

Liz Krueger

New York State Senate | 28th District



March 2015

Message from Liz...

This year's budget negotiations are taking on a different flavor from previous years, as Governor Cuomo has included a variety of provisions in his executive budget appropriations bills that link funding of specific programs to the implementation of his policy goals. For example, he has tied various capital funding projects to ethics reform, eligibility for property tax relief to local governments complying with a local property tax cap, a portion of state education funding to implementation of his education reform agenda, and continued funding of the Tuition Assistance Program (TAP) to approval of the Dream Act and a controversial tax credit bill.

Since the Legislature is constitutionally prohibited from changing language inserted into these appropriations bills, it cannot delink these issues, and must accept or reject the language – and the budget – as a whole. That is why for the first time in several years, both the Governor and some legislators are suggesting we may have a late budget.

While there are constitutional limits on the Legislature's power in the budget process, there are also limits on executive power, and at least with regards to education funding, it would seem that the Governor is pushing up against those limits. Michael Rebell, the Columbia professor who brought the Campaign For Fiscal Equity (CFE) case regarding fair funding for New York City schools, wrote an analysis of this issue here: <http://educationalequityblog.org/2015/01/30/governor-cuomos-education-budget-proposals-ignore-childrens-needs-and-violate-the-constitution/>. The gist of the analysis is that the courts determined in the CFE case that by underfunding New York City schools, New York State was violating the constitutional requirement to provide a sound basic education. There is nothing in the constitution which makes that requirement negotiable, so the Governor cannot make funding conditional on implementing a specific policy agenda.

This is particularly true because the Governor's budget does not meet the funding levels provided for under the CFE agreement. If the formula developed in the wake of CFE was being followed, New York schools would have an additional \$5.6 billion in funding for the coming fiscal year.

The Alliance for Quality Education recently did an analysis of how this funding would translate down to individual schools. Since funding is based on need, the schools in my Senate district are less

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underfunded than many communities, but even our relatively well funded schools would receive an additional \$43.3 million this year if the CFE agreement was being followed.

Beyond the constitutional question regarding education funding, I do have broader concerns about this new strategy by the Governor. While I do like some of his policy goals – I support his ethics reform proposals, and argued last month they should go farther – the broad use of these linkages by the Governor has the potential to take the legislature out of the policy making process. And that is the basic function of legislatures in our system of government.

I was struck by a quote from E.J. McMahon of the Empire Center for Public Policy, a conservative think tank in this Daily News column: <http://www.nydailynews.com/opinion/bill-hammond-cuomo-pushes-envelope-article-1.2136366>. McMahon said “It comes down to how you feel about the ends justifying the means. Think of the worst thing you can think of a governor trying to do, and then picture him trying to do it through an appropriations bill.” E.J. McMahon and I might disagree on what the worst thing the governor could do is – though we agree on more than you might expect given our differing political philosophies – but that’s why we have legislatures. Their role is to argue and deliberate over policy options rather than having decisions dropped by fiat from on high.

Despite the imperfections of some individual legislators, the “3-men-in-a- room” model of decision making leaves much to be desired, and an “only-one-man-in-the-room” model is fraught with dangers. Our state has 19.5 million people who deserve to have their elected legislators play a role in crucial budget and policy decisions.

COMMUNITY SPOTLIGHT

Roundtable for Boomers and Seniors on March 19th:

Senator Krueger’s Roundtable for Boomers & Seniors is a 5-part program that provides an opportunity for constituents to come together to explore life issues that are relevant across the age span. his year we are looking at Caregiving and all its aspects.

The fourth session of this popular program will take place on Thursday morning, March 19th, at Lenox Hill Neighborhood House, 331 East 70th Street. The program runs from 8:30 am – 10:30 am. We will discuss "Local and Long Distance Caregiving".

Bagels and coffee will be served. For more information, contact Alice Fisher by email at alicefisher37@gmail.com or call 212-490-9535. RSVPs are required for this event.

Update on Efforts to Fight the Proposed Marine Transfer Station (MTS):

I have reintroduced legislation (S.2556) that would ban the construction of any solid waste marine transfer station within 800 feet of public housing. This legislation would apply to the proposed East 91st Street site, as well as any other site near NYCHA developments. It is well established that economically under-served neighborhoods have higher asthma rates. For example, according to the City Department of Health, East Harlem has the highest rate of child hospitalization for asthma and other respiratory ailments in all of New York City. Many well-documented studies link air pollution to asthma attacks and other respiratory problems. Traffic, particularly truck traffic, is a major contributing factor to this type of pollution. The additional truck traffic generated by these facilities also poses a serious risk of pedestrian injuries to the many children and seniors who reside in public housing. I will

be submitting a motion for consideration on this legislation in an effort to force the environmental conservation committee to bring it to a vote.

I have also been continuing my efforts to get the Department of Environmental Conservation to schedule the 30-day public comment period on renewal of the operating and construction permits previously approved for the East 91st St. Marine Transfer Station. My office will inform my constituents as soon as the dates for the comment period are announced.

Forum on Reforming the Rent Guidelines Board:

Councilmember Cory Johnson is hosting a discussion of Reforming the Rent Guidelines Board (RGB) as part of his Let's Talk Series. The event will take place on Wednesday, March 11th from 6:30pm - 8:30pm at P.S. 3, 490 Hudson Street (between Grove & Christopher Streets). Panelists include former RGB Executive Director Timothy L. Collins, RGB Tenant member Sheila Garcia, and Delsenia Glover, Campaign Manager for the Alliance for Tenant Power. If you would like to attend, RSVP at <https://docs.google.com/forms/d/1m-2gGuF5aE7tdyrNROgpe1egYQSN52Ec70EyleemME/viewform>. You may also RSVP by calling 212-564-7757 or by emailing district3@council.nyc.gov.

Our Schools, Our Voices Education Town Hall:

On Wednesday March 11th, Public Advocate Letitia James is hosting a town hall on Education, Mayoral Control and Parent/Community Engagement. The event will take place from 6:00PM - 8:00PM at John Jay College, 524 West 59th St., between 10th and 11th Avenues. To register, visit <http://www.surveymonkey.com/s/mayoralcontrol>. For more information call 212-669-7200 or email outreach@pubadvocate.nyc.gov.

Homeowner Tax Benefit Application Deadline is March 16th:

The deadline for the Homeowner Tax Benefit Applications is fast approaching. This application is for the following homeowner property tax benefits programs:

- Basic and Enhanced School Tax Relief (STAR)
- Cooperative/Condominium Abatement (CCA)
- Senior Citizen Homeowners' Exemption (SCHE)
- Disabled Homeowners' Exemption (DHE)
- Veterans' Exemptions (Basic, Combat and Disabled)
- Clergy

Applications must be postmarked by March 16, 2015. If eligible, benefits will begin July 1, 2015. You can download an application from our website at: <http://www1.nyc.gov/site/finance/benefits/property-benefit-forms/benefits-forms-property-owners.page>.

SNAP and SCRIE Application Assistance:

The Council of Senior Centers and Services , AARP Foundation, and NYC Department for the Aging (DFTA) are offering FREE SNAP (Food Stamp) Application Assistance and SCRIE (Senior Citizen Rent Increase Exemption) Assistance at the Grand Central Branch Library, 135 East 46 Street on Saturday, March 21, 2015 from 10AM to 2PM. Call the AARP hotline for an appointment: 1-877-926-8300. Walk-ins are also welcome.

Apply to Run for Community Education Councils:

Interested parents can apply to participate in Community Education Council elections through March 11th. Parents interested in becoming members of a Community or Citywide Education Council should visit NYCParentLeaders.org for more information.

The Community and Citywide Education Councils provide parents a voice in public education and an opportunity to make a grassroots-level impact on education policy.

Parents serve two-year terms on 36 Councils throughout the City, including the Community Education Councils (CEC), Citywide Council on High Schools, Citywide Council on English Language Learners, Citywide Council on Special Education, and the Citywide Council for District 75. CECs in each of the City's 32 school districts are responsible for approving school zoning lines, holding hearings on the capital plan, and providing additional input on important policy issues. Citywide Councils evaluate and advise on school policy concerning their areas of focus.

After applications have been received, candidates will engage parents and parent leaders at forums planned between March 18 and April 18. Officers of each school's parent or parent-teacher association will cast ballots online for their preferred candidates between April 19 and May 8. On May 12, the results will be posted online at NYCParentLeaders.org. Elected parents will receive trainings and leadership development sessions, ensuring they are able to use their positions effectively to make their voices heard, advocate for students, and form functional Councils.

Each applicant for a CEC position must be a parent of a student enrolled in a district elementary or middle school. Applicants for the Citywide Council on High Schools must have a student in high school, and applicants for the other Citywide Councils must have a student receiving the relevant services.

New Streamlined Pre-K Application Process:

For the first time, families will be able to apply for pre-K in both district schools and NYC Early Education Centers through a convenient single application. The process is being rolled out this spring, so families with children who will enter pre-K for the 2015-16 school year have time to consider all of their options. Last year, NYC enrolled over 53,000 four-year-olds in high-quality, full-day pre-K. Many additional full day pre-K seats will be available this coming fall. The new pre-K directory will be available by mid-March.

The pre-K application process begins on March 16, 2015, and the deadline to apply is April 24, 2015. Families can apply in any of three ways: online at www.nyc.gov/prek, over the phone by calling 718-935-2067, or in person at one of the DOE's 12 Family Welcome Centers. The application will be translated into nine languages, and additional translation services are available over the phone in more than 200 languages. Families that apply by the deadline will receive offers in early June.

The Department of Education is holding information sessions for parents to learn about pre-K admissions in all five boroughs. The dates and locations of the sessions in Manhattan are below:

Tuesday, March 24, 6:00 – 7:30pm
The High School of Fashion Industries, 225 West 24th Street

Tuesday, March 31, 6:00 – 7:30pm
High School of Art and Design, 245 East 56th Street

Free Tax Preparation Assistance:

IRS-trained volunteers are available to provide free tax preparation assistance throughout New York City. 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](tel:212-759-7358)

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

67th Street Library, 328 East 67th Street

Telephone: [212-734-1717](tel:212-734-1717)

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

Community Church of New York, 40 East 35th Street

Telephone: [212-683-4988](tel:212-683-4988)

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

Science, Industry and Business Library (SIBL), 188 Madison Ave @ 34th Street

Telephone: [917-275-6975](tel:917-275-6975)

Site Hours: Wednesday, 10:00am-2:00pm.

Stanley Isaacs Neighborhood Center, 415 East 93rd Street

Telephone: [212-360-7620](tel:212-360-7620)

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

Stein Senior Center, 204 East 23rd Street

Telephone: [646-395-8083](tel:646-395-8083)

Site Hours: Thursday, 9:30am-2:30pm

Webster Branch Library, 1465 York Avenue

Telephone: [212-288-5049](tel:212-288-5049)

Site Hours: Monday, 11:00am-3:00pm

Yorkville Branch Library, 222 East 79th Street

Telephone: 212-744-5824

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

Filing Complaints Against Tax Preparers:

New York State is one of only four states that regulates tax preparers. The State Department of Taxation and Finance Office of Professional Responsibility oversees tax preparers, and will investigate complaints about misleading advertising, fees, or fraudulent practices. To file a complaint, call 518-530-HELP or visit <https://www8.tax.ny.gov/TPCF/iflowStart>.

NY's Health Plan Marketplace – Special Enrollment Period:

NY State of Health, the State's official health plan Marketplace, has established special enrollment period (SEP) for individuals and families who had to pay a federal penalty for 2014 and had not been aware or had not understood that they would have to pay a penalty for not having health insurance coverage. This announcement follows similar statements made by the Centers for Medicare and Medicaid Services (CMS) for the Federally-Facilitated Marketplace and other state-based Marketplaces.

The SEP will start on March 1 and end at 11:59 p.m. on April 30, 2015. Consumers who do not enroll during this period and do not meet the criteria for other SEPs will not be able to purchase coverage during the remainder of 2015 and may be subject to a federal tax penalty when they file their 2015 federal income taxes. Individuals who are eligible for Medicaid and Child Health Plus can continue to enroll throughout the year.

To be eligible for this SEP, individuals must attest that when they filed their 2014 federal tax return, that they paid a penalty for not having health insurance in 2014, and that they first became aware of or understood the implications of not having health insurance in 2014 when they filed their federal tax return.

How Do I Apply? For more information, or to apply for a plan, call the Marketplace at 1-855-355-5777 or go online to the Marketplace's website at <http://www.nystateofhealth.ny.gov/>.

Need Assistance? For a complete list of certified health care navigators and counselors, go to <http://info.nystateofhealth.ny.gov/IPANavigatorSiteLocations> or call the Marketplace at 1-855-355-5777. These services are free for you. In my district, Lenox Hill Neighborhood House has a certified application counselor who can help you understand your options and enroll in a plan. Call to make an appointment: 212-218-0432 (no walk-ins). Please feel free to call my office at 212-490-9535 with any questions.

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.

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. The funding is provided by the Housing Preservation Initiative of the New York City Council. Each evening, at least one staff attorney will meet with individuals who are seeking specific legal advice.

For questions, contact the Urban Justice Center at (646) 459-3017 or the Office of Council Member Rosenthal at (212) 873-0282. Sign-up sheet starting at 6pm each evening.

April 1, 2015: Housing Court 101

May 6, 2015: SCRIE and DRIE

June 3, 2015: Succession Rights, Preferential Rights and Non-Primary Residence

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. Upcoming Clinic dates and locations are below:

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

Stanley Isaacs Senior Center, 415 East 93rd Street (east of 1st Avenue) — 10 am — third Friday of each month (March 20, April 17). Call Amy Loewenberg at [212-360-7620](tel:212-360-7620) ext, 112 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 (March 23, April 27). Call Sister Margaret Rose at [212-581-2910](tel:212-581-2910), ext 118 for information.

Affordable Housing Opportunities in Manhattan:

The Frontier is now accepting applications for 19 affordable studio, 1- and 2-bedroom apartments under construction at 200 East 39th Street in the Murray Hill neighborhood in Manhattan. Rents for these apartments range from \$847 to \$1,101 depending on unit size. To be eligible, applicants must have incomes between \$30,720 and \$50,340, depending on unit and family size. Preference will be given to Community Board 6 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 <http://housingpartnership.com/thefrontier/>.

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: The Frontier Apartments, c/o Housing Partnership Development Corporation, 242 West 36th Street, 3rd Floor, New York, NY 10018

Completed applications must be submitted online or returned by regular mail only to the post office box that will be listed on the application. Applications must be submitted online or postmarked by March 16, 2015. *Applicants who submit more than one application will be disqualified.*

Riverside South Apartments is now accepting applications for 55 affordable studio, 1- and 2-bedroom apartments under construction at 40 Riverside Boulevard in the Lincoln Square neighborhood in Manhattan. Rents for these apartments range from \$833 to \$1,082 depending on unit size. To be eligible, applicants must have incomes between \$30,240 and \$50,340, depending on unit and family size. Preference will be given to Community Board 6 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 <http://housingpartnership.com/40riversideboulevard/>.

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: Riverside South Apartments, c/o Housing Partnership Development Corporation, 242 West 36th Street, 3rd Floor, New York, NY 10018.

Completed applications must be submitted online or returned by regular mail only to the post office box that will be listed on the application. Applications must be submitted online or postmarked by April 20, 2015. *Applicants who submit more than one application will be disqualified.*

133 Equities is now accepting applications for 31 affordable studio, 1-, 2 and 3-bedroom newly rehabilitated apartments at 66 West 137th Street, 119 West 133rd Street and 229 West 121st Street in the Harlem neighborhood in Manhattan. Rents for these apartments range from \$1,155 to \$2,464 depending on unit size, family size and income. To be eligible, applicants must have incomes between \$48,160 and \$138,440, 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.

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: 133 Equities, LLC, 316 West 118th Street, New York, NY 10026.

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 April 20, 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:

March 10, 10:30 am, 92 Street & Lexington Avenue – Bus

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

POLICY SPOTLIGHT

Government Records Retention and FOIL

I am introducing legislation to ensure the preservation of important government records and increase public access to legislative records. Current policies allow for the automatic destruction of emails and other electronic governmental records after 90 days and exempt the legislature from the Freedom of

Information Law (FOIL). I believe that rectifying these limitations on public access to information should be an important part of any ethics reform agenda.

Computers and other electronic devices create many of the new records we use today, most commonly via emails. These records, although electronic in format, are the same as records in other formats. Electronic records show how you conduct business, make decisions, and carry out your work. They are evidence of decisions and actions. Fundamental records management principles should apply to electronic records, as they apply to other record formats.

The executive branch has adopted a policy allowing automatic deletion of emails after 90 days, which has the potential to severely limit the public availability of vital information regarding the operations of agencies. The consequences of such a policy are illustrated in a 2015 court case where the former Deputy Secretary for Gaming and Racing indicated he was “aghast” to find that emails dating from 2013 relevant to the case had been deleted. The deletion of these emails undermined the ability of the plaintiff in the case to seek redress. An administration spokesman defended deletion of the emails on the grounds they had not been the subject of a FOIL request. The importance of many records is unlikely to be determined within 90 days of their creation, so there has to be a more reasonable standard for preserving these records.

The legislation I am introducing would ensure that under the guidance of the State Archivist, agencies and legislative bodies would need to take a proactive approach to the preservation of electronic records. It would establish strict standards for permanent preservation of the records of policymakers, and prohibit deletion of emails from other government officials for at least seven years. It is modeled on federal policies adopted after extensive study of appropriate practices for handling electronic records. The state already uses email management software that would enable implementation of such a policy at minimal cost.

The exemption of the legislature from the Freedom of Information Law also undermines transparency and accountability. The public should have access to the same types of information from the legislature that it can already access from the Executive Branch through the FOIL process. Recent scandals involving individual legislators only highlight the need for increasing the availability of information regarding legislative records. This bill would establish the same standards for treating the Executive and Legislative branches under FOIL. The bill would also extend to the legislature the various exemptions from disclosure, including records that would compromise personal privacy rights or that are related to internal deliberations of the body or agency.

From conversations with my colleagues on both sides of the aisle I believe this is a bill that can garner bipartisan support. These are basic reforms that update our records retention laws to reflect the way government works the computer age, and increase access to legislative records at a time of increased public concern about ethics in the legislature.

District Office: 1850 Second Avenue | New York, NY 10128 | (212) 490-9535 | Fax: (212) 490-2151
Albany Office: Legislative Office Building, Room 905 | Albany, NY 12247 | (518) 455-2297 | Fax: (518) 426-6874
Email: liz@lizkrueger.com | On the Web: <http://krueger.nysenate.gov>