

Dear Neighbor,

I am pleased that this year I can focus my Albany Update on the action the legislature took on so many critical issues. Those of you who have been reading my newsletters over the years know that I often report more on what didn't get done than on what was achieved. This year is different. While there is more work to be done, the legislature passed numerous important bills this session, many of which I will focus on below. I am happy to now be part of a functioning majority that can act on so many long-delayed issues and restore New York to a position of leadership on progressive policies that improve the lives and protect the rights of our residents.

HOUSING

Significant New Protections for Rent Regulated and Market Rate Tenants

After years of fighting an uphill battle in the Senate to protect affordable housing and tenants' rights, I am extremely pleased that the legislature passed landmark legislation establishing the strongest new protections for rent regulated and market rate tenants in at least a generation. In June, the legislature passed the **Housing Stability and Tenant Protection Act of 2019** (S.6458/A.8281) which removed loopholes added to the rent regulation laws since 1994 that have undermined tenant stability and the integrity of the rent regulation system. These loopholes led to the deregulation of approximately 300,000 apartments, rampant tenant harassment, skyrocketing rents for many tenants, and massive speculation in the rent regulated housing market. The new law also establishes important new protections for all tenants across the state, including the millions of residents living in market rate units. Most of the provisions of the new law went into effect immediately on June 14th but a few do not go into effect until later this year. Among the key provisions of the law:

Stronger Protections for Rent Stabilized and Rent Controlled Tenants

- Makes the laws governing rent stabilization and rent control permanent.
- Repeals vacancy deregulation and high-rent high-income deregulation.
- Makes preferential rents the base rent for lease renewal increases for the duration of the tenancy.
- Provides relief from large rent increases for rent-controlled tenants by capping Maximum Collectible Rent increases at the average of the five most recent Rent Guidelines Board annual rent increases for one-year renewals or 7.5% (whichever is lower) and prohibiting fuel pass-along charges.
- Reforms Major Capital Improvement (MCI) rent increases by limiting MCI increases to work for essential building functions, prohibiting MCI approvals when there are hazardous or immediately hazardous violations in a building, requiring costs to be reasonable and verifiable, prohibiting MCIs in buildings where 35% or less of the units are rent regulated, eliminating retroactive MCIs, lowering the MCI rent increase cap to 2%, lengthening the MCI formula's amortization period, ending permanency for MCIs, and requiring that 25% of MCIs be inspected and audited by DHCR each year.
- Reforms Individual Apartment Improvement (IAI) rent increases by capping the amount of IAI spending at \$15,000 over a 15-year period, making IAI increases temporary, extending the amortization period, prohibiting IAIs if there are hazardous or immediately hazardous violations in an apartment, and requiring owners to notify DHCR of all IAIs.
- Extends the rent overcharge look-back period from four to six years, or as long as reasonably necessary to determine a reliable base rent, and extends the period for which an owner can be liable for rent overcharge claims from two to six years.
- Limits the use of the "owner use" exemption (which allows owners to refuse to renew a rent regulated tenant's lease) by restricting it to a single unit, requiring owners to demonstrate an immediate and compelling need for a unit, and protecting long-term tenants from eviction by reducing the current length of tenancy required to be exempt from eviction to 15

years.

- Repeals the vacancy bonus and longevity bonuses that allowed a property owner to raise rents by 20% each time a unit became vacant, plus additional increases if the previous tenant occupied an apartment for 8 or more years.
- Strengthens tenant protections in buildings converting to co-ops or condominiums by eliminating "eviction plans", and prohibiting conversions unless 51% of tenants in occupancy agree to purchase their apartments.
- Keeps stabilized apartments rented by nonprofits in the rent stabilization system.
- Removes the geographical restrictions on the applicability of the rent stabilization laws, allowing any locality that otherwise meets the statutory requirements (e.g., less than 5% vacancy rates) to opt into rent stabilization.

New protections for all tenants---even those in market rate apartments

- Limits security deposits to one month's rent and establishes new procedures to ensure owners promptly return deposits once a tenant leaves.
- Requires owners to provide written notice to tenants when they intend to increase the rent more than 5% or do not intend to renew a lease (the notice period is at least 30, 60, or 90 days depending on how long a tenant has lived in an apartment).
- Strengthens protections against retaliatory and unlawful evictions.
- Limits late fees to \$50 or 5% of the monthly rent, whichever is less, and prohibits late fees unless the rent is at least 5 days late.
- Prohibits owners from charging apartment application fees, except the actual cost of background and credit checks up to \$20.
- Bans the use of so-called "tenant blacklists" - protecting tenants who enforce their rights in Housing Court.
- Provides tenants in Housing Court proceedings more time to obtain legal services, fix violations of a lease, pay rent owed, and respond to notices.
- Extends the time judges may give tenants who have lost court cases to find other suitable homes.

Coops and Condos

The legislature approved a two-year extension of the Coop-Condo Tax Abatement, which has been an important source of property tax relief in the absence of more fundamental reform of the property tax system at the city level. In addition, legislation was approved that would authorize reverse mortgages for Coop shareholders who are 62 or older. The legislation (S.3686B) includes strong consumer protections, and may help fiscally strapped older-adults remain in their homes.



*On June 14, I joined many of my colleague and tenants at a rally celebrating passage of the **Housing Stability and Tenant Protection Act**.*

HEALTHCARE

Reproductive Health

In the face of threats to reproductive rights emanating from the Trump administration and the US Supreme Court, it was critical that New York take action. On January 22nd, the 46th anniversary of Roe v. Wade, the legislature passed:

- The **Reproductive Health Act**: S.240, which I sponsored, modernizes New York's nearly 50-year-old statutes regarding abortion to bring them into compliance with Roe v. Wade, and ensures that New York State law treats abortion as health care, not as a criminal act.
- The **Comprehensive Contraception Coverage Act**: S.659-A requires health insurance companies to include coverage of all FDA-approved contraceptive options, as well as

- contraceptive counseling and services, without cost-sharing.
- **The Boss Bill:** S.660, which I carried for many years and was sponsored this session by Sen. Metzger, ensures that employees or their dependents are able to make their own reproductive health care decisions without incurring adverse employment consequences.

Vaccinations

New York is facing the worst measles outbreak in decades, due in large part to misinformation about vaccinations. In response to this public health crisis, we passed S.2994-A, which repealed the religious exemption from vaccination requirements for school admission. The law continues to provide for a medical exemption where a physician certifies that the immunization may be detrimental to a child's health. The science is clear: vaccines are safe. This is not a religious issue, it is a health issue, and the needs of public health are paramount, particularly for children and other vulnerable people who cannot be vaccinated for medical reasons.

Healthcare Access

The legislature approved a number of additional measures to improve access to healthcare services and to control costs. This year's budget included language mandating coverage of **fertility preservation** for those facing fertility issues due to chemotherapy or other treatment and mandating coverage by large group insurance policies of **in-vitro fertilization**. We also passed legislation (S.3852-A) **mandating coverage of mammograms for people between 35 and 39** when recommended by a doctor.

The legislature also passed my bill (S.3171-A) creating an independent dispute resolution process to protect patients against **excessive out-of-network hospital emergency charges**, and a package of bills designed to **ensure patients' ability to choose to get prescriptions filled by local pharmacies** rather than by mail-order. In addition, the budget included language that **codified the Affordable Care Act (ACA)** in State law to protect New Yorkers if the ACA is repealed at the federal level.

ENVIRONMENT

Climate Leadership and Community Protection Act (CLCPA)

The legislature passed the Climate Leadership and Community Protection Act (S.6599) to address and mitigate the effects of the climate crisis by setting a goal of net-zero greenhouse gas emissions by 2050, meeting the state's energy needs with clean renewable sources, creating thousands of green jobs, and promoting environmental justice across New York State. This bill is the most comprehensive and aggressive climate change legislation in the nation.

Banning Toxic Chemicals

The legislature passed a number of bills addressing exposure to toxic chemicals, including a ban on selling children's products containing dangerous chemicals, prohibiting the use of 1,4-Dioxane in household and personal care products, prohibiting the use of pesticides containing chlorpyrifos, and imposing limits on mercury in lamps to prevent mercury poisoning.

Protecting Our Air and Water

The legislature adopted a ban on offshore oil and gas drilling in New York State waters. We also began the process of amending the State Constitution to enshrine a positive right for New Yorkers to have clean air and water. Both houses passed this amendment, which must be passed again in the next legislative session in 2021 and then brought before the voters for approval.

Plastic Bag Ban

This year's State budget included a provision banning single-use plastic bags and empowering counties and cities to opt into a 5-cent fee on paper bags. 40 percent of the revenue generated will be dedicated to local efforts to provide reusable bags for low and fixed-income consumers, and 60 percent will go to the State's Environmental Protection Fund.

TRANSPORTATION

Congestion Pricing and MTA Reform

The budget included a traffic mobility plan that will reduce peak-hour congestion, incentivize efficient commercial vehicle and business travel, reduce pollution, and dedicate revenues to the MTA. The MTA will receive revenues from the traffic mobility plan, the internet sales tax, and a new supplemental tax on high-end real estate transactions that will provide up to \$25 billion in support for critical MTA capital projects.

The budget creates a Traffic Mobility Review Board that will be responsible for establishing the details of the congestion plan. After holding a series of hearings to provide the public with an

opportunity to weigh in on the details of the congestion plan, the board is tasked with establishing the rules for the program, which will begin no earlier than December 31, 2020.

The zone will include Manhattan south of 60th Street, with the exception of the FDR Drive and West Side Highway.

There are a number of exemptions and tax credits included in the bill:

- Exemptions for emergency vehicles and vehicles used by people with disabilities;
- The board can establish potential discounts for motorcycles and low-emission vehicles;
- A personal income tax credit equal to actual congestion costs for households living in the congestion zone who make \$60,000 or less;
- The board can establish variable rates for peak and off-peak travel;
- Limitations to one charge per day for passenger vehicles;
- The board can establish discounts or exemptions for for-hire vehicles subject to the congestion charge;
- Potential toll offsets for bridges and crossings that are currently tolled.

The legislation also requires the city to undertake a parking study of the congestion zone and surrounding areas to evaluate impacts on parking. New York City already has the authority to implement a residential parking permit system should this be deemed necessary to address parking impacts.

The budget also includes requirements that the MTA reform its internal operations. It requires the MTA to develop an administrative consolidation plan and undertake a forensic audit, reform performance metrics, and implement design-build and other mechanisms to improve timeliness and reduce costs of capital projects.

While congestion pricing has long been a contentious issue, I believe that the structure outlined in the budget can create an equitable system that will both address congestion and provide substantial resources to address the current crisis with both our subways and buses.

Bus Lane Cameras

We passed legislation I introduced that will allow the City of New York to expand the use of bus lane enforcement cameras as it sees fit, and free New York City police resources to be directed elsewhere. It also lowers the maximum fine for a single bus lane camera violation to \$50, institutes a graduated fine schedule up to \$250 for repeat offenders, and directs the funds raised by the fines to the MTA.

The New York City bus system serves over two million riders daily. However, due to worsening congestion throughout the city, bus speeds have declined significantly in recent years. This has coincided with a significant and ongoing decrease in bus ridership, as riders switch to other transit modes, increasing crowding on the subways and traffic congestion on city streets. This legislation will allow the city to expand its enforcement program and speed up bus service.

School Zone Cameras

The legislature also passed S.4331, which reauthorized and expanded the school speed camera program to enhance road safety near schools and prevent needless tragedies from reckless drivers.

WORKERS' RIGHTS

Equal Pay

The legislature acted on a number of equal pay bills:

- S.5248-B **prohibits a differential rate of pay based on protected class status**, extending protections that previously only applied to gender to age, creed, race, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status.
- S.6549 **prohibits employers from asking prospective employees for wage and salary history** as a requirement for a job interview, job application, job offer, or promotion. This legislation also prohibits retaliation by an employer against a prospective employee based on the employee's refusal to provide salary or wage history.
- S.6436 requires the implementation of a state policy to **ensure that public employees receive fair and equal pay for substantially similar work**. The bill provides that the policy be extended even in cases where employees have different titles, but analysis reveals that the jobs are equivalent.

Harassment

The legislature passed S.6577, which dramatically rewrote laws aimed at protecting workers from sexual and other forms of harassment. This legislation was drafted after a series of public hearings that provided an opportunity to draw on the knowledge of survivors of sexual harassment and experts in employment law.

This legislation will:

- Extend protections to all employees, including new protections for domestic workers and independent contractors;
- Impose a more liberal and remedial interpretation of the State's Human Rights Law to prevent rights from being curtailed as they are on the federal level;
- Eliminate the "severe" or "pervasive" standard that protected harassers in cases where there was one egregious incident;
- Allow for punitive damages and attorney's fees in employment discrimination cases;
- Expand the enforcement powers of the Attorney General.

Farm Workers Rights

After decades of delay, the legislature passed the Farm Laborers Fair Labor Practices Act (S.6578) which grants collective bargaining rights, overtime pay, workers' compensation, and unemployment benefits to farm laborers. This legislation also includes 24 consecutive hours of rest each week, and a sanitary code for all farm and food processing labor camps intended to house farm laborers.

Wage Protections

The legislature also passed S.2844-B, which helps victims of wage theft prevent employers from "judgment-proofing" themselves and avoiding accountability, and S.4030-A, which eliminates the subminimum wage for car wash workers in New York City, Long Island, and Westchester.

ELECTION REFORM

The right to vote is one of the most fundamental freedoms belonging to every American. But New York's convoluted and outdated voting laws have discouraged participation in our electoral process and caused us to have one of the lowest voter turnout rates in the country. The first legislation we passed this year was a package of voting reforms, including:

- **Early Voting:** S.1102 establishes an early voting system to permit eligible voters in New York State to vote in person during a 9-day early voting period running until the Sunday before election day.
- **Consolidation of Federal and State Primaries:** S.1103 will save taxpayer dollars and make state primary elections the same day as federal primary elections. It also ensures that New York State's election law complies with the federal Military and Overseas Voter Empowerment (MOVE) Act.
- **Closing the LLC Loophole:** S.1101 holds Limited Liability Companies (LLCs) to the same aggregate contribution limit of \$5,000 that applies to corporations. The bill requires the disclosure of the identity and proportion of ownership of all direct and indirect owners of the membership interests in the LLC. This legislation will also require all contributions made to political committees or campaigns by an LLC be attributed to each member of the LLC in proportion to the member's ownership interest.
- **Same-Day Voter Registration:** S.1048 amends the state Constitution to remove the ten-day advance voter registration requirement, subject to second passage by the next legislature and approval in a statewide referendum.
- **No-Excuse Absentee Voting:** S.1049 amends the state Constitution to allow for any voter to request to vote by mail without declaring a reason, subject to second passage by the next legislature and approval in a statewide referendum.
- **Voter Registration Transfers:** S.1099 requires the Board of Elections to transfer the registration and enrollment of a voter to wherever they move within New York State.
- **Voter Pre-Registration:** S.1100 enables 16- and 17-year olds to pre-register to vote and requires local boards of education to adopt policies to promote student voter registration and pre-registration.

In addition, in June we passed S.6532-A, which **loosened the unreasonably tight deadline for a voter to enroll in a party before a primary election** by moving this deadline to the February 14 before the primary.

CRIMINAL JUSTICE REFORM

One area in which I believe we should have done more is creating a criminal justice system that is truly just. I strongly supported

efforts to reduce the use of solitary confinement and reform our parole system that did not advance through the Senate. That said, there were a number of important reforms passed as part of the budget, including:

- **Reforming Bail and Pretrial Detention:** The enacted budget eliminates cash bail for misdemeanors and non-violent felonies and ensures that no New Yorker is incarcerated because of inability to pay. Additionally, law enforcement officials will be required to issue a desk appearance ticket to most people charged with misdemeanors and Class E felonies.
- **Ensuring the Right to a Speedy Trial:** The enacted budget will ensure that defendants do not sit in jail waiting for a trial while dates keep getting postponed by requiring that misdemeanors are resolved within 90 days and felonies within 180 days. Courts will be required to take a proactive role in advising litigants on how time will be credited toward speedy trial requirements and inquire into the government's readiness to proceed to trial. Prosecutors will also be required to file all suitable paperwork before statement of readiness for trial are accepted.
- **Transforming the Discovery Process:** The enacted budget includes reforms that will overhaul New York's discovery process to require that both prosecutors and defendants share all information in their possession well in advance of trial. This legislation will also ensure that both victims and witnesses are protected from intimidation and other forms of coercion by providing prosecutors with the ability to petition a court for a protective order.
- **Reforming Civil Forfeiture:** The enacted budget creates new accountability requirements for asset seizure and requires reporting on demographic data related to seizures.

Marijuana Decriminalization

I believe that the best way to address the negative impacts of racially biased enforcement of our marijuana laws would have been to pass my Marijuana Regulation and Taxation Act (S.1572-B), which would have created a legal adult-use market and reinvested the revenue back into communities disproportionately impacted by the drug war. While I was disappointed we could not reach agreement on this legislation, I was pleased that we did pass legislation (S.6579) decriminalizing possession of small amounts of marijuana and providing for automatic expungements of past convictions. I will continue to push for a tax-and-regulate adult-use program with all the right safeguards in place, one that centers on restorative justice and reinvestment in the communities most harmed by decades of failed prohibition policies. I have no doubt that prohibition is an outdated and irrational policy, and its days are numbered.

Child Victims Act

Another long delayed bill that passed this year was the Child Victims Act (S.2440), which raises the criminal statute of limitations for child sexual abuse crimes by five years and raises the civil statute of limitations for causes of action brought by someone seeking redress for physical, psychological or other injury caused by child sexual abuse to age 55. Additionally, this legislation will create a one-year window, starting August 5, for past victims of child sexual abuse to initiate lawsuits against their abusers and the public and private institutions that let the abuse happen. It is incomprehensible that until now New York State has failed to allow all victims of child sexual abuse to have their day in court.

Domestic Violence

The legislature passed S.1077, which provides for alternative sentencing rules for survivors of domestic violence, so judges are allowed to exercise discretion and impose more lenient sentences when abuse was a significant factor in a defendant's commission of a crime, and S.4657, which ensures that survivors of domestic violence can call for police assistance without fear of losing their housing.

GUN SAFETY

The legislature passed a host of common sense gun safety legislation this year, including:

- S.2450-A, which I sponsored, establishes penalties for anyone who has a child under 16 in their home and who doesn't properly store any firearm or render it incapable of being fired by using an appropriate gun-locking device when it is out of their immediate possession;
- S.35, which requires that imitation weapons must be entirely brightly colored or be constructed entirely of transparent or translucent materials, and be manufactured with other identifying features;
- S.2374, which establishes an extension of time up to thirty calendar days for national instant background checks;

- S.2448, which prohibits the possession of “bump stock” devices that accelerate the rate of fire of a firearm;
- S.101-A, which prevents K-12 schools from authorizing anyone other than a security officer, school resource officer, or law enforcement officer to carry a firearm on school grounds;
- S.2449, which directs the State Police to devise regulations for gun buyback programs so that all buyback programs across the state are operated consistently with uniform best practices;
- S.2438, which requires out-of-state applicants for gun permits to allow New York permitting authorities to review out-of-state mental health records.
- S.2451, the “red flag” bill, which allows law enforcement officials, family and household members, and certain school officials to seek an Extreme Risk Protection Order from the court requiring a person likely to harm themselves or others to relinquish any firearms in their possession

LGBTQ RIGHTS

The legislature also took action on the first significant legislation expanding LGBTQ rights since the passage of marriage equality in 2011. We passed S.1047, the **Gender Expression Non-Discrimination Act (GENDA)**, which prohibits discrimination based on gender identity or expression and adds transgender New Yorkers to those protected by the state’s Hate Crimes Law. We also passed legislation **banning conversion therapy** (S.1046)

which prohibits mental health professionals from engaging in sexual orientation change efforts with a patient under the age of 18, and we passed S.3293, which **eliminated the so-called “gay panic” and “trans panic” defenses**, which let murderers claim temporary insanity because they found out someone was gay or transgender.

IMMIGRANT RIGHTS

The legislature passed the **DREAM Act** (S.1250), which allows undocumented children, who are already students in New York State, the ability to qualify for state aid for higher education, creates a Dream Fund for college scholarship opportunities, and removes barriers that block undocumented families from college saving programs. At a time when immigrants are under attack from the Trump administration, I am gratified that New York is standing up for educational opportunity for all. We also enacted the **Driver’s License Access and Privacy Act** (S.1747-B), which will remove barriers created two decades ago that prevented undocumented immigrants from applying for driver’s licenses. This will improve road safety and make it possible for hard-working immigrants to get where they need to go. In Connecticut, where a similar policy was implemented four years ago, there have been almost 4,000 fewer unlicensed driving convictions, and hit-and-run crashes dropped 9% between 2016 and 2018. Additionally, we passed the **Reuniting Families Act** (S.5024-A) to make sure that parental rights are not terminated if a parent is held in immigration detention.



New York State Senate, Albany, NY 12247



State Senator Liz Krueger’s Albany Update – Summer 2019



PSRT-STD
U.S. POSTAGE
PAID
NEW YORK SENATE

Albany Office:

416 State Capitol
Albany, NY 12247
(518) 455-2297

District Office:

211 East 43rd Street
Suite 1201
New York, NY 10017
(212) 490-9535

E-Mail: lkrueger@nysenate.gov

Website: krueger.nysenate.gov

ENSURING PRESIDENTIAL ACCOUNTABILITY

The legislature also passed two bills designed to address actions by President Trump to hinder investigations. S.4572 removed the “Double Jeopardy” loophole, allowing New York to prosecute people who have violated state laws with conflicts of interest who are close to the President and who receive a pardon. S.5072-A authorized the State Department of Taxation and Finance to provide tax records at the request of Congressional committees as part of an investigation.

ANIMAL PROTECTION

The legislature also acted on animal protection legislation, including banning the declawing of cats (S.5532-B) and improving care standards for pet dealers (S.3828). Legislation I carry (S.2723) that would ensure a perpetrator’s attempt to harm an animal is penalized appropriately regardless of whether the assault succeeds or fails passed the Senate but did not come up for a vote in the Assembly, as did my bill to ban so-called “canned shoots,” in which animals, often raised in captivity, are “hunted” in fenced-in areas with no possibility of escape (S.2519).

SAVE THE DATES:

FORUM ON THE NEW RENT LAWS

Tuesday, September 10, 6-8 PM
The Graduate Center, CUNY, Proshansky Auditorium
365 Fifth Avenue b/t 34th and 35th Streets
To RSVP, email lkrueger@nysenate.gov or call 212-490-9535

Senior Resource Fair

Thursday, October 24, 2-5 pm
Temple Emanu-El, One East 65th Street
No RSVP Required

Coop and Condo Forum

October 28 or 29 (Date TBD), 6-8 PM
Location TBD
To RSVP, email lkrueger@nysenate.gov or call 212-490-9535

Senior Roundtable First Session

Thursday, November 2, 8:30-10:30 AM
Lenox Hill Neighborhood House
331 East 70th Street
Topic: NYC’s Older Adults: What We Need to Live in the City
To RSVP, email lkrueger@nysenate.gov or call 212-490-9535