operating expenses through their city and state taxes, subway and bus fares, and several other dedicated taxes and fees such as taxi surcharges. But it is the Governor who has the most direct control over MTA policy. The Governor appoints the MTA Chair. The Governor appoints most board members. And the Governor takes credit for popular new projects like the Second Avenue Subway. But if you get to take credit you also have to take responsibility – a reality that I am pleased to see the Governor seems to be belatedly recognizing.

The success of our public transportation system is critical to the economic success of the New York City region, which in turn is critical to the well-being of all New Yorkers across the state. The city and the state both need to be part of the solution, and the state legislature also needs to be willing to explore additional funding mechanisms such as congestion pricing to ensure the long-term stability of the system. Chair Lhotta has called for \$800 million in additional funding for the next year, but says an additional \$8 billion will be needed before 2020. All parties will need to step up with ideas about how to meet this need, and work with the new MTA leadership to ensure that we direct funding in the most effective way to pull the system out of crisis.

I'll end with a hopeful note – this is not the first time our subway system has been in crisis. In the late 70's and early 80's conditions were demonstrably worse than they are now, but under the leadership of Richard Ravitch and with the support of elected officials at all levels of government, the system experienced a renaissance. It is all our jobs to learn from and repeat that history.

POLICY SPOTLIGHT

E-cigarettes

I am happy to report that last month Governor Cuomo signed legislation (S750/A611) prohibiting e-cigarettes on school grounds. The use of electronic cigarettes (e-cigarettes), also known as “vaping,” is a growing trend, especially among younger New Yorkers. While these devices do not contain tobacco or emit smoke, they do contain highly addictive nicotine and other chemicals. In fact, testing performed by the FDA found that electronic cigarettes are very dangerous because users inhale carcinogens and toxic chemicals, such as diethylene glycol, an ingredient found in antifreeze. Recent studies have also shown that secondhand smoke from e-cigarettes contains elevated levels, at nearly four times higher than that of regular cigarettes, of toxic metals such as nickel and chromium.

Here are some statistics about teen smoking that illustrate why this new law is crucial to deter students from smoking:

- The use of e-cigarettes by students is rising rapidly. E-cigarette use among teens tripled in just one year.
- Kids are not substituting e-cigarettes for cigarettes. In fact, more than half of high school students who smoke cigarettes ALSO use e-cigarettes.
- E-cigarette use among high school students (10.5%) is nearly twice that of adults over the age of 25. (5.7%).

As we know, tobacco is a deadly addiction that harms users and non-users. According to the American Cancer Society's Cancer Action Network, smoking kills 28,200 New York State residents each year. While that fact is alarming, it is also disturbing that each year over 10,600 of our state's kids become new smokers.

I also cosponsored legislation that passed both houses of the legislature to add e-cigarettes to the Clean Indoor Air Act (S 2543-A/A 516-A), which would ban vaping inside places such as bars, restaurants, childcare facilities, college dorms (both public and private), hospitals, indoor arenas, zoos, and bingo parlors. While that bill has not yet reached the Governor's desk, I am hopeful that the Governor will also sign this important legislation. Combatting tobacco use, especially among young people remains challenging and it is important that our state recognize that addressing e-cigarettes must be a part of such efforts.

Hudson River Cleanup

Last month I joined Assemblywoman Carrie Woerner and 40 of our legislative colleagues in writing to EPA Region 2 Director Gary Klawinski, calling on the EPA to revise their recent five-year review of the Hudson River PCB Superfund Site cleanup to mandate more dredging by GE in the Upper Hudson and more investigation of remediation effects in the Lower Hudson.

From 2009 to 2015, General Electric funded dredging along a 40-mile section of the Upper Hudson River above the Troy dam, with the goal of remediating the damage caused by decades of dumping toxic PCBs into the river. This was done in accordance with a Record of Decision from the EPA to which GE agreed in 2002 after decades of resistance. 200 miles of the Hudson River, from Hudson Falls to the tip of Manhattan, is classified by the EPA as a Superfund Site - the largest in the US.

On June 1st, the EPA issued a Five-Year Review in which it determined that, although PCB levels are not yet protective of human health, no further remediation is required beyond natural attenuation. However, natural attenuation will require at least 50 years before it will be safe to eat fish from the river once a week, and two other federal agencies, NOAA and USFWS, have issued findings suggesting it will take much longer.

GE's toxic legacy on the Hudson continues to be an albatross around the neck of communities all along the river. The cultural, recreational, environmental, and economic benefits of the river for New Yorkers and visitors have been held in check for decades, and now the EPA is saying we'll have to wait at least another fifty years before it can be considered safe. This is completely unacceptable. GE made this mess, and the EPA must hold their feet to the fire until the river is clean.

COMMUNITY SPOTLIGHT

Forum on a New York Constitutional Convention on September 14th:

On Thursday, September 14th, I am co-hosting an event with the Lexington Democratic Club titled “Forum on a New York Constitutional Convention: Opportunity or Threat?” This year’s November 7th election will include a proposal on whether or not New York State should hold a Constitutional Convention to review potential amendments to the State Constitution. This forum will offer an opportunity to hear from both supporters and opponents of the proposal for a convention. Speakers will include:

- Evan Davis, Partner, Clearly Gottlieb
- Adriene Holder, Attorney in Charge, Civil Practice, Legal Aid Society of NYC
- Jordan Marks, New Yorkers Against Corruption
- Bill Samuels, President, EffectiveNY

The event will take place at All Souls Church, 1157 Lexington Avenue at 80th Street, from 6:00 to 8:00 p.m. To RSVP, go to <http://tinyurl.com/ConConForum> or call my office at (212) 490-9535.

Medicare Information Session on September 28th:

On Thursday, September 28th, I am hosting an event titled “Medicare Information for New Enrollees and Experienced Users.” Michelle Berney from the NYC Department for the Aging’s Health Insurance Information Counseling and Assistance (HIICAP) Program and a representative from Medicare Rights Center will present. The event will take place from 3:00 p.m to 5:00 p.m. at Bellevue Hospital, 462 First Avenue at 27th Street, in the Rose Room, 12th Floor. To RSVP, go to <http://tinyurl.com/MedicareInfoSession> or call my office at (212) 490-9535.

Mental Wellness: A Forum on Healthy Aging:

Last month I joined Weill Cornell Medicine and New York-Presbyterian in hosting an event titled “Mental Wellness: A Forum on Healthy Aging.” Mental illness is prevalent in older adults, but it does not have to be part of the normal aging process. Identifying ways to keep older adults mentally well is critically important, and includes connecting individuals to care when needed. Speakers included Mark Lachs, MD, MPH, Director of Geriatrics NewYork-Presbyterian, Jo Anne Sirey, PhD, Professor of Psychology in Psychiatry, Weill Cornell Medicine and Stacy Torres, PhD, Assistant Professor of Sociology University of Albany.

A video of the event is available at <https://www.youtube.com/watch?v=a4bj1VBRM8&feature=youtu.be>.

Assistance with Rent Increase and Property Tax Exemption Programs:

Through August 11th, the Department of Finance will be providing one-on-one assistance for various programs—including the Senior Citizen Homeowner Exemption (SCHE), Disabled Homeowner Exemption (DHE), Senior Citizen Rent Increase Exemption (SCRIE), and Disability Rent Increase Exemption (DRIE). Residents can sit down with DOF staff to get the help they need.

If you are interested, you are encouraged to make an appointment by calling 212-291-HOME (4663). (Appointments are recommended but not required.) The assistance is available at the Manhattan Business Center, 66 John Street, 2nd Floor Monday – Friday from 8:30 a.m. to 4:30 p.m.

For more information, please visit <http://www1.nyc.gov/site/finance/about/contact-us-assistance-centers.page>.

Free Housing Legal Clinics:

Trinity Church is partnering with Housing Court Answers and Mobilization for Justice (formerly MFY Legal Services) to provide free workshops for New York City residents without legal representation in housing court. These free workshops will cover topics such as termination hearings, getting repairs, rent regulations

and more. Pro-bono legal advice will be also be available on certain dates. The clinics will take place Mondays through August 28th form 3-5 p.m. at the Trinity Parish Center, 2 Rector Street. Upcoming topics include:

August 7 | Rental Arrears Assistance programs

August 14 | Holdover Cases*

August 21 | Housing Court Stipulations and orders to show cause

August 28 | Rent Stabilized Tenants' Rights*

*Attorney will be available for questions

For more information contact Andrew Kumfer at AKumfer@trinitywallstreet.org. No RSVP Required.

Tenant Association Leadership Training:

This fall, Tenants & Neighbors is offering the 2017 Tenant Association Leadership Program (TALP). The goal of the TALP is to build a strong, diverse, and powerful tenant movement. This program will include an orientation and bi-weekly (3) Saturday sessions over the course of five weeks featuring a leadership training curriculum tailored specifically to current tenant association presidents and officers. Sessions will include workshops on developing bylaws, fundraising, public speaking, meeting facilitation, conflict resolution, leadership, engaging the community and expanding your membership base.

The program begins in October with an orientation on Wednesday, October 11, 2017. This program is free! (Complete schedule is listed on the application). If you are interested in joining the program, please print out the application in the link below and mail to the address below. Deadline for applications is September 6, 2017.

The application is available at

<https://tandn.org/wp-content/plugins/civicrm/civicrm/extern/url.php?u=157&qid=25453>.

Mail the completed application to:

Delsenia Glover

TALP Director

Tenants & Neighbors

255 West 36th Street, Room 505

New York, NY 10018

If you have questions email Dglover@tandn.org or call 212-608-4320 ext. 308.

Upper East Side Indivisible Meetings:

For those who are interested in getting involved in efforts to resist the Trump agenda, one local option is Indivisible Upper East Side. They hold monthly meetings second Thursdays at 7:30pm at All Souls Church, 1157 Lexington Ave (at 80th St.), Basement Gallery Room. For more information, visit <https://www.indivisible-ues.org/>

Free Civics Classes for Green Card Holders:

The New-York Historical Society offers FREE classes for permanent residents to prepare for the United States Citizenship and Immigration Services (USCIS) naturalization exam. The 33-hour interactive program covers all 100 questions and includes preparation for the naturalization interview. For more information, visit: <http://www.nyhistory.org/education/citizenship-project>

The dates for remaining courses are:

August 12 – September 9
Saturdays, 8:30 am – 5 pm

September 6 – October 4
Wednesdays and Fridays, 9 am – 1 pm

All applicants must attend a mandatory information session before registering for classes.

New Business Recycling Rules:

As of August 1st, the New York City Department of Sanitation is now enforcing recycling requirements for businesses. All businesses in New York City are required to recycle certain materials and ensure to their best ability that those recyclable materials are properly handled by their private carter. Visit on.nyc.gov/business-recycling for a description of the new recycling requirements and tips on how to comply. Violations of these recycling rules can be reported to 311.

Medicaid Inspector General Integrity Program:

The New York State Office of the Medicaid Inspector General (OMIG) is charged with protecting the integrity of the Medicaid program by preventing and detecting fraudulent, abusive, and wasteful practices.

Healthcare fraud is not a victimless crime. Not only does it drain taxpayer funds, but it can jeopardize the health of recipients in ways they may not even be aware of. For instance, if a Medicaid number is improperly shared, someone else's medical information could be placed in the recipient's health record and lead to treatment mistakes or denial of care if the same treatment is needed but was already paid for.

Recipients may not be aware that they are being used by an unscrupulous provider or by someone who is trying to gain access to their Medicaid ID number. Similarly, providers may not realize that a recipient is doctor or pharmacy shopping to support an addiction to prescription drugs.

OMIG has several brochures and posters that you can access from their website at <https://omig.ny.gov/information/publications>, including:

- Reporting Medicaid Fraud in New York State
- Protecting Your Medicaid Care and Number

· **Blow the Whistle on Medicaid Fraud**

All the publications are available in English, Chinese, Russian, and Spanish.

The website also contains a recipient information page detailing examples of fraud and abuse and how to report it, as well as a provider page containing information for Medicaid providers.

Spam and Medicare Scam Calls:

I have been contacted by constituents who have concerns about the volume of spam calls they receive. If this is your experience as well, you can register your mobile or home phone at no charge with the National Do Not Call Registry. To register your phone number, you can either do so online at: <https://www.donotcall.gov/register/reg.aspx> or you can call 1-888-382-1222 from the phone you want to register (TTY: 1-866-290-4236). If you continue to receive spam sales calls once your phone number has been on the registry for 31 days, you can file a complaint with the Federal Trade Commission at: <https://complaints.donotcall.gov/complaint/complaintcheck.aspx> or by calling 1-888-382-1222.

I have also been contacted about a Medicare scam. A facility called The Pain Center first sends postcards stating that the recipient has been approved by Medicare to receive a back support system that is clinically tested and non-invasive. The postcard lists a phone number, a release code, and claim deadline. Following receipt of the postcard, a representative calls to ask whether you are interested in ordering the back support system and asks for your information. This is a scam. Please do not respond to the card, agree to receive the back support system, or provide your identifying or payment information. If you are contacted by The Pain Center, you can report this Medicare scam by contacting The New York Senior Medicare Patrol at 1-877-678-4697. You may be prompted to leave a message, but you will receive a call back.

Mail Theft on the Upper East Side:

The NYPD 19th Precinct has issued a warning that "Mailbox Fishing" and "Check Washing" has been occurring in the confines of the 19th Precinct Upper East Side and throughout the city.

Mailbox fishing is a crime in which a perpetrator attaches a sticky object (glue mouse trap, bottle with glue on it, etc) to a string and then drops it into a blue United States Postal Service mailbox and fishes out mail. The perpetrator then gets off with money and checks. The checks are erased using acetone (nail polish remover) and made into larger denominations and then cashed by the perpetrator.

It is strongly recommended that you drop off all mail, especially mail with checks, cash or gift cards, directly at post office and avoid using the blue mailboxes for mail with value.

Below is a list of locations in the confines of the 19th Precinct that have had suspicious activity or thefts:

- East 64th Street and Park Avenue
- East 69 Street and 5th Avenue
- East 75 Street and 2nd Avenue
- East 86th Street and Park Avenue
- East 91 Street and Madison Avenue
- East 93 Street and 2nd Avenue

East 95th Street and 5th Avenue

If you notice anyone lingering around any mailbox generally in the evening hours and overnight, or notice any fishing paraphernalia (sticky traps, string, bottles) in or around the mailbox please call 911 to alert the police.

There have also been thefts of mail persons' key rings which open these blue USPS mailboxes.

Con Edison Scam Targeting Small Businesses:

In recent weeks reports of a Con Edison phone scam targeting small businesses has been detected. Someone calls claiming to be from Con Edison. Your caller ID may even display Con Edison's name. The caller tells you that your bill is past due and that your services will be shut off immediately if you do not submit a payment over the phone. THIS IS A SCAM and you should hang up! Utility companies DO NOT shut off services over the phone. Review a recent bill and call customer service to verify your current bill status.

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: call [212-218-0503 ext. 6](tel:212-218-0503) for assistance in applying or recertifying for the Senior Citizens Rent Increase Exemption (SCRIE) program. The SCRIE clinic is open to tenants city-wide. Please note that due to the volume of calls, it sometimes takes up to two weeks for staff to respond to messages.
- Eviction Prevention: Walk-in clinic, every 2nd and 4th Monday of the month, from 10am to 1pm at 331 East 70th Street, for tenants who live, work, or go to school on Manhattan's East Side above 59th Street and on Roosevelt Island.
- 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](tel:212-218-0503).
- Health Care Access/Medicare/Medicaid: call [212-218-0503 ext 3](tel:212-218-0503). 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](tel:212-218-0432). Assistance with finding and enrolling in an affordable health insurance plan.

Affordable Housing Opportunities in Manhattan:

2211 THIRD AVENUE is now accepting applications for 22 affordable studio, 1- and 2- bedroom apartments newly constructed at 2211 Third Avenue in the East Harlem neighborhood in Manhattan. Rents for these apartments range from \$913 to \$1,183 depending on unit size. To be eligible, applicants must have incomes between \$33,189 and \$57,240 depending on unit and family size. Preference will be given to Community Board 11 residents for 50% of units, mobility-impaired persons for 5% of units, visual- and/or hearing-impaired persons for 2% of units, and City of New York

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/344.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: 2211 THIRD AVENUE, c/o Housing Partnership Development Corporation, 242 West 36th Street, 3FL, New York, NY 10018.

Completed applications must be submitted online or returned by regular mail only to the post office box that will be listed on the application. Applications must be submitted online or postmarked by September 12, 2017. 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:

- August 8, 9 - 10:30 am, 92 Street & Lexington Avenue – Bus
- August 8, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
- August 8, 1:30 - 2:30 pm, 68 Street & Lexington Avenue – Bus
- August 16, 11 am - 1 pm, 79 Street & York Avenue – Bus
- August 16, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
- August 16, 9 - 10:30 am, 92 Street & Lexington Avenue – Bus
- August 17, 8:30 - 10:30 am, 47 Street & 2 Avenue – Van
- August 17, 1:30 - 3:30 pm, 28 Street & 2 Avenue – Van
- August 17, 9 - 10:30 am, 79 Street & 3 Avenue – Bus
- August 22, 9 - 10:30 am, 92 Street & Lexington Avenue – Bus
- August 22, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
- August 22, 1:30 - 2:30 pm, 68 Street & Lexington Avenue – Bus
- September 1, 9 - 10 am, 57 Street and 1 Avenue – Van
- September 1, 10:30 - 11:30 am, 57 Street and 3 Avenue – Van
- September 1, 12:30 - 2:30 pm, 68 Street and 1 Avenue – Van
- September 6, 9 - 10:30 am, 79 Street & 3 Avenue – Bus
- September 6, 11 am - 1 pm, 79 Street & York Avenue – Bus
- September 6, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
- September 7, 7 – 9 am, 91 Street and York Avenue - Van
- September 7, 8:30 - 10:30 am, 47 Street & 2 Avenue – Van
- September 7, 1:30 - 3:30 pm, 28 Street & 2 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.