



News from Assemblymember

December 2015

# LINDA B. ROSENTHAL

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## Winning Victories for Tenants One Building at a Time

At a time when income inequality is at a high point, the need for affordable housing and tenant protection has never been greater. It's against this backdrop that I went to the mat last session for my constituents and millions of tenants who rely on the rent laws to stay in their homes. We extended the rent laws to 2019, decreased the vacancy bonus for units renting at a preferential rent, increased the fines for tenant harassment and increased the amortization period for MCIs, meaning tenants will pay a lower monthly amount over a longer period of time.

Vacancy deregulation is by far the single greatest threat to affordable housing, essentially providing landlords with an incentive to harass their rent-regulated tenants into leaving. Understanding the threat to affordable housing caused by vacancy deregulation, I am the prime sponsor of legislation to repeal it and end the practice altogether. We were able to include a provision that dramatically changes vacancy deregulation and will ensure that more tenants will be able to stay in their homes. In addition to increasing the threshold for vacancy deregulation from \$2,500 to \$2,700 and indexing future increases to the increases set by the New York City Rent Guidelines Board, we also included a provision that requires the rent to reach the vacancy deregulation threshold while the tenant is in occupancy. This may seem like a small change, but its impact is quite significant.

In the past, landlords were able to harass their rent-regulated tenants and force them to leave. Once the unit became vacant, the landlords could claim to have made thousands of dollars' worth of improvements to get to the deregulation limit. With little oversight in place to prove the veracity of these claims, landlords were easily able to "legally" deregulate a unit. With this change in place, the rent must increase to \$2,700 while the tenant lives in the unit. Only then can a landlord apply to deregulate a unit. This means that landlords will no longer be able to claim improvements that were never made, and it also removes the incentive for landlords to harass their rent-regulated tenants into leaving.



*Assemblymember Rosenthal stood up for tenants this session as they fought to strengthen and renew the rent laws. Here she is with hundreds of tenants gathered in Albany for a rally.*

## Cracking Down on Illegal Hotels, Airbnb

Illegal hotels threaten tenant safety, put transient guests at risk and diminish affordable housing options for hardworking New Yorkers while driving up the price and availability of all housing stock. Because of the risks, New York has always taken illegal hotel activity seriously. Occupancy of class A multiple dwellings for fewer than 30 days (transient occupancy) has always been illegal. And, after observing an increase in illegal hotel activity, in 2010 the State Legislature clarified and strengthened the laws prohibiting illegal hotels.

I have been working to stop the spread of illegal hotels since I first took office. Back in 2007, I booked a room in the Imperial Court Hotel, a notorious illegal hotel in my district that had been generating numerous tenant complaints, to prove that the landlord, despite his denials, was running an illegal operation out of the SRO building.

This year, I carried out a similar sting against Airbnb. Airbnb is an internet-based facilitator of short-term apartment rentals, but it has become the go-to spot for those seeking to engage in illegal hotel activity. Because renting one's unit on Airbnb is, under many circumstances, illegal, unsuspecting tenants who use the site may find themselves facing steep fines and even eviction. Despite repeated requests, Airbnb refuses to provide users with clear information about the laws in New York, claiming it's not their responsibility.

All of the rooms that I booked as a part of the sting were being offered by agents or commercial operators who listed dozens to hundreds of units for rent on Airbnb. The removal of those units from the rental market contributes to a shortage of housing for average New Yorkers. This is simply unacceptable, and Airbnb has a responsibility to rid its site of all illegal listings.

And now, I will be introducing legislation that will prohibit the advertising of units on Airbnb if the occupancy would violate New York law. The bill would specifically target commercial operators and other bad actors who hoard rental units. In addition, since Airbnb refuses to inform tenants of the risks involved with using the site, my bill will require landlords to provide tenants with notice about their rights and responsibilities under the law. To keep this City within reach for all, we must do everything we can to protect affordable housing and tenants against eviction.

## Ethics in New York

With the convictions of former Assembly Speaker Sheldon Silver and Senate Majority Leader Dean Skelos, we have reached a critical tipping point in Albany, the point at which the crimes of these former leaders must spark tangible and substantive change in the ethics laws. Now, more than ever, we have a responsibility to the people of the State of New York to change the culture that has allowed some elected officials to abuse their position for personal gain. They dishonor the office entrusted to them by the public, compromise the legislative institution and hold back the progress championed by honest public servants.

No longer should elected officials be permitted to hide behind weak ethics rules that shield their illegal activity, and the weak rules must

be fortified so that ruthless but legal acts are no longer permitted. For those unable to rely on internal moral compasses, the rules must be toughened to spell out in plain language what is right and what is wrong. Legal "gray areas" in the law should not provide a defense against wrongdoing. The penalty for violating these rules must bring severe consequences: restitution must be paid and pension contributions must be stripped.

Those who choose the path of public service should be inspired by a desire to work for the benefit of the people, to oversee the fair distribution of resources and to help individuals. It should not take

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**FREE NOTARY SERVICE AT MY DISTRICT OFFICE EVERY FRIDAY 1 – 4 P.M.**

## Low-Wage Workers Finally Getting their Due

From rallies with fast food workers calling for a minimum wage increase to solidarity events in support of nail salon workers demanding overtime pay and basic health and safety protections, I have stood with low-wage workers across every industry to win meaningful victories that improve their lives and the lives of hardworking families across the state.

As a result of our efforts, we have won an increase in the minimum wage for fast food workers, which I will fight to extend to include all low-wage workers. In addition, we have won critically important protections for workers in the nail salon industry, many of whom are recent or undocumented immigrants. Our efforts have resulted in better health and safety protections and will ensure that these vulnerable workers receive their compensation to which they are due.

To complement these efforts, I have been working with a broad coalition of labor rights groups on legislation to protect low-wage workers by expanding the protections of the New York State Wage Theft Protection Act (WTPA). Wage theft, or the illegal withholding of wages by an employer, is rampant across the State. Sadly, unscrupulous employers prey upon the vulnerability of their employees by failing to pay them fair wages or provide them with legally required overtime wages or wages from tips. For low-wage workers, living paycheck to paycheck is a reality, and one missed paycheck may mean the difference between making rent or becoming homeless, between buying groceries or going hungry.

While the WTPA expanded the rights of aggrieved workers to sue their employers for wage theft, it did not provide workers with a means by which to collect back wages owed them. In the typical case, when a group of employees sue their employer for wage theft, the employer will often declare bankruptcy to avoid paying a judgment. Even with a favorable judgment in their hand, many employees are left high and dry, the favorable judgment not worth the paper it is written on.

My bill, A.5501, would provide workers who win a wage theft judgment against their employer the right to place a lien on the employer's assets, just like any other creditor. In this way, even if the employer declares bankruptcy, the employee would still be able to collect the back wages to which they are legally entitled. This bill is among my top priorities for the upcoming legislative session, and I am committed to seeing it become law.

## Pedestrian Safety Spotlight

Despite the rollout of Vision Zero, parts of the Upper West Side and Hell's Kitchen continue to rank among the most dangerous neighborhoods for pedestrians. I have been working with local advocates, activists and my colleagues in government to craft a multifaceted approach to pedestrian safety.

I have introduced legislation that would increase criminal penalties for repeat reckless and dangerous drivers. I am also working to expand the state's definition of drugged driving to include a more comprehensive list of intoxicating substances under which a driver could be found guilty of driving while under the influence.

Locally, I have been working with Community Board 4 to improve safety at the intersection of West 57th Street and 8th Avenue, which the New York City Department of Transportation (DOT) has categorized as one of the most dangerous intersections in the area as measured by the number of pedestrian injuries and fatalities. At my request, DOT has begun a review of current safety infrastructure with the goal of implementing additional life-saving measures, including leading pedestrian intervals, countdown clocks and improved signage.

In addition, I have also been working closely with community members who have long complained about the dangerous and uneven

## Education Corner

Community School District 3 is home to some of the best public schools in the City. As a result of its reputation, families have flocked to this area to take advantage of the exceptional academic offerings. With new residential developments designed to house families with children, the area has experienced a tremendous population increase over the last several years.

Aware of the influx of new families to the district and the likely impact that it would have on our schools, along with parents and community leaders, I have been calling upon the New York City Department of Education (DOE) to create new school seats to accommodate the area's growing school-aged population. Rather than heed the community's well-founded concerns and create new capacity, the DOE did not face up to the challenge.

An example of DOE's inertia: PS 199: Jesse Isador Straus School, located at 270 West 70th Street, has experienced record kindergarten waitlists for two consecutive years. Recognizing that overcrowding in our school district has passed the tipping point, the DOE hastily urged the community to consider a rezoning of the southern portion of the district.

Unfortunately, despite the best efforts of Community Education Council 3 (CEC3) and parents and community members, an unnaturally short timeline coupled with very real concerns about the placement of new district lines created an environment where the rezoning could not be completed in time for implementation at the start of the 2016 school year.

While it makes sense to take the time necessary to thoughtfully plot out new district lines that will help to alleviate overcrowding and result in greater diversity, the DOE's lack of foresight contributed to these stalled plans and forces students and prospective families to accept another year of the status quo. The DOE has a responsibility to ensure that all schools have the resources they need to be successful.

The DOE must play the long game when it comes to community school planning. It should not be unreasonable to ask the DOE to consider the impact that a boom in residential development will have on school capacity. It should not be too much to ask that when DOE identifies areas that are experiencing increased residential development, it partner with communities from the beginning to find solutions. It should not be too much to ask that the City demand developers, many of whom receive handsome subsidies, to construct community schools at the base of any new residential development that will increase the population of families with school-aged children. This should be the minimum.

Since the DOE seems either unwilling or unable to do this, I am working on legislation to address these issues and more. Residential development should not take the DOE by surprise, and my legislation will help to ensure that our community, and others across the City, will not struggle with overcrowded public schools. In addition, I will be working closely with my colleagues in government, members of the CEC3 and the community to ensure that the rezoning plan is reflective of the best interests of all the diverse families in this school community.

condition of some of the neighborhoods major thoroughfares. After I communicated your complaints to the DOT, it agreed to repave the roadbeds on Amsterdam Avenue. I know that the repaving process caused a temporary disruption, but we now have newly smooth roads that do not trip up seniors using walkers, parents wheeling carriages or shoppers pushing carts full of groceries.



*Assemblymember Linda B. Rosenthal and New York City Comptroller Scott M. Stringer field questions from community members at a town hall meeting they hosted in November at Lincoln Square Neighborhood Center.*



## Keeping New York Healthy

I am always looking for ways to improve the health and safety of my constituents and people around the state. This past session, in addition to working on legislation to expand the provisions of the Clean Indoor Air Act (which protects New Yorkers against the dangers associated with exposure to second-hand cigarette smoke), to include electronic cigarettes, I passed a groundbreaking law to protect family caregivers.

At any given time, there are more than 4.1 million New Yorkers providing care to ailing loved ones at home. Whether it be an elderly mother or a sick brother, at some point in our lives, we will all be called upon (or have already been called upon) to provide care to a loved one who has been released home from the hospital. As caregivers, we may be asked to administer medications, operate complex devices, dress wounds and much more. Failure to provide this care properly can result in infection, complications and readmission to the hospital. With little more than discharge instructions in hand, these tasks are downright frightening.

That's why I partnered with AARP to pass a law, called the CARE Act, to empower caregivers to ensure better patient care at home. The CARE Act will allow patients to designate a caregiver responsible for providing them with support after they are discharged home from the hospital. More importantly, it would require hospitals to include the designated caregiver in discharge planning and to provide the caregiver with instruction in performing after-care tasks.

This means that if you will be cleaning your mother's surgical wound and changing her dressings, you will be provided with a demonstration of the proper procedure before you leave the hospital. With this law in place, caregivers will be better equipped to provide effective after-care at home, and we can reduce the risk of complications and costly hospital readmissions.

I also passed legislation to ensure that you have choices when it comes to filling your prescriptions. Just look around and you see that independently owned businesses are being forced out of the neighborhood, and the City altogether, by big box stores. The pressure is also being felt by our mom and pop pharmacists, who are finding it more difficult by the day to compete with the likes of the ubiquitous national chain stores. I passed a law to help level the playing field and give independent pharmacies, where you and your needs are most likely known by local proprietors, a leg up against the corporate giants. With this law in place, hopefully your local pharmacy will be around for years to come.

## Ethics in New York - Continued from page 1

the reverberating footsteps of a prosecutor for those in government to do the right thing.

In terms of specific reforms, extremely weak campaign finance rules have allowed those flush with funds to sway weak-willed officials by contributing large amounts using the LLC loophole. We must reform the process by which campaigns are financed, adding more disclosure and transparency, and ultimately moving to public financing.

This has always been a full-time job for me. As many of you know, on days that I am not in Albany, I am in my district, working with my staff on pressing community issues, constituent cases, meeting with advocates and working with my partners at all levels of government to achieve progressive reform in New York State. We should make New York's legislature full time, with commensurate pay and limits on outside income, to reflect the work that needs to be done and the commitment that New Yorkers expect of their elected officials.

We should also institute internal reforms that will guarantee greater participation of all members and put an end to a system that rewards quantity over quality of service.

In every walk of life there are those who will defy the law, despite the consequences. In this arena there is a remedy: the ballot box. Expanding access to the ballot by instituting same-day registration, early voting and other reforms, will encourage greater participation by disaffected voters.

We have been presented with a unique opportunity to make vital changes to our government, and we must seize this moment to ensure that government works for the people.

## Restoring Sanity to Property Taxes

For property tax purposes, not all properties are created equally. There are several classes of property that are all taxed at different rates. Class II properties, which include cooperatives and condominiums and represent so much of the housing stock in Manhattan, are taxed at more than double the rate of Class I properties, which include one-, two- and three-family homes. This bias against Class II properties has placed an unfairly high burden on my constituents, most of whom, if they are not renters, live in coop or condo buildings. With the number of coop or condo conversions on the rise, more and more Manhattan residents will feel the squeeze.

Between soaring rents and ever-increasing and unfairly apportioned property taxes, Manhattan is destined to become a place that is off-limits to most people. We must take action to ease the burden that currently falls unfairly on the shoulders of many of my constituents. Though the City of New York is responsible for the property tax system, it cannot make any changes without approval from the State.

We must resume having conversations about the creative solutions that already exist that would address the problem without increasing property taxes for hard-working families who own a traditional home. To that end, I have joined with my colleagues in the Assembly to schedule a hearing on this issue in January and work on restoring some sanity to the property tax system.

## Assemblymember Linda B. Rosenthal Named Chair of Committee on Alcoholism and Drug Abuse

I am proud to have been selected as the new Chair of the Assembly Committee on Alcoholism and Drug Abuse. At a time when heroin and opiate abuse are on the rise and New York State has opened its borders to gambling, issues of addiction and substance abuse could not be more important. It is critical that the state provide robust funding for education, prevention and crisis intervention and counseling. It is my role to ensure that the groups on the front lines in the battle against substance abuse have adequate resources to help all New Yorkers who are struggling with addiction, whatever form it may take.

I introduced and passed several pieces of legislation that tackle the issue head on. The Governor just signed into law my bill that ensures that defendants who enter drug treatment courts as a result of successful judicial diversion programs have access to medically assisted treatment, such as methadone and suboxone. This law will prevent drug courts from requiring individuals to stop using these medications, proved to be a successful approach, as a condition of participation in drug treatment programs, which would have rendered them ineligible to receive federal funding.

I am sure many of you learned about the tragic story of three-quarter houses, housing that is designated to be a safe space for individuals in recovery or on parole, but remains almost completely unregulated. Akin to them are sober living houses, which abound across the state and are intended to provide those entering the later stages of their recovery with a supportive and substance-free living environment. Unfortunately, sober living houses are also unregulated, which is precisely why I introduced

legislation, bill A.7054, which passed the Assembly and would create the sober living task force in New York State to investigate best practices and make recommendations for uniform guidelines. This legislation would ensure that those who have worked so hard to overcome addiction stay on the path to a substance- and alcohol-free life.



*Assemblymember Linda B. Rosenthal chairs her first meeting of the Alcoholism and Drug Abuse Committee. Among her goals are addressing the statewide heroin epidemic, increasing funding for substance abuse recovery programs and working with advocates to see that New York State leads the way in preventing and treating substance abuse.*

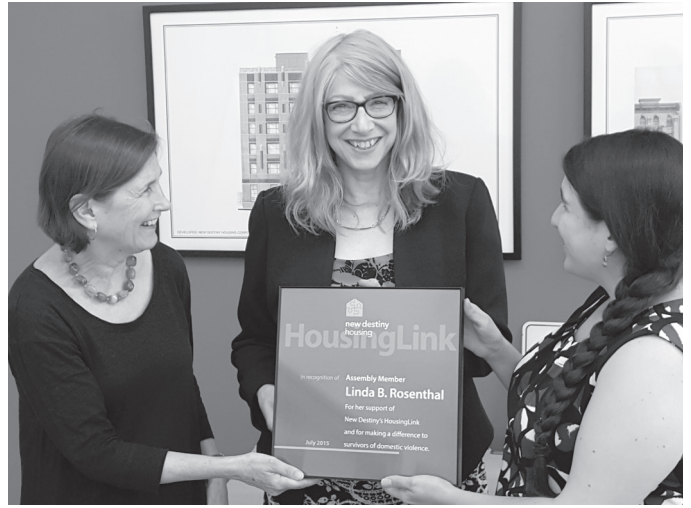
## Assemblymember Linda B. Rosenthal Passes Law to Strengthen SCRIE & DRIE Programs

The Senior Citizen Rent Increase Exemption (SCRIE) and Disability Rent Increase Exemption (DRIE) programs allow eligible seniors or disabled individuals to freeze their rents. These programs are critical lifelines that help to keep thousands of renters in their homes. For years, I have been hosting quarterly SCRIE and DRIE clinics in my district office to enroll as many eligible constituents in the programs.

While my office has enrolled some thousands of eligible New Yorkers, the New York City Department of Finance estimates that there may be as many 90,000 eligible New Yorkers who are not enrolled in the programs. With soaring rents, it's safe to assume that many of them are likely struggling just to make ends meet.

To ensure that every senior or disabled person eligible for SCRIE or DRIE enrolls in these programs, I passed a law this year that requires landlords of qualifying tenants to notify those tenants that they might be eligible for SCRIE or DRIE. Under my law, the landlord is also required to provide those tenants with information about how to apply to receive the benefit. With this law in place, tenants will have the information they need to access a benefit that could save them hundreds of dollars in rent.

**To find out whether you qualify for SCRIE or DRIE or if you are experiencing any problems with your benefits, please give my office a call. We are SCRIE & DRIE experts and are always here to help!**



*Assemblymember Linda B. Rosenthal was recognized by New Destiny Housing for her work in the area of domestic violence. New Destiny Housing builds and administers safe, affordable housing and provides supportive services to survivors of domestic violence. The Assemblymember was presented with a plaque by New Destiny Housing Executive Director Carol Corden and HousingLink Director Catherine Trapani.*



*Assemblymember Linda B. Rosenthal debates GENDA (Gender Expression Non-Discrimination Act) on the floor of the Assembly. GENDA would prohibit discrimination against people based on gender identity or expression and would expand the definition of hate crimes to include crimes committed against transgender people.*

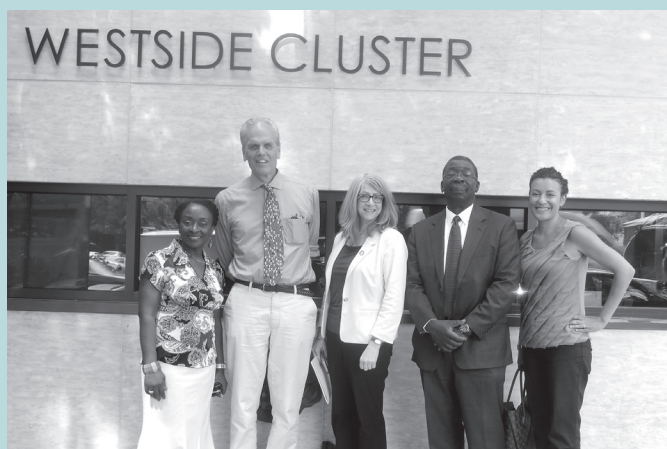


# News

from  
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**LINDA B. ROSENTHAL**

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*Assemblymember Linda B. Rosenthal met with Urban Pathways officials and toured the Westside Cluster House, a newly reopened residence for homeless men and women living with mental illness. Owned and operated by Urban Pathways, a non-profit social services organization, Cluster House recently underwent a \$13.2 million gut renovation and expansion. It now has 52 fully-furnished studio apartments, as well as on-site life-skills training and professional counseling to help residents transition back into society. The Assemblymember, who is Chair of the Alcoholism and Drug Abuse Committee, applauded Cluster House's leading-edge, cost-efficient and effective model. Pictured from l-r: Marie Gelin, Program Director; Erik Ipsen, Board Member; Frederick Shack, CEO; and Nancy Olecki, Development Director.*