



NEW YORK STATE SENATOR

Thomas K. Duane

March 2009 Community Report

THOMAS K. DUANE March 30, 2009

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Dear Neighbor:

The following is a summary of some of my office's activities since my last community report:

Celebrating Landmark Legal Victory with Stuyvesant Town-Peter Cooper Village Tenants

On March 9, I joined New York City Councilmember Dan Garodnick, Manhattan Borough President Scott Stringer, Congressmember Carolyn Maloney, Assemblymember Brian Kavanagh, the Stuyvesant Town-Peter Cooper Village Tenant Association and residents of the complex to **celebrate** a landmark victory for rent stabilized tenants. In its unanimous decision issued on Thursday, March 5, the New York Supreme Court Appellate Division ruled that Tishman Speyer and the previous owner of the complex, Met Life, improperly deregulated apartments while receiving City of New York J-51 tax benefits, which encourage

the renovation of residential properties. The decision noted, "The law is clear that owners receiving J-51 tax abatements, in exchange for receiving this great benefit from the City of New York, must confer rent stabilization status to their tenants while receiving the tax abatement." This monumental legal victory affects not only Stuyvesant Town and Peter Cooper Village but also thousands of other buildings that receive City tax abatements. I will continue to monitor this case since Tishman Speyer has announced its intention to appeal, and I encourage constituents who have questions about how this decision might affect them to contact Romeo Ymalay in my office at 212-633-8052.

Introducing Legislation Mandating Fare Equity for Paratransit Services

Also on March 9, Assemblymember Micah Kellner and I were joined by New York City Comptroller Bill Thompson, Manhattan Borough President Scott Stringer and disabled rights advocates as we announced legislation (A6489/S2933) that would prohibit local transit authorities, like MTA New York City Transit, from charging more for paratransit services, like Access-A-Ride, than the base rate for regular transit services that are often inaccessible to riders with disabilities. I was pleased to learn that the MTA has abandoned its insensitive plan, but I remain committed to fighting for my and Assemblymember Kellner's legislation so that this is never contemplated again and paratransit riders around the state are protected from inequitable fare disparities. Please see our [press release](#) and the [NY Daily News article](#) announcing the MTA's decision.

Moving My Mitchell-Lama Bill Through the Housing Committee

On February 23, the New York State Senate Committee on Housing, Construction, and Community Development passed a bill I introduced (S2171) to preserve Mitchell-Lama and

other affordable housing. The bill authorizes the New York State Division of Housing and Community Renewal (DHCR) to study and make recommendations on state and locally aided housing programs and provides for a temporary moratorium on Mitchell-Lama and other affordable housing buyouts until the end of 2010, so that DHCR may complete its work. The bill is designed so that when DHCR completes its review and the term of moratorium expires, New York State will have a blueprint for the preservation, modernization, and expansion of such affordable developments now and into the future.

Asking for Community Boards' Help to Prevent Gas Drilling in New York City's Watershed

I have long stood with environmental advocates in expressing grave concern about hydraulic fracturing in New York State's Marcellus Shale and its impact on local and municipal water supplies. I strongly believe that the New York State Department of Environmental Conservation (DEC) should refuse permits for any and all drilling that poses a risk to New York's drinking water and I ask CB3 to weigh in on this critical matter.

I am in full support of New York City Councilmember James Gennaro's [resolution](#) calling on the New York State Legislature to ban natural gas drilling within contaminating distance of New York City's watershed, and I join with him in calling New York City's 59 Community Boards to adopt the resolution as well.

I have also [written](#) to DEC Commissioner Pete Grannis urging him to extend the agency's public comment period on the draft Supplemental Generic Environmental Impact Statement on Horizontal Drilling and High-Volume Hydraulic Fracturing from 30 to 60 days to enable Community Boards to engage in their review process and provide input.

Addressing the First Meeting of Cooperators United for Mitchell-Lama

I recently delivered the keynote address at the first formal meeting of Cooperators United for Mitchell-Lama (CU4ML), a group of resident shareholders of Mitchell-Lama/limited equity cooperatives who are committed to preserving quality limited-profit housing cooperatives, in perpetuity, both for themselves and for future generations of New Yorkers.

I am proud to share the goals of CU4ML, which include informing and assisting shareholders who oppose conversions to market rate; advocating for legislative and regulatory reform that will preserve and strengthen Mitchell-Lama cooperatives; and educating Mitchell-Lama residents, government officials, and the general public about the stunning success and many advantages of the Mitchell-Lama model for cooperative living. I look forward to working with CU4ML on all these fronts to preserve and expand affordable cooperative housing in New York State.

Rallying for Affordable Housing for Low-Income People with HIV/AIDS

On March 3, I rallied the crowd at a town hall meeting in support of legislation (A02565/S2665) Assemblymember Deborah Glick and I have introduced that would provide affordable housing protection for all New York City HIV/AIDS Services Administration (HASA) clients so that they pay no more than 30% of their income towards their rent. Currently clients receiving benefits from HASA who also have other forms of income – including SSI, SSDI, veteran's benefits or work – are forced to pay all but \$330 of their monthly income towards their rent. That leaves an estimated 11,000 New Yorkers living with HIV/AIDS in private, non-supportive housing with an unlivable after-rent budget of \$11 a day for food, transportation, laundry, toiletries utilities and other necessities. I urged everyone in the crowd to come up to Albany themselves and to bring their friends from across the State to help me and Assemblymember Glick get this bill passed and signed into law this year.

Ensuring Appropriate Development at 178 Bleecker Street

In an October 2, 2008 letter to the New York City Landmarks Preservation Commission (LPC) in which I once again urged LPC to expeditiously designate the South Village Historic District, I expressed my concern for the future of buildings like 178 Bleecker Street, whose owners had applied for a demolition permit. Unfortunately, that permit was granted on February 10, 2009 and since 178 Bleecker was never landmarked, demolition has begun. However, future construction on this property will be subject to the "Sliver Law," which limits the height of buildings on small lots in dense residential areas. To ensure compliance with this rule, I and the other local elected officials recently wrote to the New York City Department of Buildings (DOB) urging strict adherence to the Sliver Law for any future permits for building alterations or new construction at this site (see letter attached). I am pleased to report that DOB has not only put the current New Building application for this site on hold to ensure a proper zoning review, but also issued a full stop work order earlier this week due to unsafe demolition. I appreciate DOB keeping a close eye on this property and I will continue to do the same.

Working with Colleagues on School Overcrowding

I want to thank everyone who attended the February 25 forum I co-sponsored along with Community Education Council District 2 and the other local elected officials at which the New York City Department of Education (DOE) presented proposals to alleviate overcrowding in Chelsea and Greenwich Village by restructuring certain elementary and middle schools. On March 5, I and the other elected officials representing these two neighborhoods sent a letter to DOE summarizing – and seeking a response to – the concerns and ideas that were raised at the forum and in our conversations with parents and principals. Shortly before this forum, we also encouraged DOE to tour the vacant space at 75

Morton Street to explore the idea of placing a middle school at this site.

Opening a Dialogue with The New School

On February 27, I, along with New York City Councilmember Rosie Mendez, New York State Assemblymember Deborah Glick, staff of other local elected officials and community representatives, met with Robert Kerrey, President of the New School, to discuss its plans for the Albert List Academic Center at 65 Fifth Avenue. Since last fall, when the school withdrew a proposal to raze the building and replace it with a new, taller glass tower, there has been much speculation over the site's future. President Kerrey clarified that while offices have been moved out of the building, it is not vacant and will likely continue to be used by students throughout the spring and summer. He assured us that the university currently has no plans or renderings for a new building and the current building will not be demolished without such plans. Furthermore, due to today's economic climate, any proposed building is likely to be smaller than the one previously proposed. The New School also agreed to give the community written monthly updates regarding 65 Fifth Avenue and to provide 60 days notice before applying for any permits. I am encouraged by The New School's commitments and I will continue to closely follow the developments on this site.

Co-Sponsoring a Briefing on NYCHA Section 8 Conversion Plan

On February 19, I joined New York City Councilmember Rosie Mendez in co-sponsoring a briefing on the New York City Housing Authority (NYCHA) Section 8 Conversion Plan for tenants of the NYCHA development at 344 East 28 Street. I thank Jackie Burger of the Community Service Society of New York for taking the time to share her breadth of knowledge about the plan and how it will affect the development's tenants.