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New York State Senate | 28th District



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Message from Liz...

The legislature has returned to Albany, and as I expected, events in Washington are already starting to impact our work at the state level, with the first battleground being healthcare. Congressional Republicans have indicated that the budget reconciliation bill will include language to repeal the Affordable Care Act (ACA) and would also “defund” Planned Parenthood. Should this bill pass it will undermine access to healthcare for New Yorkers and blast a hole in state and local budgets.

Governor Cuomo’s office has done an analysis of the impact of the repeal of the ACA on New York State, and the picture is grim. 2.7 million New Yorkers would be at risk of losing coverage. New York State would lose around \$1 billion dollars in federal Medicaid funding and would have to come up with roughly \$3.7 billion to cover the people who would otherwise lose their Medicaid. In addition, counties would lose nearly \$600 million of direct federal Medicaid funding.

While the ACA is far from perfect, the reality is that it has provided access to health insurance for millions of New Yorkers who had previously been uninsured. The NY State of Health Marketplace has successfully cut the percentage of uninsured New Yorkers in half, from 10 percent to 5 percent. The ACA expanded access to Medicaid, enabling an additional 2 million low-income New Yorkers to obtain health care. The ACA also provides tax credits to over 150,000 lower and middle-income New Yorkers to make health care more affordable. In addition, New York State is one of only two states to take advantage of a federal option to create the Basic Health Plan, which provides low-cost health insurance to 500,000 people with incomes that are low but still too high for Medicaid (ex. \$23,760 a year for an individual). The loss of federal tax credits to individuals and small businesses, and the elimination of the Medicaid expansion and the Basic Health Plan that would occur with repeal of the ACA will result in many of these people losing their insurance, and have dramatically negative impacts on the health of New Yorkers.

I will continue to work with advocates and colleagues to highlight the danger such a repeal represents, but I also believe we as state legislators need to be looking for alternatives to address our state’s healthcare needs, since we cannot rely on federal assistance. I have long been a cosponsor of Assemblymember Gottfried’s and Senator Perkins’ New York Health Act, which would create a single payer system in New York. I believe a federal single payer model would have provided a

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better solution than the Affordable Care Act, and in the current climate it is clearly time for New York State to take the initiative in offering new models for ensuring access to care.

Eliminating federal funding for Planned Parenthood will also significantly damage healthcare delivery in our state and across the nation. Federal funds that go to Planned Parenthood are already restricted to non-abortion healthcare services, so it is particularly disingenuous of those pushing this so-called “funding” ban to tie it to their opposition to a woman’s right to choose. Further, the federal government does not cut a check to Planned Parenthood, but rather reimburses them for the basic, essential health care services that they provide through the Medicaid and family planning programs.

Planned Parenthood provides vital services for women, men, and families throughout New York State. In 2013, Planned Parenthood provided birth control, lifesaving cancer screenings, STD testing and treatment, and other services to 2.8 million patients nationally, and sex education to 1.5 million people. More than 6 in 10 women who receive care at a family planning center consider it their primary or only source of care. One in five women in America will receive care from a Planned Parenthood provider at some point in their lives. In 2013, 1,228,700 women in New York were in need of publicly supported contraceptive services and supplies. Planned Parenthood is an important safety net provider for millions of low to middle-income Americans whose services would be even more needed if millions lose insurance due to repeal of the Affordable Care Act. If federal funding for Planned Parenthood is eliminated, the state will need to step in to ensure that these critical needs are met. Given that in many upstate communities Planned Parenthood is the only clinic providing these services, funding their work is a basic public health issue.

There is still time to mobilize opposition to Congressional action implementing these potentially devastating policies, and I certainly will be working with advocates and colleagues to do that. But it is also clearly time to engage the fight in Albany to make sure that if federal actions threaten the health of New Yorkers, we at the state level respond aggressively with policies that address that threat. This will not be easy, given long-standing opposition to the Affordable Care Act from State Senate Republicans, but with leadership from the Governor, the Assembly, and Senate Democrats, we have the opportunity and ability to fight back.

POLICY SPOTLIGHT

The State of the State

For the last two weeks Governor Cuomo has been travelling the state to unveil his 2017 State of the State proposals. Interestingly, nearly every one of his proposals has already been introduced by members of the Senate Democratic Conference during previous legislative sessions. But just like efforts to protect New Yorkers from disastrous healthcare cuts in Washington, the Governor’s proposals face significant obstacles in the State Senate. This is because although New Yorkers elected a majority of Democratic Senators, Republicans still control the chamber as a result of backroom deals and insider horse-trading.

My Democratic Conference colleagues and I have been proud to advance common sense legislation to improve the lives of all New Yorkers, but these bills have time and again been blocked by Senate

Republicans. That is why I continue to call on all 32 elected Democrats in the State Senate to come together to form the working majority that New Yorkers voted for, so we can pass these important initiatives and help regular working people get a leg up.

Many people have called on Governor Cuomo to step up as the leader of the Democratic Party to help unite all Democratic Senators, but that hasn't happened yet. What this means in real terms is that many of the Governor's 2017 State of the State plans are unlikely to pass, since these proposals have been previously pushed by the Senate Democrats, but blocked by the Senate Republicans.

Here are just a few examples of how my Democratic colleagues and I have already advanced legislation that mirrors Governor Cuomo's State of the State proposals:

- Senate Democrats have led the fight to make a quality higher education affordable to all New York students, and our Higher Education Committee Ranking Member Senator Toby Ann Stavisky has carried a bill to accomplish this goal. Her legislation would also provide for the possibility of free tuition for New York State residents at SUNY, CUNY, and Community Colleges. The Governor has also called for passage of the DREAM Act, carried by Senator Jose Peralta.
- The Governor's call to implement essential election reforms and voter protections is nearly identical to legislation drafted by Democratic Leader Andrea Stewart-Cousins and Deputy Leader Michael Gianaris. Their proposals would establish early voting, same-day voter registration, and much needed protections to ensure every new Yorker's right to vote
- The Governor's new initiative to increase availability for electric vehicle charging stations is very similar to efforts pushed by Senator Kevin Parker, who also has legislation to help incentivize the development of more efficient vehicles, to grow the economy and tackle climate change.
- Efforts to ensure hardworking New Yorkers are not taken advantage of through wage theft have been advanced by Senator Peralta.
- The Governor's proposals to protect our seniors from financial abuse and homelessness are similar to legislation carried by many of my Democratic colleagues.
- The Governor's proposal to Raise the Age of criminal responsibility so that we are no longer throwing children in prison has been carried as legislation by Senator Velmanette Montgomery.

Medical Indemnity Fund

I was extremely pleased that at the end of December, Governor Cuomo signed legislation (S.7873B) reforming the New York State Medical Indemnity Fund, which provides funding for future health care costs associated with birth-related neurological injuries. The Fund was originally established in 2011 as part of an effort to ensure coverage for these severely injured children while reducing the reliance on costly medical malpractice suits.

Enrollees in the Fund are plaintiffs in medical malpractice actions who have received either court-approved settlements or judgments deeming the plaintiffs' neurological impairments to be birth-related. Participation in the Fund is mandatory. Unfortunately, after four years in operation, parents of these children have reported serious issues in getting the Fund to cover needed treatments.

Under the current law and regulations, payment rates for medical and health care services covered by the Fund have been limited. While services provided by private physicians are reimbursed at a

rate of 80% of the usual and customary cost as determined by FAIR Health, Inc. (a not-for-profit corporation established to provide an independent database of information of health care costs), all other services are reimbursed at Medicaid rates. Children in the Fund may already be eligible for Medicaid, in which case this reimbursement benchmark provides no benefit. At the Medicaid rate, families struggle to find providers and often have to pay for care out of pocket. Many children are unable to access the quality of care they need and their families expected they would receive in exchange for being required to relinquish their right to a medical malpractice judgment award or settlement. This legislation remedies that by increasing the reimbursement rates for health care costs from the Fund. It is also important to note that the Fund has adequate resources to meet the needs of these injured children. Recent budgets appropriated over \$50 million for this purpose, and each year this amount is largely unspent.

The children and the families of children who have sustained birth-related neurological injuries due to malpractice deserve to have their future health care costs and services they need paid for by the Fund they are required to participate in. When enacted, it was not anticipated that families would face hurdles or prohibitions on health care costs that are found to be necessary by a treating physician. The provisions of this bill will work to remedy current flaws in the Fund and ensure it functions as originally intended. I am pleased that Governor Cuomo has acted to ensure better access to care for these severely disabled children.

Indigent Criminal Defense

On a much more disturbing note, Governor Cuomo vetoed legislation that would have addressed the current failure of New York State to provide constitutionally required access to criminal defense. The legislation would have established statewide standards for effective counsel and shifted financial responsibility for public defense services from counties to the state. The state had already agreed to do this for five counties as part of a settlement in a lawsuit brought by the New York Civil Liberties Union.

In June, the legislature unanimously passed a bill, (S.8114/A.10706), sponsored by Senator John DeFrancisco and Assembly Member Pat Fahy, that would have empowered the state's Office of Indigent Legal Services – which monitors and assists counties with public defense services – to establish and uphold strong standards to ensure that poor people accused of crimes receive effective legal representation. These included the promise of representation at the first court appearance; limits on the caseloads public defenders can carry; proper training, supervision, and support staff for attorneys; and access to resources needed to mount an effective defense. It would have required the state to fund public defense services and relieve New York's 62 counties of their financial burden over the course of a seven-year phase-in period.

The U.S. Supreme Court ruled in 1963 that the state must provide a competent lawyer to people facing criminal charges who are too poor to hire one. However, New York State passed this responsibility to its counties, creating a situation where defendants' access to counsel is often determined by where they live. Adherence to the requirement to provide counsel is uneven and dependent on a particular county's ability or inability to properly fund the program. Many counties have no system for supervising caseloads or quality, no staffing formula to ensure an appropriate number of public defenders, and no standard ensuring comparable compensation for defenders.

The state has an obligation to ensure equal access to justice, and that requires both mandates and funding be provided by the state for these services. The Governor may have been correct that sections of this legislation were technically flawed and it is a budgetary issue that should be dealt with within the budget. But, by vetoing this legislation, the Governor now must resolve these problems and include fair funding for all counties within his proposed 2017 budget to ensure equal justice exists in New York. I will be working with my colleagues on both side of the aisle to ensure that the reforms outlined in S8114A are addressed as part of the upcoming budget process.

COMMUNITY SPOTLIGHT

Minimum Wage Increase:

On December 31st, 2016, the basic minimum wage in New York City increased to \$11.00 an hour for employers with 11 or more workers and \$10.50 an hour for employers with 10 or fewer workers. Further increases will phase in over the next two years to bring the minimum wage to \$15 an hour by the end of 2018 or 2019, depending on employer size. If you know of any violations of the new minimum wage law, you can file a complaint by calling the New York State Department of Labor at 1-888-4-NYSDOL (1-888-469-7365).

2017-2018 Pre-K Enrollment Period Begins January 17th:

The Pre-K application period for the 2017-18 school year opens on January 17, 2017. The application deadline is February 24, 2017. All New York City families with children born in 2013 are eligible to apply to pre-K for the 2017-2018 school year. This includes children with disabilities and children whose native language is not English.

A list of programs is available in the Pre-K Directory, which is accessible at <http://schools.nyc.gov/ChoicesEnrollment/PreK/Resources/default.htm>. Printed copies will be available at district schools, NYCDOE Pre-K Centers, NYCEECs, Family Welcome Centers, and other locations (e.g. libraries, city agencies, community centers, etc.).

Families can apply to NYCDOE district schools, Pre-K Centers, and full-day NYC Early Education Centers (NYCEECs) using a single application. You can also apply online at www.nyc.gov/prek or over the phone by calling 718-935-2067.

Apply to Join the Community Education Council for District 2:

The Community Education Council District 2 (CECD2) currently has a vacant seat for the remainder of the 2015-2017 term, which ends on June 30, 2017. All interested parents in the District 2 community are encouraged to apply. The person selected to fill the vacancy will serve until the current council term ends on June 30, 2017.

If you are interested, complete the application available at <http://schools.nyc.gov/NR/rdonlyres/8E1892D0-7938-4D19-A691-33076F84EDF7/0/CECVacancyApplication20152017722.pdf> and submit it to cec2@schools.nyc.gov. The application deadline is close of business on January 27, 2017. Because this is to fill a vacancy, the CECD2 will appoint the new member by a vote. The council expects interviews will take place in the evening on February 6, 2017. If you have any

additional questions about the application process or serving on a CEC please send them to cec2@schools.nyc.gov.

This application process is separate from the application to run for the new term that begins on July 1, 2017 for the 2017-2019 term. The candidate selected to fill this vacancy will have to participate in the general CEC election process in order to serve for the 2017-2019 term.

Urban and Community Forest Grants Program:

DEC is providing support and assistance to communities in comprehensive planning, management, and education to create healthy urban and community forests, and enhance the quality of life for urban residents through its Cost Share Grant program.

At least \$2.3 million dollars in grants will be available to municipalities, public benefit corporations, public authorities, school districts and not-for-profit organizations that have a public ownership interest in the property or are acting on behalf of a public property owner. Communities may request from \$11,000 to \$75,000, depending on municipal population.

Eligible project categories include tree inventories and management plans; tree planting and maintenance. Funds are made available from the Environmental Protection Fund and will be managed and allocated by DEC.

Eligible U&CF projects may include any eligible U&CF activity (as described within the application) must be located on non-state land. Applications must indicate if the proposed project complements other federal, state, and/or municipal projects, and how the project will impact environmental, social, and/or economic issues.

Applicants should give appropriate consideration to under-served neighborhoods within their urban areas when selecting sites for projects. For more information on how to apply visit the Grants Gateway website at

https://grantsgateway.ny.gov/IntelliGrants_NYSGG/module/nysgg/goportal.aspx?NavItem1=3.

Citizens Committee for NYC Neighborhood Grants Program:

Have a great idea for a community improvement project? Apply for a Neighborhood Grant from the Citizens Committee for New York City. Grants of up to \$3,000 are available to resident-led groups to work on community and school improvement projects addressing issues that they identify as important to them.

The next grant deadline is January 23, 2017. For a grant application and for more info, contact Imani at 212.822.956 or ibrown@citizensnyc.org.

Applications can be completed online or downloaded from

<http://www.citizensnyc.org/grants/neighborhood-grants>

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.

And, just across the Park on the Westside: Monthly Housing Clinics and Workshops:

Council Member Helen Rosenthal, Goddard Riverside's SRO Law Project, and the Urban Justice Center co-sponsor monthly housing clinics and workshops at the Goddard Riverside Community Center, 593 Columbus Avenue (between 88th and 89th Streets). On the first Wednesday of each month, from 6pm – 8pm, the clinic offers a presentation on a variety of topics, followed by a question and answer session. Each evening, at least one staff attorney will meet with individuals who are seeking specific legal advice.

For questions, contact the Office of Council Member Rosenthal at (212) 873-0282 ext. 206 or Helen@helenrosenthal.com. Sign-up sheet starting at 6pm each evening.

February 1, 2017: "Bad Actor" activity including Harassment, Illegal Hotels & Buyouts

March 1, 2017: Residency Requirements for Rent Regulated Apartments

April 5, 2017: DHCR Overview, including MCIs and IAls

May 3, 2017: DHCR Rent Overcharges and Illegal Deregulation

June 7, 2017: Succession Rights

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.

Burden Center for the Aging, 1484 First Avenue (between 77th & 78th Streets) — 2 pm — second Friday of each month (January 13, February 10). Call Velda Murad at 212-879-7400 for information.

Stanley Isaacs Senior Center, 415 East 93rd Street (east of 1st Avenue) — 10 am — third Friday of each month (January 20, February 17). Call Khristel Simmons at 212-360-7620 ext, 158 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 (January 23, February 27). Call Narobe Arias at 212-581-2910, ext 125 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 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:

- January 10, 9 - 10:30 am, 92 Street & Lexington Avenue – Bus
- January 10, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
- January 10, 1:30 - 2:30 pm, 68 Street & Lexington Avenue – Bus
- January 18, 9 - 10:30 am, 79 Street & 3 Avenue – Bus
- January 18, 11 am - 1 pm, 79 Street & York Avenue – Bus
- January 18, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
- January 19, 8:30 - 10:30 am, 47 Street & 2 Avenue – Van
- January 19, 1:30 - 3:30 pm, 28 Street & 2 Avenue – Van
- January 24, 9 - 10:30 am, 92 Street & Lexington Avenue – Bus
- January 24, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
- January 24, 1:30 - 2:30 pm, 68 Street & Lexington Avenue – Bus
- February 1, 9 - 10:30 am, 79 Street & 3 Avenue – Bus
- February 1, 11 am - 1 pm, 79 Street & York Avenue – Bus
- February 1, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
- February 2, 7 – 9 am, 90 Street and York Avenue - Van
- February 2, 8:30 - 10:30 am, 47 Street & 2 Avenue – Van
- February 2, 1:30 - 3:30 pm, 28 Street & 2 Avenue – Van
- February 3, 9 - 10 am, 57 Street and 1 Avenue – Van
- February 3, 10:30 - 11:30 am, 57 Street and 3 Avenue – Van
- February 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.

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. The Center is open 24 hours a day, seven days a week. Complaints can also be submitted online at <http://www1.nyc.gov/nyc-resources/service/1813/heat-or-hot-water-complaint>.