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New York State Senate | 28th District

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Message from Liz...

The legislative session concluded in June without agreements on a number of the most significant issues we faced, including anti-corruption legislation, campaign finance reform, women's equality legislation, and marijuana law reform. Earlier in the session, the leadership of the Independent Democratic Conference justified their alliance with the Republicans by saying they could create opportunities for progress on these and a host of other issues, including the Dream Act, a moratorium on hydrofracking, and a farmworkers' bill of rights. Not only did none of these pass – none of them came up for a vote.

Instead, what we got at the end of session was legislation authorizing casino gambling and the creation of a new program that would exempt a select group of businesses and developers from state and local taxes, costing taxpayers' money and creating an unfair, uneven playing field for the majority of businesses trying to make it in New York. These were not the issues that I have been hearing about as priorities from my constituents.

Because I was so disappointed at the missed opportunities of this session, I will focus this message on them. In the policy statement at the end of the Community Bulletin, I will review a couple of the other issues we did take action on, for good and for ill.

Women's Equality Act

In his State of the State Address in January, Governor Cuomo proposed the Women's Equality Agenda, a ten-point package of legislation addressing equal pay, reproductive health, human trafficking, protections for victims of domestic violence, and a host of other issues. The Assembly introduced the governor's legislation in early June, but the Senate Majority Coalition refused to introduce the full ten-point package because it included language protecting a woman's right to reproductive choice. In the last days of session, the Assembly passed the full package and the Senate passed nine individual bills – excluding the piece on reproductive health. I continue to strongly support the governor's original ten-point package, and believe it is inexcusable that the Senate Majority Coalition would not even introduce the governor's legislation, let alone allow it to the floor for a vote.

The reproductive health provisions of the package simply update New York's 40-year-old abortion laws to match existing federal law as established by *Roe v. Wade*. This is not a departure from existing federal law – but by clarifying state law, it can clear up legal ambiguities facing doctors and

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hospitals, and guarantee that nothing changes in New York State even if the Supreme Court strips away the federal protections provided by *Roe*. This is a critical protection for women at a time when a conservative Supreme Court majority is radically attacking key progressive protections in other areas – such as the Voting Rights Act – states throughout the nation are passing unconscionable laws that violate federal protections for women’s right to choose, and Congress itself is moving to whittle away abortion rights.

Campaign Finance Reform

During this session, multiple proposals were introduced to reform our campaign finance laws and create a public financing system similar to that used in New York City. One of these bills did pass the Assembly fairly early on, while another, more full-featured one was proposed later in the session by Governor Cuomo. Ultimately, the Senate Majority Coalition Leadership did not bring any of the campaign finance bills to the Senate Floor – not even the one sponsored by its co-leader, Senator Klein.

Governor Cuomo indicated his support for the legislation that passed the Assembly (A4980 / S4705), and called for it to receive a vote in the Senate. This bill, which I cosponsor, would reduce the influence of special interest money on the legislative process by establishing a system of public matching funds for small donations from voters, which would enhance the influence of lawmakers’ constituents rather than lobbyists and trade groups. This legislation would also create a strong new enforcement unit at the Board of Elections, with authority to pursue violations of the campaign finance law both for participants in the matching funds system and those who opt out.

Gov. Cuomo’s own bill, which unfortunately did not gain traction in either house, would have done most of this and also would have lowered New York’s sky-high maximum contribution limits for all candidates. Further, it would have required donations by lobbyists to be identified as such, and would have significantly strengthened penalties for violating campaign finance laws. Right now, penalties are so minimal that there is little incentive to follow even the weak laws we already have.

The failure to act on any of the campaign finance reform proposals – the Assembly’s, Gov. Cuomo’s, or Sen. Klein’s – leaves us facing yet another election season where the voice of the voter can be drowned out by special interest dollars.

Anti-Corruption Legislation

For me the most disheartening aspect of the recent legislative session has been the allegations of rampant corrupt behavior by some of my colleagues. As mentioned above, the Senate Majority Coalition failed to bring campaign finance legislation to the floor, and unfortunately they also failed to allow a vote on Governor Cuomo’s anti-corruption legislation. The governor proposed the Public Trust Act, which would have established a new class of public corruption crimes and expanded the current definitions of public corruption offenses to enable prosecutors to hold accountable those who violate public trust. The law would also have imposed tougher jail sentences on individuals that misuse public funds and permanently bar those convicted of public corruption offenses from holding any elected or civil office, lobbying, contracting, receiving state funding, or doing business with the state, directly or through an organization.

I am disappointed that despite all the arrests and indictments, neither house of the legislature felt it necessary to act on this or any other significant public corruption legislation. I am pleased that the governor has convened a Moreland Commission to investigate patterns of governmental corruption,

given the lack of action on legislation to address this issue. I believe the key goals of this commission should be to document behaviors that lobbyists and those inside government engage in which are morally and ethically bankrupt but remain disturbingly legal, and to work to ensure legislation making these actions explicitly illegal passes next year.

Marijuana Law Reform

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. In the end, these marijuana decriminalization provisions fell out of the budget, and the standalone legislation to address this issue (S3105 / A6716) never came up for a vote in the Senate during the rest of the session.

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 that 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. The consequences of these arrests on individuals are even greater in terms of their impact that a criminal record can have on job prospects.

The Senate also failed to act on legislation authorizing the use of medical marijuana, which passed the Assembly in early June.. Medical marijuana is now legal in 18 states and the District of Columbia. There were enough Senate sponsors to guarantee passage on the floor, but like so many other progressive bills promised a vote by the Majority Coalition, it never came to the floor for a vote.

I have come to believe that it is time to move toward more fundamental reform of our marijuana laws, which is why I am introducing legislation that would tax and regulate marijuana along similar lines to the treatment of alcohol. My legislation is not dissimilar to the models being put into place in the states of Colorado and Washington, and I am hopeful that by broadening the discussion of the failures of our existing treatment of marijuana use, this legislation will help push New York State toward a more rational drug policy.

This session began with tremendous hope in January, when the governor laid out a strong progressive agenda and a numerical majority of Democrats took their seats in the State Senate. Unfortunately, our accomplishments this session were underwhelming, and it is clear to me that this “Majority Coalition” of Republicans plus four or five “independent Democrats” has failed to live up to its promises. Instead of true bipartisanship and bills coming to the floor when they have the support to pass, we have yet more dysfunction, more hiding behind procedure, more concentration of power in a few key legislative leaders, and – most of all – more inaction on the legislation necessary to improve our government and address the needs of all New Yorkers.

COMMUNITY SPOTLIGHT

Midsummer's Night Greenmarket at Union Square on July 17th:

A Midsummer's Night at the Greenmarket, Union Square's 1st Night-Time Farmers Market, will take place on July 17, 2013 from 4:00PM - 8:00PM at Union Square. This event will bring together local restaurants showcasing culinary delights as well as feature live music and fun activities for children. I am joining Manhattan Borough President Scott Stringer and other local elected officials in co-hosting this event. For more information visit www.grownyc.org/nightmarkets.

Update on Liquor License for 583 Park:

I was deeply disappointed by the Senate's passage of legislation that would create a special exemption from provisions of the Alcoholic Beverage Control (ABC) Law for the Rose Group's full-time commercial catering hall at 583 Park Avenue (S. 5823 / A. 7992). Under the provisions of the ABC Law, the catering hall is ineligible for a full liquor license because it is located within 200 feet of an operating house of worship, the Central Presbyterian Church. I spoke and voted against this bill, which passed in the early morning hours of the last day of session.

This legislation was vigorously opposed by both the local community board and the Central Presbyterian Church, which is within 200 feet of the catering establishment. The underlying law was written specifically to put a buffer between places of worship or schools and establishments with full liquor licenses. Moreover, the caterer already unsuccessfully attempted to sue its way out of obeying the law. This bill negates a recent Appellate Division judgment, which the state's highest court has refused to overrule, affirming that the State Liquor Authority (SLA) acted correctly in denying the Rose Group a full liquor license for 583 Park Avenue. 583 Park Avenue did recently secure a partial license for beer and wine, to which the 200 foot rule is inapplicable.

I have been working with the community for many years in opposing the granting of a liquor license for 583 Park, and I am continuing to work with advocates to urge Governor Cuomo to veto this legislation, which is a sweetheart deal to allow one business to get around the law.

CRDC Forum on East Midtown Rezoning:

On July 18th, the Chelsea Reform Democratic Club will hold a public meeting on the proposal to rezone East Midtown, titled "Architectural Carnage and the Death of Community Planning." Expert speakers will include:

- Raju Mann, chair of Community Board 5's Land Use Committee
- Andrea Goldwyn, an executive at the New York Landmarks Conservancy

The program will run from 7:00 pm to 8:00 pm and will be held at the Hudson Guild, 441 West 26th Street, 2nd floor, between 9th and 10th, closer to 10th. To learn more about the East Midtown Rezoning plan and my concerns, read [my testimony](#) from the Multi-Board Task Force's public hearing on the proposal, or take a look at Yale Architecture Dean Robert A.M. Stern's recent [New York Times op-ed](#).

Opposing Efforts to Remove Landmark Status for First Avenue Estates:

In early June, I submitted testimony at the Landmarks Preservation Commission (LPC) opposing the hardship application to remove landmarking status from the City and Suburban Homes Company's First Avenue Estate located at 429 East 64th Street and 430 East 65th Street. The owner of these properties has claimed that due to financial hardship these buildings should be removed from landmarking protections so that they can be demolished and replaced with luxury housing. This hearing was being held as a follow up after the LPC requested additional information from the owner.

I continue to strongly oppose efforts remove landmarking protections from these properties. As I stated in my testimony to the LPC, the owner continues to present dramatically undervalued estimations of expected income as a means to prove an inability to obtain an acceptable return on investment.

The owner claims that after a \$17 million renovation, or \$52,000 per apartment, the average amount that could be charged for monthly rent would be \$1,235 and that the properties would still be burdened by a 10% vacancy rate. The submission of this claim implies that affordable rental units on the Upper East Side are somehow in low demand.

Having represented the Upper East Side and having resided in Manhattan for many years, I find these claims to be wildly unrealistic. In fact, the average vacancy rate on the Upper East Side during the last year was 2.38%, and comparable units in the area average a monthly rent of \$1,500. Simply by adjusting these figures to reflect a reasonable vacancy rate and average expected rent, the applicant would increase their return on investment by 11.7%, nearly double the necessary amount for a hardship determination. Additionally, the applicant has continually adjusted their expected income from individual units throughout the application process from \$600 to \$888 and now \$1,235. This progression further confirms the applicant's lack of credibility.

The application for removing landmark status clearly does not meet the stringent requirements for hardship required under the law, and I strongly urged the LPC to reject the application and preserve these historically significant buildings.

Supporting Landmarking for Tammany Hall:

Last month I also submitted testimony to the LPC in support of the landmarking of Tammany Hall, located at 100-102 East 17th Street. The former Tammany Hall building holds a wealth of architectural, historic, and political significance for our city, and richly deserves both recognition and protection as an official, designated landmark.

Tammany Hall, at 100-102 East 17th Street on Union Square East, was designed by Thompson, Holmes & Converse and Charles B. Meyers. A Colonial Revival structure, it is build of red brick with limestone trim, and is both imposing and aesthetically pleasing.

Tammany Hall's historical legacy is well known. Founded in 1789 as the Tammany Society, the political machine headquartered at Tammany Hall grew to play a major and at times dominant role in the political life of New York City. The Tammany Society was named for Tamanend, a leader of the Lenape Native American people, borrowing from New York's rich Native American history. The Tammany Democratic machine grew particularly instrumental in helping new immigrants rise up in American politics from the 1790s through the 1960s, and in 1928 New York Governor Al Smith, a Tammany hero, became the first Roman

Catholic to win a major party presidential nomination, a key milestone for the predominantly Catholic immigrant populations that had grown throughout the late 19th and early 20th centuries. In 1929 Tammany moved into the newly completed East 17th Street building, the last surviving home of Tammany Hall.

New York City Cooling Centers Now Open:

New York City has now opened cooling centers throughout the city, and they are a great way to stay healthy if you need a cool place to go. You can locate the closes center by calling 311 or visiting http://www.nyc.gov/html/oem/html/hazards/heat_cooling.shtml.

In addition, below are some **tips on protecting yourself from the heat:**

- If possible, stay out of the sun. When in the sun, wear sunscreen (at least SPF 15) and a hat to protect your face and head.
- Use an air conditioner if you have one. Set the thermostat no lower than 78 degrees.
- If you do not have an air conditioner, keep rooms well-ventilated with open windows and fans. Consider going to a public pool, air-conditioned store, mall, movie theater, or cooling center.
- Fans work best at night, when they can bring in cooler air from outside.
- Make a special effort to check on your neighbors during a heat wave, especially if they are seniors, young children, and people with special needs. Many older New Yorkers live alone and could suffer unnecessarily in the heat because they are isolated from friends and family.
- Seniors and others who may be sensitive to extreme heat should contact friends, neighbors, or relatives at least twice a day during a heat wave.
- Drink fluids – particularly water – even if you do not feel thirsty.* Avoid beverages containing alcohol, caffeine, or high amounts of sugar.
- Wear lightweight, light-colored, loose clothing that covers as much of your skin as possible.
- Never leave children, pets, or those who require special care in a parked car during periods of intense summer heat.
- Avoid strenuous activity, especially during the sun’s peak hours – 11 AM to 4 PM. If you must engage in strenuous activity, do it during the coolest part of the day, usually in the morning between 4 AM and 7 AM.
- Cool showers or baths may be helpful, but avoid extreme temperature changes. Never take a shower immediately after becoming overheated – extreme temperature changes may make you ill, nauseated, or dizzy.

*People with heart, kidney or liver disease, or on fluid restricted diets should check with their doctors before increasing fluid intake.

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:

- July 17, 9 - 10:30 am, 79 Street & 3 Avenue – Bus
- July 17, 11 am - 1 pm, 79 Street & York Avenue – Bus
- July 17, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
- July 18, 8:30 - 10:30 am, 47 Street & 2 Avenue – Van
- July 18, 1:30 - 3:30 pm, 28 Street & 2 Avenue – Van
- July 23, 9 - 10:30 am, 92 Street & Lexington Avenue – Bus
- July 23, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
- July 23, 1:30 - 2:30 pm, 69 Street & Lexington Avenue – Bus
- August 1, 7:00-9:00 a.m., 90th Street and York Avenue - Van
- August 1, 8:30 - 10:30 am, 47 Street & 2 Avenue – Van
- August 1, 1:30 - 3:30 pm, 28 Street & 2 Avenue – Van
- August 2, 9 - 10 am, 57 Street and 1 Avenue – Van
- August 2, 10:30 - 11:30 am, 57 Street and 3 Avenue – Van
- August 2, 12:30 - 2:30 pm, 68 Street and 1 Avenue – Van
- August 7, 9 - 10:30 am, 79 Street & 3 Avenue – Bus
- August 7, 11 am - 1 pm, 79 Street & York Avenue – Bus
- August 7, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus

The full mobile Metrocard schedule is available at <http://mta.info/metrocard/mms.htm>.

Affordable Housing Opportunities in Manhattan:

Harlem River Point South LLC is now accepting applications for 139 affordable studio, 1-, 2-, and 3-bedroom apartments under construction at 200 East 131st Street in the East Harlem Section of Manhattan. Rents for these apartments range from \$494 to \$1174 depending on income and unit size. To be eligible, applicants must have incomes between \$18,858 and \$59,820, 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 units for 2% of units, and City of New York municipal employees for 5% of units. Eligible veterans will receive preference for 10% of units. Applicants who can document displacement by Hurricane Sandy and/or its related storms will receive preference for 15% of units. Preference for all units will go to New York City residents.

Applications may be requested by visiting the website www.harlemriverpointsouth.com or by regular mail to: 316 West 118th Street, 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 August 12, 2013. Applicants who submit more than one application will be disqualified.

Bethany Place is now accepting applications for 23 affordable 2-, and 3-bedroom apartments under construction at 301 West 153rd Street in the North Harlem Section of Manhattan. Rents for these apartments range from \$1322 to \$1926 depending on income and unit size. To be eligible, applicants must have incomes between \$47,383 and \$129,610, 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 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 10% of units. Preference for all units will go to New York City residents.

To request an application, mail a postcard to Bethany Place c/o LWC Management 2090 Adam Clayton Powell Blvd., Suite 203, New York, NY 10027.

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 August 22, 2013. Applicants who submit more than one application will be disqualified.

POLICY SPOTLIGHT

Maternal Depression Screening

In the early hours of the last morning of session the Senate passed legislation I introduced (S3137/A7667) to require screening of pregnant women and new mothers for maternal or post-partum depression. Maternal depression is often undetected and untreated by maternal healthcare providers due to both lack of training in identifying the condition and lack of support both professionally and financially, and this lack of treatment can have tragic consequences for the mother and her family. Early screening and identification of postpartum depression has an 80 to 90 percent success rate and offers long-term health care costs savings.

The new law authorizes the Commissioner of Health to establish maternal depression screening guidelines for the state, including routine screening at regular intervals during pregnancy and after childbirth. The commissioner shall identify validated, evidence-based diagnostic tools for maternal health care providers to use to screen patients for maternal depression. Fathers and other family members, as appropriate and consistent with patient confidentiality, shall be included in dialogue about maternal depression in order to help them better understand maternal depression. The commissioner will also develop an appropriate referral mechanism for maternal health care providers to use when the screening results show the need for further evaluation and treatment of maternal depression.

The legislation also provides for maternal depression informational leaflets that will be distributed to patients before they are discharged from a hospital. The leaflets will address the various forms of maternal depression and provide resources for treatment of maternal depression and prohibits insurers from limiting access to maternal depression screening and referral.

I have been working on this legislation with Assemblymember Richard Gottfried and a coalition of survivors, advocates and health care professionals, and am extremely pleased to have passed it this year.

Casino Gambling

On the last day of session, the legislature also approved Governor Cuomo's plan to allow casino gambling at four sites in upstate New York. I am largely agnostic on gambling, and the fact is that the horse is already out of the barn on this issue given that there are so many legal gambling options, from the lottery to racinos, already available in New York. But I do believe if we are going to allow an expansion of gambling, we need to be aware of the potential dangers and craft legislation that addresses them. I do not feel the governor's proposal meets this standard, and because of that I voted against the authorizing legislation.

Among the problems with the governor's proposal is a lack of any revenue projections. Given that there are social costs associated with gambling, we should at least know what

we are getting in exchange for shouldering these costs. I was also concerned that there was not clear enough language in the bill regarding resources for addressing problem gambling.

The legislation also includes vague language regarding the role of local communities in the siting of casinos. While the bill mentions the need to demonstrate local support, it provides no formal mechanism for local communities to express whether or not they want a casino, such as through a vote of the local legislature.

Finally, while earlier versions of this legislation had a ban on campaign contributions from casinos, the final version did not include this language. The gaming industry has unfortunately had a long connection with political corruption in other states where casinos have been legalized, and particularly given renewed stream of corruption scandals plaguing our political system here in New York, I cannot understand why we would want to remove this safeguard.

The casinos authorized by this legislation can only become operational if the state constitution is changed, as it currently has an explicit ban on casinos. The legislature has already passed the amendment to the constitution, so it will now go before the voters as a referendum in the November election.