

Dear Neighbor,

In spite of the many challenges facing our state, this was a particularly sleepy legislative session in Albany. The State Senate leadership once again refused to address big picture issues such as the Reproductive Health Act, voting and campaign finance reforms, protecting immigrants, universal healthcare, the climate crisis, and legislation to protect and expand affordable housing. I wish I could say I was surprised by this outcome, but I’ve seen variations on this theme for too many years.

This newsletter will offer a summary of developments – or the lack thereof – in Albany during this year’s legislative session. The list of what didn’t get done is longer, but at least this year’s lack of action meant that some bad ideas also went down to defeat. Some of the highlights of this session are discussed below.



TRANSPORTATION

Speed Camera Legislation: One major disappointment was the failure to enact legislation authorizing New York City to continue its successful speed camera program. The Assembly passed a bill that would have extended and expanded the existing school zone speed camera program in New York City, but the Senate majority refused to allow the bill to come up for a vote. The legislation would have allowed for an expansion of the number of speed cameras from 140 to 290 and extended the program through 2022.

A study by the NYC Department of Transportation found that speeding during school hours at typical fixed camera locations dropped more than 63 percent and injuries at these locations dropped over 14 percent. The fact that New York City needs Albany’s permission to operate these cameras is a problem in and of itself, but it is truly tragic that the lives of New York’s children are being endangered because of the intransigence of certain members of the majority. Reestablishing this lifesaving program must be a priority for the next legislative session.

Congestion Pricing and MTA Funding: As part of the state budget, a few small measures were taken to address congestion and increase funding for the MTA. A small surcharge was added on taxi and for-hire vehicle (FHV) trips that begin or end in Manhattan south of 96th Street. In addition, the city was authorized to install at least 50 new bus-lane enforcement cameras within the same boundaries. Revenue from these programs would be directed to the MTA’s Subway Action Plan and various other MTA projects.

These two policies, selected from a suite of recommendations made by the governor’s Fix NYC advisory panel, are important first steps. Unfortunately, a lot was left on the table, and much work remains. The purpose of congestion pricing is to discourage some portion of vehicle trips into the most traffic-choked part of the city—especially during the busiest times of day. However, the new taxi/FHV surcharge is not high enough to significantly suppress demand for rides in the congestion zone

and will do nothing to discourage Uber and Lyft drivers from cruising for fares there. Although the surcharge will provide a needed revenue stream of about \$400 million a year for the MTA, it will do little to reduce traffic. Prominent transportation economist Charles Komanoff calculates it will lead to a negligible increase in average vehicle speeds—just 3%.

Furthermore, singling out taxi and FHV riders to pay a congestion fee while letting private vehicles and trucks continue to pay nothing ignores the fact that all vehicles contribute to congestion. If we are serious about addressing the impact of Uber, Lyft and other ride-hailing companies in Manhattan, we should explore caps on their numbers in the congestion zone and/or a fee system based on time spent “cruising” there. However, to approach the 25% to 30% traffic reduction that international cities with congestion pricing have enjoyed, we need a comprehensive plan that charges all vehicles.

To get our city moving again we need to invest heavily in public transit—the most effective method to move millions of New Yorkers—and make the best use of our streets. This means prioritizing subways and clean energy buses and putting a fee on the congestion and pollution that every vehicle trip creates. We still have a long way to go to build a rational transportation system that is efficient, reliable, accessible, and fair for all New Yorkers.

Bus Lane and Red Light Cameras:

I have introduced legislation to fill some of the gaps in the budget language on cameras that would better address congestion and improve bus service while also enhancing public safety. The legislation (S8597/A10882) removes caps on automated enforcement cameras for bus lanes and traffic lights in New York City and makes these programs permanent. The legislation also creates a graduated schedule of fines for repeat offenders and directs revenue from fines to the MTA. Assemblymember Harvey Epstein carries the Assembly version of the bill.

The New York City Department of Transportation (DOT) and the MTA have both released plans for improving bus service that include expanded use of bus lanes and bus lane enforcement cameras along more routes in the city. However, state law currently limits the use of bus lane enforcement cameras to just 16 routes in the city. The DOT has installed additional bus lanes beyond the designated 16, but lacks the ability to enforce them with cameras, limiting their effectiveness as drivers often violate them with impunity.

New York State needs to ensure that the City has access to the necessary tools to make our streets safer and improve public transportation. This legislation seeks to expand the traffic-enforcement camera programs that have proven to do just that.

LAND USE

Removing the Density Cap on Residential Buildings:

Sometimes the defeat of legislation in Albany is a good thing, and I was certainly relieved that thanks to the efforts of community advocates neither house moved legislation to remove the density cap on residential buildings in New York City. State law currently limits the Floor Area Ratio (FAR) of residential developments to 12 – meaning that the total density of buildings cannot exceed 12 times the base lot size (it’s actually a lot more complicated but that’s the general concept). The real estate industry had been pushing legislation to remove this cap but a strong coalition of community groups and urban planning organizations successfully fought the proposal.

Some argue that removing the cap would enable the creation of more affordable housing, but based on my experience it is much more likely that it would increase pressure on tenants fighting to remain in their homes, and encourage luxury development far beyond the means of most New Yorkers. Furthermore, it would exacerbate overdevelopment and overcrowding in neighborhoods that are already struggling with out-of-context development and a lack of open space. I am extremely pleased that this legislation died, and will continue to work to defeat it in the future.

I was also pleased with passage of legislation that would require **notice to adjoining owners of construction or demolition**

work. This law would require the New York City Department of Buildings (DOB) to provide written notification to owners of adjoining property of construction or demolition work at the time when an application for construction or a permit is submitted. In addition, DOB would be required to provide proof of insurance along with the permit to the owners of adjoining property 30 days prior to the commencement of the construction or demolition work, except in the event of emergency work. This legislation will now be sent to the Governor for his consideration.

HOUSING

I was extremely disappointed, but not surprised, that the Senate once again blocked a number of critically important housing bills that passed the Assembly:

S.3482 would repeal vacancy decontrol provisions that remove apartments from rent regulation when units are vacated and the legal regulated rent crosses the current high rent threshold. Vacancy decontrol serves as an incentive for property owners to evict existing tenants and artificially drive up rent, in order to cross the high rent threshold and remove units from rent regulation.

S.6925 would cap yearly increases faced by rent-controlled tenants at a level equal to the average of the previous five Rent Guidelines Board increases for one year rent stabilized renewals. This would provide a significant benefit to rent-controlled tenants who currently face yearly increases of 7.5% and frequently struggle to remain in their homes.

S.6527 prohibits property owners from increasing rents from a preferential rent amount up to the legal regulated rent upon a lease renewal. Property owners offer tenants preferential rents when they cannot rent a unit at the full legal rent amount. However, owners can currently increase the rent to the full legal rent levels when a lease is up for renewal. This bill essentially makes the preferential rent the new legal rent for the unit until the tenant vacates.

S.8089-A reforms the Major Capital Improvement (MCI) rent increase system. It requires MCI rent increases to be billed as separate surcharges, rather than becoming part of the legal regulated rent, and to end once an owner recovers the cost of the MCI. It also places new limitations on the types of building improvements that qualify as MCIs.

S.1593 Repeals the vacancy bonus which is the additional rental increase, currently up to 20%, allowed for units that become vacant after a rent stabilized tenant moves out.

ENVIRONMENT

The story with good environmental legislation that passed the Assembly was much the same as with housing legislation – the Senate leadership refused to allow it to even come up for a vote. Among the bills that passed the Assembly and died in the Senate were:

S.5287 which would establish a **right to clean air and water** in the State Constitution

S.7971-A, the Climate and Community Protection Act, the most impactful climate legislation in the country, providing a binding timetable for **greenhouse gas emissions reductions**

S.8017 **Prohibiting the leasing of state-owned underwater coastal land for oil or natural gas drilling**

S.8570 **Prohibiting the use of purse seines (a large net) for the harvesting of the Atlantic menhaden**, a critical food source for whales and other large marine species

Plastic Bag Pollution: I have introduced legislation (S7760/A9953), the New York State Bring Your Own Bag Act, which would ban plastic carryout bags and place a ten-cent fee on all other carryout bags, to encourage the use of reusable alternatives. Revenue raised by the fee would be used for environmental purposes.



In June I joined a coalition of environmental groups at their lobby day in support of the NYS Bring Your Own Bag Act.

In 2017, after signing legislation to overturn New York City’s landmark “Bring Your Own Bag” law, Governor Cuomo announced the creation of a New York State Plastic Bag Task Force, saying “the costly and negative impact of plastic bags on New York’s natural resources is a statewide issue that demands a statewide solution.” Of the recommendations proposed by the Plastic Bag Task Force, a ban on plastic bags with a fee on other carryout bags has proven most effective throughout the United States and internationally in reducing plastic bag use and encouraging a switch to reusable bags. For example, Los Angeles County, CA, has had such a ban/fee hybrid in place since 2012, which resulted in a 94% reduction in carryout bag consumption. This model has been in place statewide in California since 2016.

Every year, New Yorkers use more than 20 billion plastic carryout bags, the majority of which are sent to landfills. However, many bags do not make it that far, instead getting stuck in trees, clogging storm drains, getting caught in recycling equipment, and becoming part of the growing islands of plastic pollution poisoning our oceans and our food supply. According to an estimate by the World Economic Forum, *“without significant action, there may be more plastic than fish in the ocean, by weight, by 2050.”*

Fourteen municipalities in New York State have enacted some combination of bans and/or fees for carryout bags, including Suffolk County, Long Beach, Mamaroneck, New Paltz, Hastings-on-Hudson, and New York City (later overturned by the State Legislature). More than 1.6 million New Yorkers live in areas covered by a patchwork of bans and fees. Among other challenges associated with the lack of statewide action, these municipalities are unable to use the funds collected through carryout bag fees for any environmental purpose, since state authority is required to levy taxes.

HEALTH

One of the major disappointments of the legislative session was the failure to act on **the Reproductive Health Act (S.2796) and the Comprehensive Contraception Coverage Act (S.3668)** to ensure our reproductive rights and access to contraception are protected. This is all the more important as the likelihood that the Supreme Court will overturn Roe v. Wade has greatly increased with the retirement of Justice Kennedy and his likely replacement with an anti-choice justice.



In May I joined my colleagues at a press conference calling for immediate passage of the Reproductive Health Act. When the legislature returns to Albany I will be pushing for immediate passage of this critical legislation that would remove abortion from New York’s criminal law.

The Senate and Assembly did reach agreement on a couple of important health bills:

S8987 expands the **Medical Marijuana Program to allow for prescriptions as an alternative for opioids**. This bill would allow prescriptions both for pain and as an alternative to opioid use and for substance use disorder.

S.9100, the **Drug Take Back Act**, requires pharmaceutical manufacturers to create a drug takeback program where consumers can return or recycle their unwanted or unused prescription and non-prescription drugs. This is an important measure both in the fight against opioid abuse and in protecting our environment, as unused drugs often end up in our water supply.



This April U.S. Senator Kirsten Gillibrand announced her support for my Marijuana Regulation and Taxation Act (S.3040) to legalize adult use of marijuana. Support for reform of our outdated marijuana laws is building and I am hopeful that we can join other states that have modernized their laws.

CRIMINAL JUSTICE

Criminal Justice Reform: Another great disappointment this year was the failure to pass significant reforms to our criminal justice system including **bail reform, speedy trial, or meaningful discovery reforms**. The Governor and Assembly both supported inclusion of these reforms as part of the budget but the Senate leadership blocked consideration of any of these measures.

I look forward to the time when the New York State Senate will enter the 21st Century and recognize that we need a justice system that people believe is actually just. Creating such a system will involve reforming our bail system so that people are not locked up because they lack the ability to pay. It will involve ensuring everyone has access to a speedy trial, as guaranteed by the U.S. Constitution. It will involve discovery reform to ensure prosecutors do not hide evidence from defendants and their attorneys. It will involve a host of other reforms, but it certainly will not involve trying to find new ways to keep more of our people in prison. The United States already has the highest prison population in the world, and that in and of itself is an indictment of our criminal justice system.

Commission on Prosecutorial Misconduct: While I spend a lot of time in Albany frustrated by the process, there are occasional rays of light, and one of them was passage of legislation that would establish a Commission on Prosecutorial Misconduct, modeled on the existing Commission on Judicial Misconduct that has existed since the 1970s. While the legislature failed to act on many important criminal justice reform measures this term, this legislation can be counted as an important reform.

The Commission would be charged with investigating complaints of unethical or illegal practices by prosecutors. Prosecutors have incredible power in our judicial system, and it is necessary that there be some entity that people can turn to in cases where this power is abused. Thanks to the work of criminal justice advocates, more and more wrongful convictions are being identified, and in many of these cases there is evidence that the prosecutor in the case withheld exculpatory evidence from the defense. Wrongful conviction is a doubly tragic outcome, in that it puts an innocent person behind bars, and lets a criminal get away scot free. I am

hopeful that this legislation will help make our justice system more just.

Human Trafficking: I was also pleased that the legislature passed a couple of important measures addressing human trafficking. S.5988-B enhances penalties for sex trafficking of children and eliminates the requirement that the prosecution show that the child was forced into prostitution. S.8305 requires the Office of Temporary and Disability Assistance to fund services to victims of human trafficking, and require those services to include short- and long-term safe houses. Services to human trafficking victims include: case management, emergency temporary housing, health care, mental health counseling, drug addiction screening and treatment, language interpretation and translation services, and other employment based services.

SEXUAL HARASSMENT POLICY

In the wake of continuing sexual harassment scandals in both the public and private sectors, the legislature and governor agreed on language creating new requirements on employers. Unfortunately, this was done in typical Albany fashion – with the “Three Men in a Room” model where the legislative majority leaders and the governor hash out final language in secret. The lack of inclusion of women in these meetings was one problem, but an even greater issue with the process was the lack of inclusion of victims of harassment in the discussion.

While the final policy is better than nothing, it could have been a lot better. For instance, it requires employers to have sexual harassment policies, but lacks clear penalties for not following those policies. Furthermore, it does not address the lack of an appropriately independent investigative body for resolving allegations.

I joined 21 of my colleagues in writing to the Senate leader calling for hearings where victims and experts in sexual harassment law could share their expertise on how to craft a better law. A similar letter was sent by Assemblymembers to their Speaker. I will continue to work with victims to ensure their voices are included in future discussions.

ELECTION REFORM

Another area where the Senate leadership refused to take action was on a range of election reform issues. These need to be top priorities for next year’s session. New York has a dismal record on voting participation, ranking 41st in the nation following the 2016 General Election. While there are multiple reasons for this, one important factor is laws that make it harder to vote than in many other states. I support a package of legislation to open up our voting procedures that would:

- **enable early voting**
- **allow no-excuse absentee voting**
- **allow automatic voter registration and same-day voter registration**
- **shorten the waiting period for change of party enrollment**
- **modernize the voter registration system to improve the accuracy of voter lists and eliminate unjustifiable voter purges**
- **consolidate state and federal primaries, which would save money and increase turnout. New York is the only state not to have combined primaries**
- **create a public financing system for state elections to reduce the influence of large donors and restore confidence that elections reflect the will of the voter rather than the dollar**

The right to vote is one of the most fundamental freedoms belonging to every American. But New York’s convoluted and out-dated voting laws discourage participation in our electoral process. Addressing this issue is one of my top priorities.




In May I joined Senate colleagues at a press conference calling for passage of election reform legislation


GUN REGULATION

Both houses also agreed on a bill expanding the number of crimes that can result in the loss of a firearm to include **domestic**


violence offenses (S.8281). However, the Senate leadership prevented votes on a wide range of other bills to promote gun safety and prevent guns from getting into the hands of dangerous individuals, including legislation I carry, the **Children’s Weapon Accident Prevention Act** (S.3355), which would establish penalties for failing to safely store guns so they don’t end up in the hands of children. The Senate leadership also refused to allow a vote on so-called “**red flag**” **legislation** to empower families and police to stop gun violence and save lives by obtaining a court order preventing someone from possessing guns if a judge finds they are likely to harm themselves or others. A bill **banning bump stocks**, which allow rapid fire and have greatly increased fatality rates in some recent shooting incidents, was also blocked by Senate leadership.



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State Senator Liz Krueger’s Albany Update – Summer 2018



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UPCOMING EVENTS

Climate Week Panel on State Action on Climate Change • Thursday, September 27, 6 pm - 8 pm
Marble Collegiate Church Loft, 276 Fifth Avenue between 29th and 30th Streets

Senior Resource Fair
October 18, 2 pm – 5 pm
Temple Emanu-El
One East 65th Street

Later Life Planning Series
6 pm – 8 pm
Weill Cornell Belfer Research Building
413 East 69th Street, between York and First Avenues

Session I • November 8
Medicare and Social Security

Session II • November 15
Important Documents: Wills, Health Care Proxies, Living Wills, and Power of Attorney

Session III • November 29
Palliative Care, Hospice and Sharing with Your Family

Myths, Facts, and Possibilities • 8:30 am – 10:30 am
Five-part Senior/Boomer Roundtable Discussion Series
Lenox Hill Neighborhood House
331 East 70th Street.

Session I • November 13
Ageism: A Discussion with Ashton Applewhite

Session II • December 6
How Older Adults are Portrayed in the Media

Session III • March 14
Loneliness and Engagement

Session IV • April 4
Meeting the Needs of a Growing and More Diverse Community

Session V • May 9
Organizing for Change