

Liz Krueger

New York State Senate | 28th District



February 2014

Message from Liz...

The Senate Majority Coalition recently released a report on “regulatory reform” that purports to identify “2,219 specific rules, regulations and practices that put New York’s businesses at a competitive disadvantage.” The breadth of the allegedly burdensome regulations discussed in this report is mindboggling, and I am deeply concerned that this could be the opening salvo in an attack on a wide range of critical protections for the environment, worker safety, tenants’ rights, and public health.

Earlier this month, I convened a coalition of environmental, health, and labor groups for a discussion of some of the more damaging proposals in this report. A few of the items of greatest concern were:

- Weakening the requirements of the State Environmental Quality Review Act (SEQRA) which provides for evaluation and mitigation of the environmental impacts of large scale projects;
- Repealing the Diesel Emissions Retrofit Act, which was passed with bipartisan support in 2006 to address public health concerns over diesel fuel emissions;
- Weakening regulation of pesticides;
- Ending the requirement that insurance companies cover mammograms for women between 40 and 50 years of age;
- Eliminating recently-enacted wage reporting requirements that help ensure workers are being paid a legal wage;
- Repealing retail cigarette taxes;
- Eliminating the Tenant Protection Unit within NYS Homes & Community Renewal (HCR) and reversing recently-enacted HCR regulations to that close loopholes in rent regulation laws (see the policy spotlight below for more on these regulations).

I would agree with the authors of this report that there are regulations that need to be modernized or reevaluated in the current context. In fact the report even includes among its recommendations legislation I carry to repeal an outdated publication requirement for the organizers of Limited Liability Companies (LLCs). But unfortunately the report does no analysis of the reasons these regulations were proposed in the first place.

What’s Inside

Message from Liz	1
Community Update	3
- Community Update	
- Roundtable for Boomers and Seniors	
- Forum on Development South of Central Park	
- Pedestrian and Traffic Safety Town Hall	
- Town Hall on Fire Safety in High Rise Buildings	
- Pledge 2 Protect Community Meeting	
- Child Health Plus Expansion Provides Access to At-Home Clotting Factor	
- Lenox Hill Neighborhood House Monthly Workshops	
- Opting Out From Data Broker Services	
- Free Tax Preparation Assistance	
- Affordable Housing Opportunities in Manhattan	
- Metrocard Bus and Van Schedule	
- Heat Season Rules	
Spotlight on Policy	8
- Strengthening Tenant Protections	

Earlier this week the majority coalition moved a series of regulatory reform bills through committee that would create costly new mandates on agencies by creating duplicative new procedures that mirror existing practices under the State Administrative Procedures Act. One of these bills would even require the governor to go find 1,000 regulations and repeal them – literally, the bill picks an arbitrary number!

As one of the participants in our discussion put it, such proposals are what you get when lawmakers don't know the law. As the Majority Coalition continues to bring these proposals forward over the course of the legislative session, I will be working to ensure my colleagues are educated as to why preserving our core environmental, labor, health and tenant regulations is so important.

COMMUNITY SPOTLIGHT

Senator Liz Krueger's Roundtable for Boomers & Seniors:

Senator Liz Krueger's Roundtable for Boomers & Seniors provides an opportunity for constituents to come together to explore life issues that are relevant across the age span. At each session, attendees hear from and engage with professionals who are knowledgeable on topics that are of concern to the growing population of older adults in New York City. Over five sessions in five months, the roundtable looks at a specific issue from five unique perspectives. Past programs have addressed issues surrounding financial issues for older adults, caregiving, and employment. Last year, we examined longevity and its impact on society. This year's topic, How We Age, will look at issues around how we age physically, mentally, emotionally, creatively, and socially.

The next roundtable will take place on Thursday, February 20th from 8:30 to 10:00 a.m. at Lenox Hill Neighborhood House, 331 East 70th Street. It will focus on aging in the workplace. Call [212-490-9535](tel:212-490-9535) or email anrielle.georgenyc@gmail.com to RSVP.

Forum on Development South of Central Park:

On Wednesday, February 19th at 6:00 PM, Community Board 5 is hosting a Forum on the impacts of development in the area South of Central Park that I and other elected officials are cosponsoring. The event will offer an opportunity to discuss the effects of new high-rise buildings in this area on light and shadows in Central Park, existing landmarks, and transportation and other infrastructure. Panelists include former New York Times reporter and columnist Warren St. John; Gary Barnett, President of Extell Development; Margaret Newman, Executive Director of the Municipal Arts Society; and architect and urban planner Michael Kwartler. The forum will take place at the Museum of Art and Design Theatre at 2 Columbus Circle.

Pedestrian and Traffic Safety Town Hall:

My West Side colleague Sen. Brad Hoylman is sponsoring "Counting Down to 'Vision Zero'," a town hall on pedestrian and traffic safety. The town hall will be held Tuesday, February 25th, from 6pm to 8pm at the John Jay College of Criminal Justice (524 W. 59th St., 6th Floor), and will feature representatives from the Mayor's office, DOT, NYPD, Transportation Alternatives, and CHEKPEDS who will present on the mayor's new street safety plan. Space will be limited, so please RSVP if you'd like to attend! Call 212-633-8052, email hoylman@nysenate.gov.

Town Hall on Fire Safety in High Rise Buildings:

I am cosponsoring a town hall on fire safety in high rises organized by Councilmember Corey Johnson, which will take place at the School of Visual Arts Theater at 333 West 23rd Street on Thursday, February 27th, 2014 at 7pm; doors will open at 6:30. As you may know there was a recent high rise fire on the West Side that resulted in one death and one

serious injury, and this event will provide information on what to do if there is a fire in a high rise. The FDNY safety division will present to the community on safety measures and protocol to be aware of in case of a fire.

Pledge 2 Protect Community Meeting:

Pledge 2 Protect, the community coalition opposing the East 91st St. Marine Transfer Station, will host a community meeting on the dangers of the planned station and how members of the community can still act to oppose it.

- When: Wednesday, February 12th, 6:30pm – 8:00pm
- Location: Church of the Holy Trinity, 316 E 88th St. (b/w 1st and 2nd Avenues)

For more information or to download a flyer, visit: www.pledge2protectnyc.org.

Child Health Plus Expansion Provides Access to At-Home Clotting Factor:

Last year the legislature passed legislation adding coverage of outpatient (at-home) clotting factor to the New York Child Health Plus program for children suffering from blood disorders. Under the new law, coverage is set to begin April 1, 2014. This means children with bleeding disorders enrolled in the Child Health Plus program will be able to receive clotting factor for at home use after 4/1/14.

Having at home access to clotting factor is especially vital for children on prophylactic (preventative) therapy because they treat 2-3 times a week, and will no longer be required to go to hospital for each treatment. Additionally, families on Medicaid with children suffering from bleeding disorders can now earn more money and still qualify for coverage, as the CHP program has higher income limits than Medicaid.

Families who think they may be eligible for Child Health Plus should consult their local center or patient association before enrolling. A list of centers is available at <http://nysbdcoalition.org/htcs.php>.

Lenox Hill Neighborhood House Monthly Workshops:

The Legal Advocacy and Organizing Project at Lenox Hill Neighborhood House is sponsoring monthly workshops on a variety of issues. The February workshops will focus on SNAP benefits (Food Stamps) and the topic for the March workshops will be Medicare HMOs and Supplemental Plans. Dates for the workshops are as follows:

Medicare HMOs and Supplemental Plans:

Monday, March 3, 11 a.m. to Noon at the Senior Center at St Peter's Church, 619 Lexington Avenue at 54th Street.

Thursday, March 6, 10:00 to 11:00 a.m. at the Center at Lenox Hill Neighborhood House, 343 East 70th Street.

Opting Out From Data Broker Services:

Data brokers collect and sell information on individuals, and there are many legitimate privacy concerns about these providers. Pro Publica, a public interest website, has published information on these services, and how you can opt out of having your data made available through them. For more information, visit <http://www.propublica.org/article/privacy-tools-opting-out-from-data-brokers>. This page also has links to other resources for protecting your privacy and your security on the internet.

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. AARP is sponsoring a number of locations on the East Side, and there are no age or income restrictions to receive this assistance. Here are some sites in the 28th Senate District where you can get free assistance with your taxes:

58th Street Library, 127 East 58th Street

Telephone: 212-759-7358

Site Hours: Wednesday 11:00am to 3:00pm and Saturday, 10:30am-2:30pm

67th Street Library, 328 East 67th Street

Telephone: 212-734-1717

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

96th Street Library, 328 East 67th Street

Telephone: 212-289-0908

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

Community Church of New York, 40 East 35th Street

Telephone: 212-683-4988

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

Lenox Hill Neighborhood House, 331 East 70th Street

Telephone: 212-744-5022

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

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

Telephone: 646-315-7703

Site Hours: Wednesday, 9:30am-2:30pm.

Stanley Isaacs Neighborhood Center, 415 East 93rd Street

Telephone: 212-360-7620

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

Stein Senior Center, 204415 East 23rd Street
Telephone: 646-395-8083
Site Hours: Thursday, 9:30am-2:30pm

Webster Branch Library, 1465 York Avenue
Telephone: 212-288-5049
Site Hours: Monday, 11:30am-3:00pm

Affordable Housing Opportunities in Manhattan:

Alphabet Plaza is now accepting applications for 30 affordable studio, 1-, 2- and 3-bedroom apartments under construction at 310 East 2nd Street on the Lower East Side neighborhood in Manhattan. Rents for these apartments range from \$847 to \$1263 depending on unit size. To be eligible, applicants must have incomes between \$30,960 and \$59,820, depending on unit and family size. Preference will be given to Community Board 3 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.

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 and stamped envelope with .66 cents Postage to: Alphabet Plaza Apartments, c/o Housing Partnership Development Corporation, 242 West 3 6th Street, 3rd Floor, New York, NY 10018.

Completed applications must be submitted online or returned by regular mail only the post office box that will be listed on the application. Applications must be submitted online or postmarked by February 18, 2014. Applicants who submit more than one application will 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:

- February 11, 10:30 am, 92 Street & Lexington Avenue – Bus
- February 11, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
- February 11, 1:30 - 2:30 pm, 68 Street & Lexington Avenue – Bus

- February 19, 9 - 10:30 am, 79 Street & 3 Avenue – Bus
- February 19, 11 am - 1 pm, 79 Street & York Avenue – Bus
- February 19, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
- February 20, 8:30 - 10:30 am, 47 Street & 2 Avenue – Van
- February 20, 1:30 - 3:30 pm, 28 Street & 2 Avenue – Van
- February 25, 10:30 am, 92 Street & Lexington Avenue – Bus
- February 25, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
- February 25, 1:30 - 2:30 pm, 68 Street & Lexington Avenue – Bus
- March 4, 9 - 10:30 am, 79 Street & 3 Avenue – Bus
- March 4, 11 am - 1 pm, 79 Street & York Avenue – Bus
- March 4, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
- March 5, 9 - 10:30 am, 79 Street & 3 Avenue – Bus
- March 5, 11 am - 1 pm, 79 Street & York Avenue – Bus
- March 5, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
- March 6, 9 - 10 am, 57 Street and 1 Avenue – Van
- March 6, 10:30 - 11:30 am, 57 Street and 3 Avenue – Van
- March 6, 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>.

Heat Season Rules:

The City Housing Maintenance Code and State Multiple Dwelling Law require building owners to provide heat and hot water to all tenants. Building owners are required to provide hot water 365 days a year at a constant minimum temperature of 120 degrees Fahrenheit.

Between October 1st and May 31st, a period designated as “Heat Season”, building owners are also required to provide tenants with heat under the following conditions:

- Between the hours of 6AM and 10PM, if the outside temperature falls below 55 degrees, the inside temperature is required to be at least 68 degrees Fahrenheit.
- Between the hours of 10PM and 6AM, if the temperature outside falls below 40 degrees, the inside temperature is required to be at least 55 degrees Fahrenheit.

Tenants who are cold in their apartments should first attempt to notify the building owner, managing agent or superintendent. If heat is not restored, the tenant should call the City’s Citizen Service Center at 311. For the hearing-impaired, the TTY number is [\(212\) 504-4115](tel:2125044115). The Center is open 24 hours a day, seven days a week.

POLICY SPOTLIGHT

Primary Elections

Last month NYS Homes & Community Renewal issued strong regulations that amend key loopholes in the rent stabilization code. This is an important shift in regulatory policy that will slow the further loss of affordable housing and the displacement of low and moderate income people from their communities by limiting the ability for unscrupulous landlords to violate the rent laws. The amendments to the rules and regulations should greatly help protect tenants by mandating greater transparency from landlords, clarifying questions about rent setting, and expanding tenants' ability to challenge rents they believe to be unlawfully high.

This set of regulatory changes:

- Curtails Major Capital Improvement increases when there are immediately hazardous violations;
- Prevents landlords from attempting to use the loopholes in high-income/high rent deregulation laws to deregulate the apartments of low-income elderly and disabled tenants;
- Provides tenants with information they need to determine if they are being overcharged and/or if their apartment was illegally deregulated;
- Makes it more difficult for landlords to inflate the cost of Individual Apartment Improvements;
- Increases penalties for landlords' failure to register rents;
- Expands the circumstances when HCR can look back more than four years to determine whether a rent overcharge has occurred; and
- Increases reporting requirements for preferential rents.
- The implementation of these regulations will begin to restore fairness to the enforcement of the rent laws, repeal several of the damaging regulations implemented in previous decades, and help prevent some of the most rampant violations of the rent regulation system.

While it's not perfect, New York State's rent-regulation system is by far our largest and most important affordable housing program. It enables close to two million people, the vast, overwhelming majority of whom are moderate- or low-income, to live in safe and affordable housing. The continuation and improvement of the rent regulation system is essential to our efforts to keep hardworking residents in New York and to ensure the maintenance of healthy and stable communities. Rent regulation helps to counteract the destabilizing effects of the acute housing shortages and abnormal market conditions in New York City, where the vacancy rate for rental housing is less than three percent, and the surrounding suburbs, where the vacancy rate remains below five percent. If we truly want to maintain the economic vitality and diversity of our state, we must do all we can to ensure an effective rent regulation system.

Unfortunately, the strength of our state's rent regulation system was significantly undermined over the last two decades by the erosion of the laws and regulations governing

it. The weakening of these laws and regulations made it much easier for irresponsible landlords to take advantage of loopholes to evict regulated tenants, fraudulently increase rents, harass tenants, and illegally deregulate apartments. These loopholes have already led to the loss of more than 300,000 rent regulated, affordable apartments in New York City and the surrounding counties since 1994. Unless the laws and regulations governing rent and eviction protections are significantly strengthened, we will likely lose hundreds of thousands of additional affordable homes during the next decade.

Many of the most harmful changes to New York's rent regulation system, such as the creation of vacancy and high-rent decontrol, were the result of legislative action, and therefore outside of the control of DHCR. However, there is no question that the extensive changes DHCR made to the rules and regulations governing rent regulation in 2000, 2003, and 2005 also substantially undermined the protection of rent regulated housing and tenants' rights. In 2000 alone, DHCR approved over 150 pages of dramatic changes to the regulations which made it significantly easier for landlords to increase rents and deregulate apartments, and created numerous hurdles for tenants to fight rent overcharges, landlord harassment, and improper deregulation proceedings. These changes included: eliminating most penalties for landlords who fail to register their apartments annually, reducing the types of conditions eligible for redress through reduction-in-service complaints, preventing tenants from using older rents as part of an overcharge complaint, and making it easier for tenants to waive their rights under the rent laws.

The newly adopted regulations mark an extremely important new direction for DHCR. They will significantly increase the amount of information available to tenants, and I hope they will begin to reduce the number of rent-regulated apartments improperly lost due to fraud. They are an excellent example of the appropriate use of the regulation process to address a critical need in our state – in this case the need to preserve affordable housing.