



NEW YORK STATE SENATOR

Thomas K. Duane

## January 2010 Community Report

THOMAS K. DUANE February 4, 2010

| ISSUE: **GOVERNMENT OPERATIONS**

February 1, 2010

Dear Neighbor:

The following is a summary of some of my office's recent activities.

### *Albany Update*

The 2010 New York State Legislative Session has begun and Governor Paterson has announced a fiscal year 2010-11 Executive Budget that proposes to close a \$7.4 billion deficit. While I anticipate that this year's budget debate will be long and painful, I remain committed to protecting programs and services that countless New Yorkers need and deserve.

As you may have heard, on January 13, both houses of the Legislature passed ethics and election law reform bills that, while far short of what is necessary, nonetheless significantly increase elected officials' and lobbyists' level of disclosure and accountability.

Among other provisions, the ethics reform package that the Senate overwhelmingly passed, with bipartisan support, requires greater disclosure of legislators' outside sources of income; requires lobbyists and lobbying clients to report business relationships with public officials; restores an independent lobbying commission; empowers a bipartisan enforcement unit within the New York State Board of Elections to impose strict adherence to campaign finance laws; and explicitly bans public officers from using government resources for outside, for-profit business.

This work is a promising start, but it is just a beginning. I will continue to advocate for truly comprehensive ethics and campaign finance reforms that will more aggressively combat political corruption.

This Legislative Session I will also continue to advance key legislation, including bills that will strengthen tenant protections, improve healthcare access, safeguard reproductive healthcare, expand civil rights, deter bullying in our schools, extend paid family leave and provide tax relief for the middle class.

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### **Fighting to Save St. Vincent's Hospital**

As I told hundreds of stakeholders who turned out on January 28 for SEIU 1199's St. Vincent's Community Town Hall Meeting, we need St. Vincent's Hospital. We need a full-service hospital and health care facility in this neighborhood and on the lower West Side of Manhattan. We need the care that St. Vincent's provides for the people that no one else wants to treat.

In the days since it became public that the hospital was in dire financial straits, and in the weeks and months leading up to that, I have been doing everything within my power to keep this hospital intact. Let me assure you, I and my fellow elected officials are pulling every lever and pushing every button, including having frequent discussions with people at the highest levels of the New York State Department of Health, including Commissioner Daines, to keep St. Vincent's as the facility that this City needs it to be.

Always, in my talks with the Health Department staff, they have made it clear that they are receptive to proposals on how to keep St. Vincent's open and they have assured me that no decisions have been made and that they will continue to work with the hospital to find a solution to this crisis.

St. Vincent's is our community's most important health care resource and I stand with the entire St. Vincent's community as we, together, work to save the biggest and the best medical home in New York State.

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**Fighting the Outrageous Revocation of 3,018 Section 8 Vouchers**

I was dismayed by the New York City Housing Authority's (NYCHA) December 17, 2009 announcement that, due to a budget shortfall, it had terminated Section 8 Rental Housing vouchers previously issued to 3,018 families. These vouchers serve as essential rental subsidies for low-income households so that they can afford to live in privately-owned rental housing. Those whose vouchers were rendered worthless include formerly homeless families, victims of domestic violence, intimidated witnesses and children aging out of foster

care, who are especially at-risk of homelessness.

As outrageous as it was that NYCHA officials announced the cancellation of these vouchers after having known of their impending termination for more than six months, it is even more outrageous that more than four weeks after that announcement we have no clear sense of what NYCHA is doing to rectify the situation. NYCHA's apparent decision to remain silent about its efforts is not a valid strategy in this crisis.

I am working with Manhattan Borough President Scott Stringer and elected officials and housing advocates in demanding NYCHA and the City adopt specific policies in order to ensure viable housing options for those affected by this disaster. NYCHA must work and communicate with all levels and branches of government to ensure alternative rental assistance for these extremely vulnerable New Yorkers.

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**Reaffirming My Commitment to ST/PCV Tenants in the Wake of Tishman Speyer's Mortgage Default**

While not unexpected, it is sad and a cause of great concern that Tishman Speyer and Blackrock missed their January 8, 2010 payment on debt from their 2006 purchase of Stuyvesant Town and Peter Cooper Village (ST/PCV). This situation is another tragic result of the recent real estate boom, which has and will continue to negatively impact New York City's residents.

First and foremost, the upkeep of ST/PCV must not be compromised and the tenants' quality of life must be ensured. The City of New York should have stepped in four years ago and prevented such a risky investment that jeopardized one of our great bastions of middle class

housing. However, what is done is done. Now City, State and Federal officials and agencies, along with tenants and their advocates must work together to preserve this critically important housing resource as a high quality place for middle class New Yorkers to live.

As the State Senator who represents the residents of ST/PCV, I will be keeping careful watch that in the wake of this mortgage default, the rights and well-being of the tenants are preserved. I will work with my colleagues at all levels of government to ensure ST/PCV's financial stability, long-term affordability, and special character so that we not only preserve this housing for present tenants but for future generations of middle class New Yorkers.

***Asking NYS HFA and DHCR to Help Preserve Quality, Affordable Housing at ST/PCV***

On January 13, I wrote to the commissioners of the New York State Housing Finance Agency and Division of Housing and Community Renewal asking those agencies to do everything in their power to help ensure the complex's financial stability, long-term affordability, and special character to preserve this housing for present tenants and future generations of middle class New Yorkers.

I urged HFA and DHCR to work with City, State and Federal officials and agencies to make possible a sound and successful tenant bid for the complex should it come up for sale. Please see my letters [here](#).

***Opposing Devastating MTA Cuts***

On December 16, Assembly Member Micah Z. Kellner and I held a press conference with disabilities advocates, for-hire vehicle industry representatives, and Access-A-Ride (AAR) users to oppose the Metropolitan Transportation Authority's (MTA) plans to slash \$40 million from the AAR operating budget. What I find especially egregious about these cuts is that over a year ago, Assembly Member Kellner met with the MTA and proposed an overhaul of AAR that would both improve services for its users and save the MTA \$50 million a year. I find it reprehensible that the MTA is attempting to balance its budget on the backs of one of our City's most vulnerable populations. Please see the press release [here](#) for more information.

I have also spoken out against the MTA's announced elimination of the Student Metrocard Program. I believe that punishing New York City schoolchildren and their parents for the MTA's short-sighted budgeting and the government's underfunding of mass transit is outrageous. The elimination of the program must not stand.

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***Calling for a New School in District 3***

On December 16, I submitted testimony at the Community School District 3 Education Council (CEC3) hearing on the New York City Department of Education's (DOE) draft 2010-2014 Five-Year Capital Plan, expressing grave concerns about the crisis of school overcrowding on the Upper West Side and urging DOE to include at least one new District 3 school in the final Capital Plan. Please see the testimony [here](#).

I am also continuing to work with Manhattan Borough President Scott Stringer, as well as other Upper West Side City, State and Federal elected officials, DOE, CEC3, CB7, and parent representatives in a Community School District 3 War Room on school overcrowding. The War Room met most recently on December 22, and negotiations with DOE regarding the district's needs are ongoing. I will continue to work with all stakeholders as we seek to ensure that we have sufficient classroom and cluster room space in our public schools for years to come.

*Working Towards a Community-Friendly Redevelopment of the Bellevue Psych Building*

**As you know, I and many other area representatives have advocated that the redevelopment of the Bellevue Psychiatric Building** include medical, scientific, or institutional uses per the CB6 197a plan. **Because a** Memorandum of Agreement between the New York State Historic Preservation Office (SHPO), New York City Health and Hospitals Corporation, and the City of New York **requires** consultation with **SHPO** before altering the interior or exterior of the building, **Assembly Member Brian Kavanagh and I coordinated a sign-on letter** from area elected officials **seeking a meeting with the director of SHPO.** We hope **to clarify the means by which the interiors of this historic building may be altered to satisfy the requirements for community service providers, while remaining eligible for listing on the** State and National Registers of Historic Places.

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### **Campaigning with SOUND to Address the Federalization of 21 NYCHA Developments**

As the representative of six New York City Housing Authority (NYCHA) developments I am pleased to have joined New York State Assembly Member Brian Kavanagh and State Senator Daniel Squadron in the Save Our Underfunded NYCHA Developments (SOUND) campaign. On December 21, the SOUND campaign met to discuss NYCHA's proposal to federalize its 21 City- and State-owned developments. Currently, NYCHA receives no federal subsidies for the operations and capital improvements of these developments, creating an annual deficit that the authority must close with painful cuts in service, rent increases, and delays of crucial capital projects. NYCHA proposes to use federal American Recovery and Reinvestment Act ("stimulus") funds and private financing to modernize these developments and to repurchase all 20,143 units as part of its federal public housing stock, rendering them eligible for federal funding. It is a dynamic and complex solution to a problem that has gone unresolved for far too long and, while I am generally very supportive of it, I will continue to work with housing advocates and my colleagues in government to ensure that its implementation does not in any way undermine NYCHA residents' rights.

### **Expressing Outrage Over Inappropriate and Illegal Signage at Equinox**

In the last week of December, the Equinox gym at 97 Greenwich Avenue installed offensive multistory signage on the building's entire face without first obtaining the necessary NYC Department of Buildings (DOB) and NYC Landmarks Preservation Commission (LPC) permits. I responded by urging both DOB and LPC to investigate this matter, as well as by



writing a sharp letter to the CEO of Equinox demanding that the illegal advertising be removed immediately (see letter attached). Both agencies quickly sent inspectors, resulting in 13 DOB violations and a warning letter from LPC. I am happy to report that the signs were dismantled on January 15 after DOB issued a commissioner's order requiring their removal within 48 hours. Please see my letter to DOB [here](#) asking the agency to continue to pursue the violations and fines it levied to the fullest extent of the law.

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### *Celebrating the Revocation of Approvals at 178 Bleecker Street*

For almost a year, I have been closely following the demolition of a previously existing row house and prospective construction of a new building at 178 Bleecker Street, in the heart of the proposed South Village Historic District. Last March, I and other elected officials sent a letter to the NYC Department of Buildings (DOB) expressing concerns about potential plans for the site. Last October we reached out again, expressing alarm that DOB had approved plans for an ostensibly illegal eight-story building at that address. We argued, as did many community and preservation activists, that the site is subject to the "Sliver Law," which limits the height of buildings on small lots in dense residential areas. At the time, DOB assured us that the plans would go through an extensive audit before any permits were granted. I am now pleased to report that as a result of the audit, DOB notified the owner of the property of its intent to revoke the prior approvals based on, among other causes, the Sliver Law. The owner now has until January 22, 2010 to respond to DOB's objections and present information demonstrating that the permit should not be revoked. Please see the letter [here](#) urging DOB to uphold its carefully considered objections and ensure that any new construction or alterations at this site strictly conform to the Sliver Law.

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*Supporting the Landmark Designation of Westbeth Artists Housing*

On January 12, I had the pleasure of submitting testimony to the NYC Landmarks Preservation Commission in support of the landmark designation of Westbeth Artists Housing. This is a designation for which I, my colleagues, CB2 and the community have long been advocating, and I want to thank LPC for moving forward with its consideration. Please see my testimony [here](#).

*Applauding Final Approval of the Western Rail Yard Rezoning*

On December 21, I joined New York City Mayor Michael Bloomberg; New York City Council Speaker Christine Quinn; many other elected and appointed officials; and representatives from CB4, Related Companies, Hudson Yards Development Corporation, and local unions in announcing the final approval of the Western Rail Yard rezoning.

As I said in the press release issued by the Mayor and the City Council Speaker (available online at <http://tinyurl.com/ye3x7xy>): "Mayor Bloomberg, Speaker Quinn and Deputy Mayor Lieber all deserve thanks for working to bring permanent affordable housing to the Western Rail Yard site; create and preserve affordable housing in the wider community; secure an on-site school to help meet the needs of the influx of children the development will bring to the neighborhood; and rehabilitate public open space for neighborhood residents. I am pleased

that the City, community organizations, and all stakeholders have come to an agreement that recognizes the vision laid out by CB4 in its thoughtful response to the Western Rail Yard ULURP applications. In the coming months, I will continue to work with the Metropolitan Transportation Authority to ensure it finds alternate accommodations for its office space so that the off-site permanent affordable housing associated with this development is maximized, and that we remain united and committed to this dynamic section of the West Side."

### *Advancing Equitable Access at Farley Post Office*

On November 4, I was joined by Representative Jerry Nadler, New York City Council Speaker Christine Quinn, Manhattan Borough President Scott Stringer, and New York State Assembly Member Dick Gottfried in asking the United States Postal Service (USPS) to make the James A. Farley Station (Farley) on 8<sup>th</sup> Avenue between 31<sup>st</sup> and 33<sup>rd</sup> Streets a more accessible facility for those who are mobility impaired. I am happy to report that on December 8, USPS responded that the current renovation of Farley will make the main entrance accessible. Further, per our request, USPS will post signs at Farley's main entrance notifying customers of the office hours for the accessible entrance as well as the location of the nearest 24-hour, accessible automated postal facility. My office will continue to monitor this situation to ensure that the promised changes are implemented and the facility is as accessible as possible.

### *Supporting the Frank McCourt High School*

On December 8, I submitted testimony at a CEC3 hearing in support of the proposal to create the Frank McCourt High School for Communications and Civic Engagement at 145 West 84 Street. Please see the testimony attached [here](#).

***Commenting on the Proposed Relocation of Clinton School for Artists and Writers***

Last month, the NYC Department of Education (DOE) announced its intention to move Clinton School for Artists and Writers (Clinton) temporarily from its current location at PS 11 to Chelsea Prep (PS 33) and to permanently move PS 138 from Chelsea Prep to the American Sign Language & English School. Although I share the community's disappointment that a permanent home for Clinton could not be found by fall 2010, I commend the DOE for committing to secure an appropriate permanent facility for Clinton. I will continue to work with DOE, the principal of Clinton, parents and advocates to ensure this promise is fulfilled in a timely manner and I look forward to feedback from all impacted school communities and stakeholders on this proposal at the upcoming hearings.

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***Rallying for the Release of Haitian Immigration Advocate Jean Montrevil***

Over the past month I have attended several rallies and made a number of calls seeking the release of Haitian national Jean Montrevil, an immigration advocate, husband, father and

valued member of Judson Memorial Church in Greenwich Village. He was taken into custody by U.S. Immigration and Customs Enforcement (ICE) on December 30, 2009 and held in detention in York, PA until January 23, when he was released. Prior to the tragic earthquake on January 12 he was facing imminent deportation to Haiti.

Jean entered this country legally with a green card in 1986, but was convicted of selling cocaine in 1990 at the age of 21. He served eleven years in prison and since his release has been an extraordinarily valuable member of his community: he has run a small business, raised his family, helped his wife get through college, served his church and advocated for immigrants' rights. Yet, because of his conviction, he has been subject to intensive ICE supervision with the threat of deportation.

Jean's recent arrest after years without incident is emblematic of what is wrong with our nation's immigration laws. ICE may deport noncitizens convicted of felonies who have long since paid their debts to society and become positive forces their communities – in the process tearing families like Jean's apart.

I am particularly appreciative of efforts by our U.S. Representatives Jerrold Nadler and Nydia Velásquez, as well as other members of the New York Congressional delegation who worked to gain Jean's release. And I applaud Judson Memorial Church, the New Sanctuary Coalition and so many others who organized, demonstrated, prayed and engaged in civil disobedience to free Jean and change our country's immigration policy.

Although Jean is now back home with his family, he is still under strict supervision and at threat of future detention. We must continue to fight on Jean's behalf and for all families at

risk of being broken by our deeply flawed immigration system.

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### **Outlining Health Care Reform Challenges for New York**

As the Chair of the Senate Health Committee, I have been closely following the federal health care reform debate. I authored an op-ed that appeared in the January 17, 2010 *Albany Times Union*, and which be read online at <http://tinyurl.com/ykuxj74>, outlining issues of concern to New York as the U.S. Senate and House of Representatives reconcile their respective health care reform bills.

### **Convening Senate Health Committee Hearing on New York State Food Policy**

On January 19, I convened a NYS Senate Health Committee public hearing on food policy to examine legislative actions New York State might take to address the obesity epidemic.

Witnesses were asked to provide input on three specific approaches:

(1) Calorie Labeling, which would require chain restaurants to post the caloric value of all items on their menus;

(2) A Trans Fat Ban, which would prohibit restaurants from utilizing any artificial trans fats in the preparation or cooking of any food item and from serving any food containing artificial trans fats;

(3) A Sweetened Beverage Excise, which would impose an excise on sweetened beverage manufacturers.

Nearly three dozen people testified, including the City and State Health Commissioners, public health experts, representatives of the food and beverage industry, consumers and hunger advocates. To view the Health Committee hearing in its entirety, tune into Time Warner Cable channel 159 in the New York City area on January 28, 2010 at 10:00 AM. Submitted testimony and other resources from the meeting can be found [here](#).

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*Applauding the Lifting of the Entry Ban for HIV-Positive Foreign Nationals*

January 4 marked the official end of the United States' ban on HIV-positive foreign nationals' entry, stay and residence in our country, bringing to a close 22 years of shameful and misguided policy. President Obama deserves the highest praise for initiating and completing the long-overdue repeal of this meritless regulation. I am proud that our country's policy is now in line with current science and international standards of public health and human rights practice, and has taken this step toward eroding, and no longer perpetuating, prejudice and stigma around HIV. Please see the comments in support of this policy change that I submitted last August to U.S. Department of Health and Human Services Secretary Kathleen Sebelius [here](#).