

## LAND USE

### Fighting the Proposed East 91st Street Marine Transfer Station

I have continued to work with community advocates and my fellow elected officials to convince city officials to reverse their decision and halt the construction of the East 91st Street Marine Transfer Station (MTS). I have participated in protests and multiple meetings with the new administration and testified before the City Council to raise my objections and educate the new mayor and council leadership about the flaws in this proposal. My concerns about the risks posed by this plan were confirmed by the construction accident this summer, when a jackhammer chisel flew into the Asphalt Green sports center, injuring a woman. Horrible as this accident was, it could have been much worse, as it happened next to fields filled with children participating in Asphalt Green programming. I've expressed my serious concern over the construction activity taking place while the fields are occupied and have called for an across-the-board, six week Stop Work Order until summer camp is complete and the children using the fields are free from harm. This incident is yet another warning that the city should take into consideration that 91st Street is an inappropriate and unsafe location for this project.

Since the New York State Department of Environmental Conservation (DEC) will need to renew the city's permits later this year for the project to proceed, I have written multiple letters to DEC urging them to hold hearings and require a revised Environmental Impact Statement before they consider renewal of the permit for the facility. These letters highlighted the substantial changes in area conditions since the first permit was issued, particularly with regard to the revised flood plain maps and the heightened risks of storm surges that were demonstrated by Superstorm Sandy. These new conditions and risk factors must be subject to a full environmental review. I remain convinced that this proposed facility poses a danger, especially now that we know of the potential for flooding at this location. I will continue to work with my colleagues to convince the relevant city, state and federal officials of this reality, and I will continue to push DEC to hold public hearings on the permit renewal application, which must be acted on by October.

The MTS project would waste a billion dollars while producing negligible benefits for the environment and zero impact when it comes to decreasing the residential waste being transported into and through the other boroughs. The existing system, at one third the cost, moves the garbage intended for this MTS to New Jersey and Yonkers without travelling through residential streets in any low-income or minority neighborhoods. If built, this MTS will negatively impact more people, parks and schools than any other MTS in New York City, and it will be built in one of the few remaining poor air quality (SO<sub>2</sub>) hot spots in NYC, thus further exacerbating an existing issue.

It should be obvious to anyone who looks at this plan without prejudice or politics that the entire city would be better off if instead of dumping a billion dollars or more into this needless project, we instead invest these funds in initiatives that actually address environmental damage in low-income communities. I will continue to push both city and state officials to stop this ill-advised project.



*Speaking at a "Hug Asphalt Green" protest against the Marine Transfer Station in June, at which children created signs about the importance of Asphalt Green in their lives.*

### Update on East Midtown Rezoning

Late last year, then-Mayor Bloomberg withdrew his East Midtown rezoning plan after it became clear that the City Council would not approve it. I was pleased with this outcome, having worked closely with Councilmember Garodnick, other elected officials, community boards and land use experts to raise awareness of the glaring insufficiencies in the initial proposal. Last year's plan was inappropriately rushed into the city's land-use review process, and provided little clarity, predictability, or safeguards with respect to how and when necessary infrastructure improvements would be paid for.

The rejection of the Bloomberg plan will allow for a more careful planning process to occur, and I believe that the end result will be a more reasonable plan for East Midtown.

The new city administration has indicated that they too are interested in pursuing a rezoning of the East Midtown area – but with a dramatically different process. The City is poised to offer a first rezoning proposal limited to five blocks along Vanderbilt Avenue near Grand Central Station, while taking more time to study what will work best for the larger surrounding area of East Midtown in a subsequent rezoning proposal. As part of the Vanderbilt-Grand Central rezoning, there is a proposal for a large new building at Vanderbilt Avenue and 42nd Street. This proposal is expected to begin the Uniform Land Use Review Process (ULURP) this September. In reviewing this and other proposals for development in East Midtown, I will be evaluating whether these proposals create adequate resources to alleviate the great stress on the mass transit and pedestrian networks that already exist in the area, while protecting the cultural and historic resources that give East Midtown its character.



*Speaking at a rally in April calling for landmarking the historic Rizzoli Bookstore*

### Fighting for Responsible Development South of Central Park

In February, I participated in a forum on the impacts of recent developments in the area south of Central Park. I am deeply concerned about the effects the new ultraluxury high-rise buildings in this area are having on light and shadows in Central Park, existing landmarks, infrastructure, and neighborhood affordability for both residents and local businesses.

The closure of Rizzoli Books in April highlights the dangers associated with unfettered development in this area. I joined many community members and colleagues in calling for the New York City Landmarks Preservation Commission to hold a hearing on landmarking this iconic location, but the Commission refused to do so. I will continue to work with the community to fight for development in this area that preserves the character of the community and recognizes its importance as a gateway to Central Park.

### City and Suburban Homes Protected

I am extremely happy to report that in May the Landmarks Preservation Commission (LPC) rejected the hardship application by the owner of the City and Suburban Homes First Avenue Estate located at 429 East 64th Street and 430 East 65th Street. I had long fought this proposal and submitted testimony in opposition to this application at multiple LPC hearings. The owner of these properties had claimed that due to financial hardship these buildings should be removed from landmark protections so that they could be demolished and replaced with luxury housing. In reality, the landlord has been warehousing large numbers of apartments in these buildings and was trying to use the resulting low returns to justify his hardship claim.

I am gratified that the LPC rejected the application, recognizing that the owner had presented dramatically undervalued estimations of expected income to justify the hardship claim.

## Opposing Private Use of Public Space in Union Square

Late last year, I signed an amicus brief in a case challenging the establishment of a restaurant in Union Square Park, on the grounds that such a restaurant was contrary to the requirement that parkland could not be alienated without state legislative approval. Unfortunately, in February of this year, the state Court of Appeals rejected our argument. Subsequent to our loss in court, I joined advocates and other electeds in pushing for Mayor de Blasio to reverse the decision of the previous administration to allow this restaurant, which I continue to believe is an unjustified infringement on this historic public space.

The good news is that the City has agreed that after the summer season, the restaurant will no longer be able to use the pavilion and will instead be limited to the blacktop area on the north plaza. While this is less than ideal as that space is frequently used for public gatherings, it will reopen significant park resources to the public and also provide a buffer between the restaurant and the children's playground.

## TRANSPORTATION

### Vision Zero

In New York City, approximately 4,000 people are seriously injured and more than 250 are killed each year in traffic accidents. The Vision Zero Action Plan is the City's framework for ending traffic deaths and injuries on the streets. I strongly support this critical initiative put forward by Mayor de Blasio, and in June I hosted a Vision Zero Town Hall Presentation and Discussion on improving street safety in our community, along with Councilmembers Garodnick and Kallos, and the New York City Department of Transportation (DOT). This event offered an opportunity for community members to learn about Vision Zero initiatives and offer input as to how best to implement this plan in our neighborhoods.

As part of an effort to help advance the goals of Vision Zero, in February my office sent a letter to the DOT Commissioner identifying several dangerous intersections that constituents had brought to my attention and urging the Department to identify ways of making these locations safer. If you have any intersections that you think merit particular attention due to safety concerns, please contact my office and we will bring your concerns to DOT.

I am happy to report that one of the intersections we discussed in our letter has already seen improvements. In May, DOT implemented a number of pedestrian safety improvements at Third Avenue and East 60th Street, including painted sidewalk extensions on the northwest and southeast corners to decrease pedestrian crossing distances, a new left turn-only lane on Third Avenue, an extension of the right turn-only lane on 60th Street, and refurbished lane markings.



### Second Avenue Subway

As construction on the Second Avenue Subway moves toward completion in December of 2016, I have been working with my elected colleagues to improve traffic safety around the construction site. Second Avenue remains a particularly dangerous area for pedestrians, as construction blocks sight lines for both them and

drivers. My office has worked closely with Councilmember Kallos on identifying ways of mitigating this danger. After a tragic pedestrian death in May in which a woman was struck by a school bus at East 93rd Street, the DOT and the MTA have brought in numerous additional traffic agents in an effort to slow traffic and direct pedestrians in this dangerous area.

### Bicycle Safety Legislation

I continue to push for passage of my legislation cracking down on delivery bicycles by holding the businesses that employ them responsible for safety violations such as riding on the sidewalk. The bill (S.3461B), which Assemblymember Kavanagh carries in the Assembly, allows police to fine businesses when their delivery people break the law.

The intent of this bill is to address an ongoing danger to pedestrians. Sidewalks in New York City's most crowded neighborhoods have been taken over by speeding delivery bicyclists. When they ride on the sidewalks instead of the streets, these delivery bicycles pose a serious risk to community residents on foot – particularly seniors and young children. Currently the police can only ticket the bike rider, but under the new law, the businesses that employ these reckless riders will face the fine. When a business has a vested monetary interest in its employees following the rules of the road, they will educate and encourage their delivery people to follow the law. This will act as a very strong deterrent for the kinds of reckless behavior which injures and sometimes kills pedestrians.

This has been a growing problem in many of our neighborhoods. My office receives a large volume of calls on this matter, and it is a frequent concern that both I and my staff hear at local community boards and police precinct meetings. In addition, there is a new scourge of electric motorized bikes that, due to their weight and speed, impose additional dangers to pedestrians. I am pleased that the City Council passed legislation which has officially deemed electric bikes illegal and subject to confiscation by the NYPD when caught being used on the street or sidewalk. I am a strong supporter of expanded safe biking access, but everybody needs to follow the rules. The described legislation will bring us far closer to a responsible public policy for the coexistence of bike delivery persons and pedestrians.

The issue of sharing our streets among pedestrians, bicyclists, and motorists is one of compromise. We must all work together to ensure general public safety and this legislation will go far in ensuring that everyone respects the rules and does their part to keep our streets safe and open to all.

## HOUSING

### Tenant Protections

Earlier this year, the New York State Division of Homes and Community Renewal (DHCR) issued strong regulations that fix some key loopholes in the rent stabilization code. I have long worked with tenant attorneys and advocates to ensure these regulations correctly reflected our state laws.

These regulations are an important shift in regulatory policy that will slow the further loss of affordable housing and the displacement of low and moderate income people from their communities by limiting the ability of unscrupulous landlords to violate the rent laws. These amendments to the rules and regulations should greatly help protect tenants by mandating greater transparency from landlords, clarifying questions about rent setting, and expanding tenants' ability to challenge rents they believe to be unlawfully high.

This set of regulatory changes:

- Curtails Major Capital Improvement (MCI) increases when there are immediately hazardous violations;
- Prevents landlords from attempting to use loopholes in high-income/high-rent deregulation laws to deregulate the apartments of low-income elderly and disabled tenants;
- Provides tenants with information they need to determine if they are being overcharged and/or if their apartment was illegally deregulated;
- Makes it more difficult for landlords to inflate the cost of Individual Apartment Improvements;
- Increases penalties for landlords' failure to register rents;



- Expands the circumstances when HCR can look back more than four years to determine whether a rent overcharge has occurred; and
- Increases reporting requirements for preferential rents.

The implementation of these regulations will begin to restore fairness to the enforcement of the rent laws, repeal several of the damaging regulations implemented in previous decades, and help prevent some of the most rampant violations of the rent regulation system.

While far from perfect, New York State's rent-regulation system is by far our largest and most important affordable housing program. It enables close to two million people, the overwhelming majority of whom are moderate or low income, to live in safe and affordable housing. The continuation and improvement of the rent regulation system is essential to our efforts to keep hardworking residents in New York and to ensure the maintenance of healthy and stable communities. Rent regulation helps to counteract the destabilizing effects of the acute housing shortages and abnormal market conditions in New York City, where the vacancy rate for rental housing is less than three percent, and the surrounding suburbs, where the vacancy rate remains below five percent. If we truly want to maintain the economic vitality and diversity of our state, we must do all we can to ensure an effective rent regulation system.

Unfortunately, the strength of our state's rent regulation system was significantly undermined over the last two decades by the erosion of the laws and regulations governing it. The weakening of these laws and regulations made it much easier for irresponsible landlords to take advantage of loopholes to evict regulated tenants, fraudulently increase rents, harass tenants, and illegally deregulate apartments.

These loopholes have already led to the loss of more than 300,000 rent regulated, affordable apartments in New York City and the surrounding counties since 1994. Unless the laws and regulations governing rent and eviction protections are significantly strengthened, we will likely lose hundreds of thousands of additional affordable homes during the next decade.

Many of the most harmful changes to New York's rent regulation system were the result of legislative action, and therefore outside of the control of DHCR. However, there is no question that the extensive changes DHCR made to the rules and regulations governing rent regulation nearly 15 years ago also substantially undermined tenant protections and lead to the loss of affordable housing.

In 2000 alone, DHCR approved over 150 pages of dramatic changes to the regulations which made it significantly easier for landlords to increase rents and deregulate apartments, and created numerous hurdles for tenants to fight rent overcharges, landlord harassment, and improper deregulation proceedings. These changes included: eliminating most penalties for landlords who fail to register their apartments annually, reducing the types of conditions eligible for redress through reduction-in-service complaints, preventing tenants from using older rents as part of an overcharge complaint, and making it easier for tenants to waive their rights under the rent laws.

The newly adopted regulations mark an extremely important new direction for DHCR. They significantly increase the amount of information available to tenants, and I hope they will lead to a reduction in the number of affordable apartments improperly lost due to fraud. They are an excellent example of the appropriate use of the regulatory process to address a critical need in our state – in this case the need to preserve affordable housing.

**The rent laws are up for renewal again in 2015, and I will be working with advocates to ensure they are further strengthened to provide additional protections to tenants.**

#### Rent Increases for Rent Stabilized Leases

In June I submitted testimony before the Rent Guidelines Board in support of a rent freeze for rent stabilized leases. While it is reasonable to expect tenants and landlords to share the burden of increased operating expenses, this burden must be shared equitably. It is unconscionable for building owners in one of the most profitable sectors of our economy to pass all of their expenses on to rent-stabilized tenants who have a median household income of \$37,000

and are facing an extremely difficult economic climate. Between 2008 and 2011, the average amount of rent paid by stabilized tenants rose from 31.6% to 34.9% of their household income—the highest rent burden ever documented. More than one in three stabilized households are now forced to devote more than half of their income to rent.

Conversely, owners of rent-regulated buildings in all five boroughs have done extremely well during the past two decades – they have seen both their profits and the value of their properties rise exponentially. According to the RGB's 2014 Income and Expense Study, owners' net operating incomes (the amount of income remaining after all operating and maintenance expenses have been paid) are 31.5% higher today (in constant 2012 dollars) than they were in 1990. In the last year alone, net operating income grew by 9.6% citywide, with owners seeing average increases of 11% in Manhattan.

Unfortunately, the Board did not agree to a rent freeze, despite significant support for such a measure from a wide range of advocates and elected officials including Mayor de Blasio. However, they did approve the smallest increase in recent memory. The increases for leases commencing between October 1, 2014 and September 30, 2015 are 1% for a one year lease and 2.75% for a two year lease.



#### HONORING WOMEN AND VETERANS

I was pleased to be able to honor two worthy constituents at ceremonies in Albany this year. **Fortuna Calvo-Roth** was recognized as a **Woman of Distinction** for her many accomplishments in the fields of journalism, academia, business, and the performing arts. **Corporal Abner Greenberg (USMC, Ret.)** was inducted into the **New York State Senate Veterans' Hall of Fame** for his service in World War II at Iwo Jima, and for his ongoing work with veterans suffering from Post-Traumatic Stress Disorder.



### 8th Annual Senior Resource Fair

My 8th Annual Senior Resource Fair will take place this October 23rd from 2:00 to 5:00 pm at Temple Emanuel, 1 East 65th Street. Last year's fair was attended by more than 500 people and over 60 non-profit senior service providers and advocacy groups participated and provided information about a range of issues including Medicare, housing and volunteer opportunities.

### Roundtable for Boomers & Seniors

Senator Liz Krueger's Roundtable for Boomers & Seniors provides an opportunity for constituents to come together to explore life issues that are relevant across the age span. At each session, attendees hear from and engage with professionals who are knowledgeable on topics that are of most concern to the growing population of older adults in New York City. Over the course of five monthly sessions, the Roundtable looks at a specific issue from different perspectives each month. Past programs have addressed topics such as financial issues for older adults, caregiving, employment, how we age, and longevity and its effects on society. The first roundtable will take place Thursday, November 20th from 8:30 to 10:30 a.m. at Lenox Hill Neighborhood House, 331 East 70th Street.

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Dear Friend:

This newsletter offers a report on a number of important issues in the 28th Senatorial District over the last year. I have also included information on upcoming community events. I hope you find this helpful.

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### Senior Resource Guide

The 2013-2014 edition of my Senior Resource Guide is available by contacting my office. In it you will find updated information about resources related to healthcare, housing, consumer protection, continuing education, access to food and transportation and much more. This fifth edition also includes expanded information on caregiving, long-term care, veterans' benefits, advanced directives, and elder abuse.

### Clutter and Hoarding Guide

My office has produced a resource guide entitled "What to Do With All that Stuff" that offers information on best practices for dealing with clutter and hoarding. We created this guide because my office receives a great many calls from constituents who find themselves overwhelmed and in difficult situations because of their overly cluttered apartments.

### Nanny Guide

I have also recently updated my **Guide to Employing A Nanny and Other Full-Time Domestic Workers**, which provides comprehensive information about the rules and regulations regarding the employment of domestic workers. Most people who hire domestic workers want to do right by their employees, but they may not have the expertise in labor and tax law to fully understand their obligations. This guide helps you and your employees through this complicated process.

### Report to New Yorkers on Housing

This summer my office also released a Report to New Yorkers on Housing which contains information on housing rights for renters as well as cooperative shareholders and condominium owners.

You can access a copy of any of these guides online at <http://krueger.nysenate.gov> or get a hard copy by calling my office at 212-490-9535.