

Liz Krueger

New York State Senate | 28th District



January 2015

Message from Liz...

On December 17th, I held a public forum in New York City on the Marijuana Regulation and Taxation Act (MRTA; S. 6005 / A. 8341 of 2014) and the need for marijuana law reform in New York State. I will be reintroducing a revised version of this legislation for the coming session. The hearing featured testimony from advocates, policy experts, and government officials representing community, law enforcement, health, economic and budgetary perspectives.

Experts, advocates, and members of the public offered testimony on the real characteristics of cannabis as a substance, the effects of marijuana-related incarceration on communities in New York State, and the fiscal and economic benefits of regulation and taxation both for the state and local governments. Among those offering testimony and comment were Councilmembers Jumaane Williams and Steve Levin, Gabriel Sayegh from the Drug Policy Alliance, Doug Turetzky from the New York City Independent Budget Office, Robert Cordero and John Hellman from BOOM!Health, Bob Gangi from Police Reform Organizing Project, Professor Carl Hart from Columbia University, Evan Nison and Adam Scavone from New York Cannabis Alliance, and Seema Sadanandan from the American Civil Liberties Union.

Links to audio and written testimony from the hearing are available at <http://www.nysenate.gov/press-release/senator-liz-krueger-holds-first-nyc-forum-marijuana-regulation-taxation-act-0>.

In December 2013, I introduced the MRTA to lay the first stone in New York's path beyond its current costly, discriminatory, and ultimately failed policy of prohibition and incarceration. If passed, this legislation would make New York the most populous state in the country to regulate and tax marijuana for general use. Assemblymember Crystal Peoples Stokes carries this legislation in the Assembly.

In New York, more than 97 percent of marijuana arrests are solely for possession, and in between 2002 and 2012 there were 440,000 of these arrests. The Bronx has the fourth highest per-capita arrest rate for marijuana possession of any county-level jurisdiction in the country.

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The enforcement of the present law has disproportionately affected African-American and Latino communities. Government health surveys find that young whites use marijuana at higher rates than young blacks and Latinos, but the NYPD has arrested African-Americans for marijuana possession at seven times the rate of whites, and Latinos at nearly four times the rate of whites.

On their face, the racial disparities in these statistics represent a grave injustice, while the sheer volume of arrests shows just how gross a waste of city and state resources our current policy has become. We've been spending taxpayer money to ruin lives, disproportionately from communities of color, with no real public policy goal to be found in any of it. While Mayor de Blasio should be commended for taking proactive executive action this fall to partially address this injustice, it's time for the State Legislature to remove possession of marijuana for personal use from the criminal law, and modernize our laws as so many other states are doing.

Law enforcement agencies operating under the current law have not been able to make a significant dent in the sale of marijuana in the United States. Meanwhile, the domestic and international criminal organizations that thrive on the illegal drug trade have only become more frightening. Legalization and regulation should therefore be seen as a practical alternative whose time has come, even from the perspective of those who would otherwise prefer marijuana remain illegal.

The MRTA would regulate marijuana in a manner similar to New York's current treatment of alcohol, and would empower the State Liquor Authority to act as the primary regulatory agency. In brief, the bill:

- Removes penalties for possession of two ounces of marijuana or less;
- Makes 18 the minimum legal age for marijuana possession and consumption;
- Establishes that smoking marijuana in public and possession of marijuana by persons under the age of 18 are violations;
- Prohibits sale of marijuana to persons under 21;
- Allows for home cultivation of up to six marijuana plants;
- Empowers the State Liquor Authority to grant licenses for marijuana production, transport and retail sale;
- Establishes an tax structure for marijuana, and authorizes localities to charge a sales tax on retail sales;
- Directs a portion of the state tax revenue collected to be directed to re-entry programs, substance abuse programs, and job training programs in low-income, high-unemployment communities;
- Allows communities to opt out of retail sale for off-premises consumption through a referendum process similar to what is now in place for alcohol sales; and

- Allows communities to opt in to allow retail sales for on-premises consumption through a vote of the local legislature, in addition to the local community board in the case of New York City.

Washington State's Initiative 502 went into effect on Dec. 6, 2012, and retail stores opened earlier in 2014. Washington's producers, processors and retailers, are licensed and regulated by the Washington Liquor Control Board. Colorado's "Regulate Marijuana Like Alcohol Act" of 2012 (Amendment 64) went into effect on Dec. 10, 2012, and licensees have begun operating, with state revenue significantly exceeding projections. In November, Oregon, Alaska and Washington D.C. passed their own initiatives allowing for regulated legal sales of marijuana.

COMMUNITY SPOTLIGHT

Update on Efforts to Fight the Proposed Marine Transfer Station (MTS):

As I am sure you are already aware, my fellow elected officials and I have challenged the New York State Dept. of Environmental Conservation's pending renewal of the operating and construction permits previously approved for the East 91st St. Marine Transfer Station. In our call for a review of the vastly altered environmental conditions, we also requested that DEC hold a public hearing. Those most harshly affected by the adverse impact this ill conceived project will have on the surrounding community deserve to be heard from directly. While no such hearing has been scheduled, DEC has informed my office that a public comment period for the submission of written testimony will be announced within the month. I plan to make my concerns over air quality, flood risk and traffic safety (especially for the children utilizing Asphalt Green's recreation facilities) heard loud and clear. I urge my friends, neighbors and fellow activists to write individual letters of testimony to the DEC once the comment period is announced. Please also feel free to submit your testimony directly to my office and I will deliver your submissions to DEC once the comment period officially opens. Please take a minute to review some of the concerns below, which I will also be expressing in my own written testimony. We need to pressure DEC to hold a public hearing on these permits. An onslaught of written testimony from the impacted community is essential to apply the needed pressure to push for a public hearing.

· Air quality on the Upper East Side and Southern Harlem is among the worst in the City. The continued use of #6 heating oil and traffic congestion contribute to these already unacceptable conditions. Adding hundreds of diesel burning garbage trucks per day and waste to a geographic area already over burdened with contaminants will aggravate the poor air quality already burdening this community. While air monitoring for particulate matter (PM 10) is ongoing at the site, health threats from PM 2.5, which is considered to be more dangerous, remain unaddressed.

· Superstorm Sandy has fundamentally changed the way we must approach construction along our waterfront. During Superstorm Sandy, the area surrounding this site was flooded as much as four blocks in from the East River. Following Sandy, FEMA issued new flood maps indicating apparent danger to the MTS location and situation. According to the new FEMA flood maps, the 91st St. MTS platform will sit more than five feet below the estimated 100 year floodplain, effectively placing the structure in danger and exposing the surrounding community and river to potentially polluted waters. While the first floor of the

MTS and its mechanicals have been “waterproofed” DEC needs to examine the fact that *structurally*, nothing has been changed in the MTS plans to protect against such a scenario.

- The surrounding area has seen a sharp upturn in population grown in addition to a significant number of construction projects currently underway, which will further exacerbate the problem.
- The immediate ten block radius surrounding the site is home to *five* new schools that opened since the original permit was approved.
- First and Second Avenues have seen the implementation of Select Bus Service, which occupy an entire lane, and First Avenue is also now also home to a protected bike lane. These changes in the streetscape have altered traffic patterns in the area in the time since the EIS was conducted.

Roundtable for Boomers and Seniors on February 19th:

Senator Liz Krueger’s Roundtable for Boomers & Seniors is a 5-part program that provides an opportunity for constituents to come together to explore life issues that are relevant across the age span.

This year we are looking at Caregiving and all its aspects. The third session of this popular program will discuss aging in place and affordable senior housing options. It will take place on Thursday, February 19th, at Lenox Hill Neighborhood House, 331 East 70th Street. The program runs from 8:30 am – 10:30 am. Bagels and coffee will be served.

For more information, contact Alice Fisher by email at alicefisher37@gmail.com or call 212-490-9535. RSVPs are required for this event.

2015 Kindergarten Application Process:

The kindergarten admission process has begun. For children born in 2010, the application period opens on January 7 and closes on February 13. Placement offers will be distributed in early April and pre-registration at schools starts in April. Like last year, families can apply online by visiting www.nyc.gov/schools/kindergarten, over-the-phone by calling (718) 935-2400 between 8 am and 6 pm Monday through Friday, or in person at one of the DOE’s Family Welcome Centers

<http://schools.nyc.gov/ChoicesEnrollment/NewStudents/WelcomeCenters/default.htm>.

This year the kindergarten application is translated into nine languages on-line, and the Family Welcome Centers will have translated paper copies of the applications as well.

Kindergarten admissions information sessions are being offered in January in each borough. The Manhattan session will take place on Monday, January 12th at the High School of Fashion Industries, 225 West 24th Street, from 6:00 to 7:30 pm.

Discussion on the DOE’s Gifted & Talented Programs:

The Youth and Education Committee of Community Board 8 will be discussing the NYC Department of Education’s Gifted & Talented programs at its next meeting on Monday,

January 12th at 7 p.m. The meeting will feature the PS/IS 217 Principal Beckman discussing their program and Daniel Hildreth from the NYC DOE Office of Enrollment. Issues to be addressed include how the program works, standards for admission, testing, and the timing of applications. The meeting will take place at PS/IS 217, 645 Main Street, Roosevelt Island, Auditorium.

NYU Dental Van at PS 198:

The New York University (NYU) Smiling Faces, Going Places mobile dental van program will be visiting PS 198, 1700 Third Avenue at 95th Street on January 14th, 21st and 28th from 10 am to 8:30 pm. During the visit, the fully equipped mobile van and team of dental professionals will be providing oral health services to children for whom dental care is least accessible. At the visit, the van will see students from the school during the day and the van will be open to members of the community during the evening hours.

Volunteer at the EITC Phone-a-thon on January 31st:

Hundreds of thousands of New Yorkers are missing out on anywhere from \$2,000 to \$10,000 in tax credits, like the Earned Income Tax Credit and Child Care Tax Credit. About 25% of eligible working families fail to claim their money – money families need to help pay for daily necessities – because many people don't know about these programs. Our fellow New Yorkers need information on how to get these credits and how to get free tax preparation and financial counseling to make the most of their refund – and YOU can help make it happen.

On Saturday, January 31 The NYC Department of Consumer Affairs is hosting the first ever Phone-a-Thon to let our friends and neighbors know about refundable tax credits.

YOUR TWO HOURS WILL HELP A FAMILY MAKE ENDS MEET.

TIME SLOTS AVAILABLE:

11 a.m. to 1 p.m.

1 p.m. to 3 p.m.

3 p.m. to 5 p.m.

LOCATION: Hunter College, 695 Park Avenue, 3rd Floor Cafeteria

To register, or for other locations, visit

<http://www.nyc.gov/html/dca/html/contact/TaxCreditCampaignVolunteerRegistration.shtml>.

NY's Health Plan Marketplace - Open Enrollment is Here:

New York's Marketplace, *NY State of Health*, is a way for individuals, families, and small businesses (under 50 employees) to find quality health insurance. It can help if you don't have coverage now, or if you have insurance but want to look at other options under certain conditions (the Marketplace is not for people who have Medicare). The Marketplace is being administered as part of the federal health care reform law.

Free and low-cost options are available to those who qualify, including Medicaid, Child Health Plus, and financial aid. Financial aid to buy insurance is available for certain small businesses, individuals who earn up to \$46,680 a year, or \$95,400 a year for a family of 4.

All plans provide essential care, including doctor visits, emergency care, and prescription drugs. You cannot be denied coverage for a pre-existing condition.

When Do I Apply? Open enrollment for 2015 runs through February 15, 2015. Apply by the 15th of any month for coverage effective the 1st of the following month.

How Do I Apply? For more information, or to apply for a plan, call the Marketplace at 1-855-355-5777 or go online to the Marketplace's website at <http://www.nystateofhealth.ny.gov/>.

Need Assistance? For a complete list of certified health care navigators and counselors, go to <http://info.nystateofhealth.ny.gov/IPANavigatorSiteLocations> or call the Marketplace at 1-855-355-5777. These services are free for you. In my district, Lenox Hill Neighborhood House has a certified application counselor who can help you understand your options and enroll in a plan. Call to make an appointment: 212-218-0432 (no walk-ins). Please feel free to call my office at 212-490-9535 with any questions.

New Legal Services NYC Government Benefits Hotline:

Legal Services NYC has launched a centralized Government Benefits Hotline (917-661-4500) for residents in need of assistance with Public Assistance, SNAP (Food Stamps), HASA, one-shots, and Medicaid (primarily Spend Down and Home Care) matters. Hotline callers can obtain advice, referrals and appointments with advocates by calling the Central Hotline number Monday through Friday, between the hours of 10am – 4pm. They provide free legal advice and representation to low-income New York City residents in all languages.

Legal Advocacy Clinics From Lenox Hill Neighborhood House:

The Lenox Hill Neighborhood House Legal Advocacy Center Offers assistance on a number of different issues. Here is a list of their ongoing programs and clinics:

- **SNAP (formerly Food Stamps) Clinics:** Wednesdays from 10 a.m. to 1 p.m. at Lenox Hill Neighborhood House, 331 East 70th Street. First come, first served. Bring proof of identity, income information, utility bill, proof of housing costs, information on any dependents and if you are 60 or over or on SSI/SSD, information on medical costs. For more information, call 212-218-0431.
- **SCRIE Clinics:** call 212-218-0503 ext. 6 for assistance in applying or recertifying for the Senior Citizens Rent Increase Exemption (SCRIE) program.
- **Eviction Prevention:** Walk-in clinic, every third Monday of the month, from 10 a.m. to 1 p.m. at 331 East 70th Street. For more information, call 212-218-0429.
- **Advance Directives:** volunteer attorneys may be able to assist you with one-on-one counseling and individualized drafting of Advance Directives including Health Care Proxies, Living Wills, Powers of Attorney, and Simple, low-asset Wills. If you are interested in being screened for a possible appointment, call the intake hotline at 212-218-0503 ext 4.

Monthly Housing Clinics and Workshops:

Council Member Helen Rosenthal, Goddard Riverside's SRO Law Project, and the Urban Justice Center co-sponsor monthly housing clinics and workshops at the Goddard Riverside Community Center, 593 Columbus Avenue (between 88th and 89th Streets). On the first Wednesday of each month, from 6pm – 8pm, the clinic offers a presentation on a

variety of topics, followed by a question and answer session. The funding is provided by the Housing Preservation Initiative of the New York City Council. Each evening, at least one staff attorney will meet with individuals who are seeking specific legal advice.

For questions, contact the Urban Justice Center at (646) 459-3017 or the Office of Council Member Rosenthal at (212) 873-0282. Sign-up sheet starting at 6pm each evening.

February 4, 2015: City-Wide Housing Related Campaigns

March 4, 2015: DHCR Overview, including MCIs and 1/40ths

April 1, 2015: Housing Court 101

May 6, 2015: SCRIE and DRIE

June 3, 2015: Succession Rights, Preferential Rights and Non-Primary Residence

VOLS Legal Clinics for Low-Income Residents Over Age 60:

The Volunteers of Legal Services (VOLS) Elderly Project provides pro-bono legal services to low-income people over age 60 who live in Manhattan. VOLS conducts legal clinics each month at senior centers where seniors can discuss their legal concerns in confidence, receive legal advice and, where appropriate, obtain referrals to a volunteer lawyer for representation. Areas of legal assistance include wills, medical directives, powers of attorney, housing, consumer matters and Medicaid. Over 150 lawyers serve on their Elderly Project volunteer attorney roster.

Upcoming Clinic dates and locations are below:

Burden Center for the Aging, 1484 First Avenue (between 77th & 78th Streets) — 2 pm — second Friday of each month (January 16, February 13). Call Velda Murad at 212-879-7400 for information.

Stanley Isaacs Senior Center, 415 East 93rd Street (east of 1st Avenue) — 10 am — third Friday of each month (January 23, February 20). Call Amy Loewenberg at 212-360-7620 ext, 112 for information.

Encore Community Services Senior Center, St. Malachy's Church - 239 West 49th Street (between Broadway and 8th Avenue) — 10 am — fourth Monday of Each Month (January 26, February 23). Call Sister Margaret Rose at 212-581-2910, ext 118 for information.

e-Waste Recycling Options:

Starting in January 2015, it is now illegal for New Yorkers to discard electronics in the trash. The NYC Bureau of Recycling and Sustainability has updated the nyc.gov/electronics page to include additional recommendations and recycling options for working and non-working electronics, including:

1. DSNY's e-cycleNYC program.

Apartment buildings with more than 10 units can enroll for this free and convenient pickup service.

2. Retail drop-off programs.

For example, drop off electronics (no purchase required) at any Goodwill, Salvation Army, Best Buy, Staples (no TVs), or the Gowanus E-Waste Warehouse.

3. Mail-back and pickup options.

For residents who live in smaller buildings and are not able to bring their

electronics to a drop-off location or event, the following options are available:

- Best Buy will remove an appliance or TV free of charge from a customer's home when a new product is purchased and delivered by Best Buy.
 - Staples offers free shipping through their technology trade-in program.
 - Dell will pick up any Dell product for free through their FedEx Package Return Program.
- If none of these options work for you, please contact the manufacturer of your item. The New York State Department of Environmental Conservation maintains a list of electronic equipment manufacturers registered in NYS.

4. Electronics recycling events.

Bring to events run by organizations such as Lower East Side Ecology Center, or DSNY's SAFE Disposal Events. Visit nyc.gov/safedisposal for more information.

5. Donate or sell working electronics.

Visit the nyc.gov/stuffexchange to find options to buy, sell, or donate electronics.

Metrocard Bus and Van Schedule:

The MTA offers MetroCard-related services throughout New York City through mobile buses and vans. Buses provide a full range of services, including applying for or refilling a Reduced-Fare MetroCard, buying or refilling a regular MetroCard, or getting answers to a MetroCard-related question. Vans sell Unlimited Ride MetroCards and Pay-Per-Ride MetroCards, and they refill MetroCards and Reduced-Fare MetroCards.

Buses and vans will be in my district on the following dates and locations:

- January 13, 9 -10:30 am, 92 Street & Lexington Avenue – Bus
- January 13, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
- January 13, 1:30 - 2:30 pm, 68 Street & Lexington Avenue – Bus
- January 21, 9 - 10:30 am, 79 Street & 3 Avenue – Bus
- January 21, 11 am - 1 pm, 79 Street & York Avenue – Bus
- January 21, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
- January 22, 8:30 - 10:30 am, 47 Street & 2 Avenue – Van
- January 22, 1:30 - 3:30 pm, 28 Street & 2 Avenue – Van
- January 27, 10:30 am, 92 Street & Lexington Avenue – Bus
- January 27, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
- January 27, 1:30 - 2:30 pm, 68 Street & Lexington Avenue – Bus
- February 4, 9 - 10:30 am, 79 Street & 3 Avenue – Bus
- February 4, 11 am - 1 pm, 79 Street & York Avenue – Bus
- February 4, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
- February 5, 7 – 9 am, 90 Street and York Avenue - Van
- February 5, 8:30 - 10:30 am, 47 Street & 2 Avenue – Van
- February 5, 1:30 - 3:30 pm, 28 Street & 2 Avenue – Van
- February 6, 9 - 10 am, 57 Street and 1 Avenue – Van
- February 6, 10:30 - 11:30 am, 57 Street and 3 Avenue – Van
- February 6, 12:30 - 2:30 pm, 68 Street and 1 Avenue – Van
- February 10, 10:30 am, 92 Street & Lexington Avenue – Bus
- February 10, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
- February 10, 1:30 - 2:30 pm, 68 Street & Lexington Avenue – Bus

The full mobile MetroCard schedule is available at <http://mta.info/metrocard/mms.htm>. Please note that MetroCard buses and vans do not take credit cards.

Heat Season Rules:

The City Housing Maintenance Code and State Multiple Dwelling Law require building owners to provide heat and hot water to all tenants. Building owners are required to provide hot water 365 days a year at a constant minimum temperature of 120 degrees Fahrenheit.

Between October 1st and May 31st, a period designated as “Heat Season,” building owners are also required to provide tenants with heat under the following conditions:

- Between the hours of 6AM and 10PM, if the outside temperature falls below 55 degrees, the inside temperature is required to be at least 68 degrees Fahrenheit.
- Between the hours of 10PM and 6AM, if the temperature outside falls below 40 degrees, the inside temperature is required to be at least 55 degrees Fahrenheit.

Tenants who are cold in their apartments should first attempt to notify the building owner, managing agent or superintendent. If heat is not restored, the tenant should call the City’s Citizen Service Center at 311. For the hearing-impaired, the TTY number is (212) 504-4115. The Center is open 24 hours a day, seven days a week.

Policy Spotlight

Hydrofracking

Last month Governor Cuomo announced a ban on hydrofracking, in New York State. This is an extremely important action by the governor that will protect the health and safety of New Yorkers. I have been a supporter of legislative action to ban high volume hydraulic fracturing (HVHF) in New York State for many years.

The Governor’s decision followed the release of the state Department of Health’s (DOH) two-year analysis of an environmental impact assessment of fracking along the Pennsylvania-New York border. The assessment reached the following conclusion:

The overall weight of the evidence from the cumulative body of information contained in this Public Health Review demonstrates that there are significant uncertainties about the kinds of adverse health outcomes that may be associated with HVHF, the likelihood of the occurrence of adverse health outcomes, and the effectiveness of some of the mitigation measures in reducing or preventing environmental impacts which could adversely affect public health. Until the science provides sufficient information to determine the level of risk to public health from HVHF to all New Yorkers and whether the risks can be adequately managed, DOH recommends that HVHF should not proceed in NYS.

The dangers presented by hydrofracking are many. Evidence from other states demonstrates that there are significant environmental risks associated with hydrofracking.

In Pennsylvania, Alabama, and Wyoming, there have been numerous reports of groundwater contamination. In Ohio, tap water caught fire after an accident at a hydrofracking well.

Furthermore, there is no guarantee that the chemicals used in the cocktail of hydraulic fracturing fluids are safe for human health because we have not been able to ban carcinogenic materials from the process. I have long carried legislation that would greatly increase the transparency in the hydrofracking process by requiring the full disclosure of the materials infused in hydraulic fracturing fluids and would prohibit the use of chemicals deemed to “pose a risk to human health.” Therefore, we could know for a fact that only safe materials are used but this legislation remains stalled because the natural gas industry has fought tooth and nail to protect what they call “trade secrets.”

For these and a host of other reasons, I am extremely pleased that Governor Cuomo has banned hydrofracking in New York State. The risks it poses to the environment and to the health of New York State residents are simply too great. There is still legislation needed to prevent toxic fracking waste from other places being dumped or sold in NYS For example: it is being marketed as a cheaper salt alternative for icy roads, where it immediately soaks into the earth and water system. Can we all say, Oy Vey!

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