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New York State Senate | 28th District



July, 2015

Message from Liz...

At the end of the legislative session, all the unresolved issues frequently get linked together in a single bill known in Albany speak as the “big ugly.” This year’s version was particularly ugly! In addition to a renewal of the rent laws, the 421-a developer tax abatement program and an extension of the co-op condo tax abatement, there was a kitchen sink full of unrelated issues thrown in, including:

- Extension of mayoral control over the New York City school system for one year – for the previous mayor they did a six-year extender, but apparently the Governor and legislative leaders have a different standard for Mayor de Blasio;

- \$250 million in additional assistance to non-public schools for state-mandated services;

- A “property tax freeze rebate” for areas outside of New York City, which I will discuss in greater detail in the Policy Update below;

- Extension of a host of local tax breaks and new local tax authorizations;

I was extremely disappointed that the legislation extending rent regulation that passed this session did not address the major pro-landlord provisions that result in tenant harassment and a long-term loss of affordable housing.

The rent laws were renewed for four years through June of 2019, but because vacancy decontrol was not repealed and the vacancy bonus was maintained, up to 80,000 units are expected to leave rent regulation during that period. I opposed the version of the laws that passed because of these provisions.

There were some minor changes to the rent laws, including:

- Vacancy and Luxury Decontrol threshold increased from \$2,500 to \$2,700, with annual indexing based on the 1 year lease rent increase specified by the NYC and Suburban Rent Guidelines Boards (RGB) starting Jan 1, 2016.

- Vacancy Bonus decreased to 5%, 10%, 15% or 20%, for landlords when a preferential rent tenant moves out, depending on if they move after 1,2,3 or 4 years. Too complex to be particularly useful, but a reminder to review how long the last tenant lived in your new apartment before signing a lease.

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-Increased civil penalties for tenant harassment, a change that is unlikely to help tenants because it is so difficult to prove harassment under existing laws.

- Longer amortization period for Major Capital Improvements (MCI's) allowing for smaller monthly rent increases. For buildings with 35 or fewer units, amortization will be stretched out to 8 years and for buildings with 35 or more units to 9 years. This will reduce the monthly per-room MCI charge somewhat. However, the MCI rent increase will still be permanent, and compounded with the base rent.

At least New York City government recognizes the need to preserve affordable housing. Last month, in a historic decision, the Rent Guidelines Board (RGB) voted for a rent freeze for one-year leases and a two percent increase for two-year leases. This is the first time in the RGB's 46 year history that rent-stabilized rents have been frozen, and Mayor de Blasio deserves praise for appointing members to the RGB who recognize the economic pressures so many New York City tenants must deal with. New York City has faced unreasonably high rent increases for far too long. Just one more reason we need to repeal the Urstadt Law that grants control over New York State housing laws to Albany – at least in New York City, tenants have a chance to make their voices heard.

POLICY SPOTLIGHT

Playing Games with Property Tax

One of the more outrageous items included in the “big ugly” is a new property tax relief rebate program, which will cost \$1.3 billion annually when fully implemented. In a typically cynical Albany ploy, the first rebate check will come in October 2016, just before the next election. *It does not apply to residents in New York City.*

Even if this was a good idea, such a massive expenditure should be done as part of the budget process, so the fiscal impacts can be evaluated in the context of the larger budget. Governor Cuomo claims that we will have enough revenue this year to cover the cost, but no fiscal analysis was provided to the legislature demonstrating this, and it creates a significant budget gap to close in future years, endangering funding for vital programs.

Furthermore, the way this rebate program is structured is fundamentally flawed. The Citizens Budget Commission did an excellent analysis of some of the problems that is available at <http://www.cbcny.org/cbc-blogs/blogs/expensive-albany-deal>. The gist of their analysis is that the program unduly benefits wealthier homeowners in wealthy suburbs, because the amount of the rebate is tied to STAR benefit levels, which are higher in counties with higher home values. *In addition to New York City being entirely excluded from the benefit, so are renters and businesses throughout the rest of the state.*

There is no question that for some homeowners, property taxes can eat up a significant portion of their income. But tax experts from across the political spectrum have recognized that the way to address this is through a “circuit breaker” model where tax relief is targeted to those for whom property taxes exceed a specific percentage of income. I have long carried legislation that would target tax relief in this way and also include income-based relief for renters, and the Governor called

for a circuit breaker component in his original proposal. Unfortunately the final deal removed the circuit breaker. While legislators may benefit from playing political games by having more constituents receive their pre-election check, this model of “tax relief” is bad public policy.

COMMUNITY SPOTLIGHT

Public Comment Period on Proposed Marine Transfer Station (MTS) Permits:

I continue to work in opposition to the construction of the Marine Transfer Station (MTS) at E 91st Street; it poses a host of environmental, safety and quality of life concerns to our entire community. You may remember that I wrote back in January about the pending renewal of the New York State Dept. of Environmental Conservation’s operating and construction permits previously approved for the MTS. My colleagues in government and I called for a review of these permits, as conditions in the area have changed dramatically since the initial permits were issued. We also requested that DEC hold a public hearing, following a 30-day public comment period.

As of Wednesday, June 24th, DEC opened the public comment period through July 24th.

Submission of comments is crucial, as DEC will use these comments to determine whether there is a need for a hearing. This comment period provides an opportunity for those in the surrounding community most adversely impacted by this imprudent and over-reaching project to have their voices heard.

I will be submitting written testimony in opposition to the renewal of these permits. I have numerous concerns over air quality, flood risk, traffic safety, and the safety of children using the Asphalt Green facilities. I urge my friends, neighbors and fellow activists to write individual letters of testimony to the DEC. These letters of opposition are necessary to apply pressure on DEC to hold a public hearing, and this is an integral next step in our fight against the MTS.

Send letters of opposition to:

Mr. Iver M Anderson
NYSDEC Region 2 Headquarters
47-40 21st St
Long Island City, NY 11101
(718) 482-4997
DEP.R2@dec.ny.gov

Please also feel free to submit a copy of your testimony directly to my office via email at liz@lizkrueger.com.

Comments should be substantive and specific complaints pertaining to the three construction and operating permits which are under review. You can view the DEC announcement of the comment period here: http://www.dec.ny.gov/enb/20150624_reg2.html#262040000700013.

If you would like to review the permits, they are available at the following links:
http://www.dec.ny.gov/dardata/boss/afs/permits/262040000700016_r1.pdf

Please take a minute to review some of my concerns below, which I will also be expressing in my own written testimony:

- Air quality on the Upper East Side and Southern Harlem is among the worst in the City. The continued use of #6 heating oil and traffic congestion contributes to these already unacceptable conditions. Adding hundreds of diesel burning garbage trucks per day and waste to a geographic area already overburdened with contaminants will aggravate the poor air quality already burdening this community. While air monitoring for particulate matter (PM 10) is ongoing at the site, health threats from PM 2.5, which is considered to be more dangerous, remain unaddressed.
- Superstorm Sandy has fundamentally changed the way we must approach construction along our waterfront. During Superstorm Sandy, the area surrounding this site was flooded as much as four blocks in from the East River. Following Sandy, FEMA issued new flood maps indicating apparent danger to the MTS location and situation. According to the new FEMA flood maps, the 91st St. MTS platform will sit more than five feet below the estimated 100 year floodplain, effectively placing the structure in danger and exposing the surrounding community and river to potentially polluted waters. While the first floor of the MTS and its mechanicals have been “waterproofed,” DEC needs to examine the fact that nothing has been changed structurally in the MTS plans to protect against such a scenario.
- The surrounding area has seen a sharp upturn in population growth in addition to a significant number of construction projects currently underway, which will further exacerbate the problem.
- The immediate ten block radius surrounding the site is home to five new schools that opened since the original permit was approved.
- First and Second Avenues have seen the implementation of Select Bus Service, which occupy an entire lane, and First Avenue is now also home to a protected bike lane. These changes in the streetscape have altered traffic patterns in the area in the time since the original EIS was conducted.

NYCHA Town Hall:

Manhattan Borough President Gale Brewer is hosting a NYCHA Next Generation Town Hall on Tuesday, July 14th from 6:00 to 8:00 p.m. at Baruch College, 151 East 25th Street, Room 750. The town hall will provide an opportunity to learn more about NYCHA’s Long Term Strategic Plan, its impact on the community, and to give feedback on the plan. To reserve a seat, RSVP online at: NYCHAtownhalls.eventbrite.com or by phone at (212) 531-1609.

Accessible Transportation Expo:

On Wednesday, July 15th, The Mayor’s Office for People with Disabilities and the NYC Department of Transportation will host Access to Independence: An Accessible Transportation Expo. The expo will offer information about accessible transportation options for people with disabilities and older adults. The event will take place from 11 a.m. to 2 p.m. at the Adam Clayton Powell Jr. State Office Building Plaza, 163 West 125th Street. For additional information, please call 311 or visit

www.DOTmobility.nyc or
www.nyc.gov/ada25nyc.

Summer Meals for NYC Children:

The 2015 Summer Meals program, which provides free, healthy breakfast and lunch to children across New York City, began June 27 and runs through September 4. The Summer Meals program will serve children 18 and younger — regardless of New York City residency — at roughly 1,100 locations, including pools, schools, libraries, parks, public housing sites, and community-based organization sites. Summer Meals sites will serve breakfast weekdays from 8:00 a.m. to 9:15 a.m. and lunch from 11:00 a.m. to 1:15 p.m.

This year, the DOE's Office of School Food unveiled a brand new mobile app, which shows all Summer Meal sites and maps those closest to the user, and also provides daily menus. The free app, SchoolFood, can be downloaded on Apple and Android platforms. In addition to the new app, parents and children have many other ways to find nearby Summer Meals locations. Families can call 311, visit 311 online at www.nyc.gov/311, or visit the SchoolFood (www.schoolfoodnyc.org) or Share Our Strength (<http://www.nokidhungry.org/>) websites. Parents also may text "nycmeals" to 877-877, or visit the Parks Department website (<http://www.nycgovparks.org/>) for locations of parks and pools.

Assistance for Small Businesses:

NYC Business Solutions is a set of free services offered by the NYC Department of Small Business Services to help businesses start, operate, and expand in New York City. They offer financing assistance, legal advice, ways to score new business opportunities with the City, recruiting advice, and help with permits and licenses, among other services. You can find out more online at www.nyc.gov/nycbusiness or by visiting one of their centers:

Lower Manhattan: 79 John Street, phone 212-618-8914

Upper Manhattan: 361 West 125th Street, phone 212-749-0900, ext. 125

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 212-218-0503 x 3.
- **SCRIE Clinics:** call 212-218-0503 ext. 6 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 third 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.
- **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.
- **Health Care Access/Medicare/Medicaid:** call 212-218-0503 ext 3. Find out about Medicare Savings Programs, Medicaid home care, Medicare Part D, Medicaid Spend-down, EPIC and if you are eligible for Medicaid.
- **Medicaid: Is it for you?** Learn about financial eligibility rules and what services Medicaid covers, including care at home: Thursday, April 9, 2015 from 10:00 am to 11:00 am at the

Center @ Lenox Hill Neighborhood House, and Monday, April 13, 2015 from 11:00 am to 12 noon at the Senior Center @ St. Peter's Church.

Affordable Housing Opportunities in Manhattan:

West 42nd Street Apartments is now accepting applications for 235 affordable studio, 1- and 2-bedroom apartments newly constructed at 605 West 42nd Street in the Clinton neighborhood in Manhattan. Rents for these apartments range from \$868 to \$1124 depending on unit size. To be eligible, applicants must have incomes between \$31,132 and \$51,780, depending on unit and family size. Preference will be given to Community Board 5 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/172.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: West 42 Street Apartments, 357 Broadway, Box 460, NY, 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 July 13, 2015. *Applicants who submit more than one application will be disqualified.*

Lemor Realty Corporation is now accepting applications for 50 affordable studio, 1- and 2-bedroom apartments newly renovated at 151-155 West 145th Street and 2468 Adam Clayton Powell Blvd. in the Harlem neighborhood in Manhattan. Rents for these apartments range from \$922 to \$1682 depending on unit size and income. To be eligible, applicants must have incomes between \$32,983 and \$94,930, depending on unit and family size. Preference will be given to Community Board 10 residents for 50% of units, mobility-impaired persons for 5% of units, visual- and/or hearing-impaired 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/176.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: Lemor Realty Corporation 167 West 145th Street New York, NY 10039.

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 August 3, 2015. *Applicants who submit more than one application will be disqualified.*

Heights 150 Street is now accepting applications for 20 affordable 1-, 2-, 3- and 4-bedroom apartments newly renovated at 801 St. Nicholas Avenue and 1772 Amsterdam Avenue, in the Sugar Hill neighborhood in Manhattan. Rents for these apartments range from \$861 to \$1341 depending on unit size. To be eligible, applicants must have incomes between \$30,926 and \$68,400, depending on unit and family size. Preference will be given to Community Board 9 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/179.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: Heights 150th Street, c/o CLOTH, 500 W 159th Street, NY, NY 10032.

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 August 12, 2015. *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:

- July 14, 10:30 am, 92 Street & Lexington Avenue – Bus
- July 14, 11:00 am - 12:30 pm, 86 Street & Lexington Avenue – Bus
- July 14, 1:30 - 2:30 pm, 68 Street & Lexington Avenue – Bus
- July 15, 9 - 10:30 am, 79 Street & 3 Avenue – Bus
- July 15, 11 am - 1 pm, 79 Street & York Avenue – Bus
- July 15, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
- July 16, 8:30 - 10:30 am, 47 Street & 2 Avenue – Van
- July 16, 1:30 - 3:30 pm, 28 Street & 2 Avenue – Van
- July 28, 10:30 am, 92 Street & Lexington Avenue – Bus
- July 28, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
- July 28, 1:30 - 2:30 pm, 68 Street & Lexington Avenue – Bus
- August 5, 9 - 10:30 am, 79 Street & 3 Avenue – Bus
- August 5, 11 am - 1 pm, 79 Street & York Avenue – Bus
- August 5, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
- August 6, 7 – 9 am, 90 Street and York Avenue - Van
- August 6, 8:30 - 10:30 am, 47 Street & 2 Avenue – Van
- August 6, 1:30 - 3:30 pm, 28 Street & 2 Avenue – Van
- August 7, 9 - 10 am, 57 Street and 1 Avenue – Van
- August 7, 10:30 - 11:30 am, 57 Street and 3 Avenue – Van
- August 7, 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.