



Newsletter from
**Assembly Member
Richard
Gottfried**

December 2013

Este boletín está disponible en español.

Dear Neighbor,

Happy New Year and Happy Holidays.

This newsletter will bring you up to date on some of the issues I have been working on in Albany and in the community.

In the 2014 legislative session in Albany, spending and taxes will be key topics.

Extraordinary wealth grows in New York thanks to our extraordinary assets – including an educated workforce, diversity, culture, health care, and mass transit. Keeping those assets strong – and making sure every New Yorker has a fair chance to lead a full life – requires public spending for schools, housing, hospitals, subways and buses, and other public services. And in fairness, the necessary taxes must be based on ability to pay. To me that's just common sense.

I have always worked for these values in Albany and our community and our new Mayor, Bill de Blasio, shares these values.

I look forward to hearing your comments and suggestions on legislative issues and community problems.

I work for you full-time, year-round, in Albany and in the neighborhood. I am a lawyer, but I do not maintain a private practice. My only job is working for you.

My Community Office at 242 West 27th Street, 212-807-7900, GottfriedR@assembly.state.ny.us – is here to serve you.

If you are having a problem with a government agency, your landlord, a utility, etc., or if your block association or other group needs my help or would like me to come to a meeting, or if there is any other way I can help, please call or e-mail.

Sincerely,



Starting an Important Project You'll Never See! — *While the Hudson Yards development is being built over the railroad tracks leading out of Penn Station, a "tunnel" is being built to preserve what will become a route for new tracks connecting to New Jersey and the Hudson Valley. It will be under the development, so we'll never actually see it. It's important to promote more train commuting instead of more buses and cars in our area.*

Bike Safety

Making New York City more bicycle-friendly is important – for the environment and promoting health. But too many bike riders are breaking traffic laws and endangering and injuring pedestrians.

The expansion of bike lanes and the City bicycle-sharing program have brought many more bike riders to our streets, and it seems that many of them either do not know the rules or care about the rules. Many riders go the wrong way on one-way streets, run through red lights, make illegal turns, and exceed speed limits.

Bicycle safety must be a priority for the new de Blasio administration, including the Police Department and the Department of Transportation. We need an intensive and broad-based education campaign, plus effective law enforcement.

I am interested in your thoughts and suggestions. Please e-mail me at GottfriedR@assembly.state.ny.us.

DREAM Act for New York

Immigration reform is mainly a federal issue, but there are things states can do. All four of my grandparents came here over a century ago fleeing political and religious oppression and seeking the opportunity of America. I take that heritage very seriously.

Since 2002, undocumented immigrants have been allowed to pay in-state tuition rates at New York's public colleges and universities (SUNY and CUNY).

We can do more. I am a co-sponsor of the New York State Development, Relief and Education for Alien Minors (DREAM) Act, which the Assembly passed this year. In addition to creating a private scholarship fund (the DREAM Fund), it would let immigrant students apply for state scholarships and the Tuition Assistance Program (TAP) to help them pay for their higher education, and use other state education opportunity programs. Unfortunately, the bill has not moved forward in the State Senate.

The passage of the DREAM Act would make New York one of four states – including Texas, New Mexico and California – to offer state financial assistance to children of undocumented immigrants.

Immigration status should not prevent young, motivated immigrant students from growing, learning and achieving their dreams.

The bill would require undocumented immigrant students to satisfy certain conditions to be eligible for state tuition assistance and educational opportunity programs, including having attended high school in New York State for at least two years and having graduated or received an equivalency certificate in-state.

It's not a question of taking resources from one group and giving them to another – it's about equal educational access for all our kids.

The DREAM Act also sets up the DREAM Fund, which would raise private funds to provide scholarships for eligible college-bound children with at least one immigrant parent.

Allowing Medical Use of Marijuana: New York Law Must Change

Patients suffering from severe debilitating or life-threatening conditions could be treated with marijuana under medical supervision under the bill I sponsor in Albany. It has passed Assembly several times. But it won't become law until it passes the State Senate and is signed by the Governor. I hope that will happen in 2014.

From Washington, D.C., to Maine, every jurisdiction allows medical use of marijuana *except* New York.

If the patient and physician agree that a severe debilitating or life-threatening condition should be treated with medical marijuana, the government should not stand in the way. It is cruel to deny treatment to patients who are suffering or turn them into criminals.

My bill would allow medical use of marijuana under a doctor's supervision for patients with cancer or other severe debilitating or life-threatening conditions. It sets up a tightly regulated and controlled medical marijuana system. Practitioners licensed to prescribe controlled substances could certify patient need, and certified patients would register with the Health Department. Both the certification process and dispensing of medical marijuana would be included in the state's new I-STOP prescription monitoring system for controlled substances.

The Health Department would license and regulate "registered organizations" to produce and dispense medical marijuana for certified patients. They would be required to comply with detailed "seed to sale" security controls and regulations. A clinical advisory committee made up predominately of health care professionals would advise the Health Commissioner on clinical matters.

This bill is much more restrictive than the New York laws regulating highly dangerous drugs like morphine, Oxycontin, or Valium.

The bill would impose an excise tax on manufacturing and dispensing medical marijuana. Half the revenue would be shared with the locality where it is manufactured or dispensed.

This is sensible, strict, and humane legislation. The fact that this is not the law in New York is political correctness run amok, at the expense of the suffering of thousands of our fellow New Yorkers.

"Tax and Regulate" Legalization bill introduced: — I have also signed on as a co-sponsor of State Sen. Liz Krueger's new bill to tax and regulate marijuana, similar to how we treat alcohol.

We should move from our dysfunctional prohibition model to the tax and regulate approach. Marijuana is nowhere near as potentially harmful as alcohol. Our law is dishonest, and that undermines our message to young people.

This is a completely separate issue from allowing medical use of marijuana. But both proposals are the right thing to do.

Women's Equality Act — Update

In June, the Assembly passed the Women's Equality Act (WEA) proposed by Governor Cuomo, a ten-part package that covers a broad range of critical issues such as housing; employment and wage discrimination; sexual harassment; domestic violence; human trafficking; and abortion. I'm a co-sponsor of the bill.

Most provisions of the bill have been covered by bills passed by the Assembly (in much stronger form) for years, but not acted on by the State Senate. The abortion provision in the bill is a diminished version of a much stronger bill, the Reproductive Health Act, which I have co-sponsored.

The provisions of the bill were significantly weakened in negotiations by the Governor with Senate majority leadership in order to get the whole package passed by the State Senate.

Although Governor Cuomo submitted the bill to the Legislature very late in the session, the Assembly brought it to the floor immediately and passed it. However, despite the negotiations with the Senate for a 10-point package, the Senate leadership refused to take up the Governor's bill. Instead, they broke it into nine separate pieces – excluding the abortion provision – and only passed those nine pieces.

The women members of the Assembly Majority took the position that the provisions of the package had been negotiated downward in order to achieve agreement on a 10-point package. They refused to further reduce the negotiated package by deleting the abortion provision. I support their position. I will work to get this package passed with the abortion provision.

As chair of the Assembly Health Committee, a founding member of the New York State Bipartisan Pro-Choice Legislative Caucus, and someone who has been active with pro-choice groups since 1969, I know how important the reproductive health provisions of the WEA are. New York's landmark law on abortion – enacted three years before the Roe v. Wade decision – provides most but not all the protections of that Supreme Court decision. For example, after twenty-four weeks of pregnancy, the New York statute allows an abortion to protect the life of the woman. The Roe decision also says a woman has a right to an abortion at that point *if it will protect her health*.

I am deeply disappointed that the WEA – including the reproductive health legislation – was not passed by the State Senate. However, it is encouraging that when the Senate voted on an amendment to attach the reproductive health language to another bill, it came up only one vote short of being approved.

While we have been working to protect women's health, state legislatures and governors across the country are working to pass unconstitutional anti-choice bills.

As national anti-choice forces fight to move us backward, we must continue to fight and move our state's laws into the 21st century.

New York is a pro-choice state – with a history of pro-choice governors and other elected officials – because we have so many active pro-choice advocates. I appreciate their hard work and dedication to this effort.

Protect Our Environment; Stop Fracking

We have an obligation to be responsible stewards of the Earth, and to leave our children and grandchildren with a planet that is clean, healthy, and sustainable.

I agree with the many people who have written to me to express their support for developing a long-term solar policy in New York. I co-sponsored legislation (A.5060) that would establish a solar energy incentive and financing program. Unfortunately, the Legislature did not reconcile the Senate and Assembly versions of the bill in the 2013 session. I will continue to support it in the next legislative session.

Renewable energy; climate change

I believe it is important for the government to promote the use of wind and solar power and other forms of renewable energy and energy efficiency. I support a variety of bills in Albany to do that.

The effects of climate change are becoming ever more apparent and destructive. As residents of a coastal community we are especially wary of rising sea levels and increased severe weather. I have urged the City to heed the recommendations of the New York State Sea Level Rise Task Force, whose report addressed the exceptional measures that may be necessary to protect New York City's coastal infrastructure and communities. I have called for thorough study of constructing storm surge barriers.

Fracking

I support a ban on hydrofracking and co-sponsored several anti-hydrofracking bills that have passed the Assembly. I believe this type of drilling cannot be done safely. As Chair of the Assembly Health Committee, I have worked closely on this issue with Environmental Conservation Committee Chair Robert Sweeney.

There are responsible methods to curb carbon emissions, but hydrofracking is not one of them. Natural gas – a hydrocarbon made up primarily of methane – may seem to be "clean." But hydrofracking creates grave risk of catastrophic environmental damage, as well as the damage from the construction and operation of drilling rigs. There is extensive leakage of methane, a greenhouse gas much more potent than carbon dioxide.

The fracked gas that would be used in New York comes from the Marcellus Shale, the rock formation under large parts of New York and Pennsylvania. It contains high levels of radioactive radon gas (unlike the gas we've used for generations, which comes from more distant deposits). Bringing radon into our homes would create a major public health cancer risk. It is one of the reasons we should close the SPECTRA pipeline under the Hudson River into Manhattan, which brings in Pennsylvania radon-laden fracked gas. I am working with Assembly Member Linda Rosenthal and advocates to support her bill to limit radon levels in natural gas and require round-the-clock monitoring of gas distribution systems.

Funding environmental programs

The Environmental Protection Fund (EPF) is an important source of funding for a variety of programs that promote clean water, recycling, local farms, parks, and zoos. The financial collapse of 2008 and the resulting losses of state revenue caused significant cuts to the EPF, and later budgets failed to restore these funds. However, in 2013 the Legislature expanded the EPF by \$19 million for a total of \$153 million. This is important for programs that create jobs, enhance disaster preparedness and protect the environment.

Gun Control: New York leads the country

Gun violence has plagued America for generations. Easy access to guns makes crime more deadly, makes tragic accidents more common, turns angry incidents into deadly ones, and too often contributes to mass killings.

For years, the State Assembly has been passing a wide range of common-sense gun control bills, with no response from the State Senate. But after the Sandy Hook mass murders in December 2012, with the help of rapid and determined effort by Gov. Cuomo, New York enacted a strong sweeping gun control package – called the NY SAFE Act (Secure Ammunition and Firearms Enforcement Act) – in the first few days of the legislative session in January 2013. It is by far the strongest gun control legislation in America.

Of course, one state cannot stop another state from allowing easy access to guns, including assault weapons, which can easily be brought into New York. But the SAFE Act will greatly reduce access in New York and make it easier for law enforcement to reduce the numbers in our neighborhoods. It will save innocent lives.

"New York passed The New York SAFE Act in the aftermath of the Newtown tragedy because the research confirms that strong laws help keep people safer from gun violence," said Leah Gunn Barrett, Executive Director of New Yorkers Against Gun Violence. The organization said that New York State has the fourth lowest gun death rate in the nation, a testament to our strong gun safety laws.

The new law bans assault weapons and large gun magazines (ammunition clips), which are used for killing people not hunting. It raises penalties for illegal gun possession (especially loaded guns) associated with other crimes, and cracks down on providing a gun to someone who may not legally possess it. A new statewide database will make background checks and tracing guns easier. It requires background checks for purchasing ammunition. When a court issues an order of protection to someone, it will be able to revoke or suspend the person's gun permit.

Mental health professionals are now required to report to law enforcement when they believe a person receiving mental health services is a danger to themselves or others. Those who possess a firearm license would have their license revoked or suspended and be required to surrender their firearms.

All private gun sales are required to be made through a licensed gun dealer to ensure that a proper background check is performed, unless the sale is between immediate family members.

The SAFE Act has additional provisions and details. If you would like more information, please contact my community office.

Gottfried Transgender Rights Bill

I have been the sponsor of the bill to protect transgender people under the State Human Rights Law – the Gender Expression Non-Discrimination Act (GENDA) – since it was first introduced in 2003. It passed the Assembly again this year, but it has not come to the floor of the State Senate for a vote.

Transgender people — whose gender identity, appearance, behavior or expression differs from their genetic sex at birth – face discrimination in housing, employment, public accommodations and other areas of life, and they are particularly vulnerable to hate crimes. The transgender community is not protected under current state law.

The discrimination they face should be rejected in our State's civil rights laws, just like discrimination based on age, sex, sexual orientation, religion, race, disability, or ethnicity. This is an important and overdue protection of human rights.

No New Yorker should fear losing a job or a home because of gender identity.

Albany, Buffalo, Ithaca, Binghamton, New York City, and Rochester, and the counties of Suffolk and Tompkins have already enacted local GENDA laws. Sixteen states, Washington, D.C., and over 140 other localities across the country have passed transgender-inclusive civil rights legislation. Numerous private employers have also adopted policies protecting transgender employees from discrimination, including American Express, Eastman Kodak, and I.B.M.

Empire State Pride Agenda, Housing Works, and dozens of other LGBT organizations across New York have called for the passage

of GENDA. Additional support for GENDA includes a broad range of religious organizations, the New York City Bar Association, and numerous labor unions.

My bill has 60 Assembly sponsors including members representing urban, suburban, upstate, and rural New York. State Senator Daniel Squadron sponsors the Senate bill.



Protect Transgender Rights! — At a press conference in Albany with advocates for the Gender Expression Non-Discrimination Act (GENDA), my bill to include transgender people in the protections of New York's anti-discrimination laws. On the left in the photo are Senators Brad Hoylman and Daniel Squadron (sponsor of the bill in the Senate).

Co-op/Condo Property Tax Reform

Because of the way our property tax law is written, co-op and condo apartment owners historically paid higher property taxes than owners of houses of the same value. A state law that reduced that disparity expired in 2012 because of disagreements over other issues. Fortunately, in 2013 the State Legislature restored the program, with additional reforms.

The changes in the co-op/condo tax abatement limit it to units that are used as the owner's primary residences (it allows an owner two additional units in the same building to be eligible for an abatement). To make the abatement worth more to low- and moderate-income owners, units assessed under \$60,000 (roughly under \$600,000 in market value) will receive a higher abatement percentage.

Strong Rent Laws Protect Homes and Communities

The Assembly in Albany passed legislation in 2013 to strengthen New York's rent laws and safeguard tenants from unfair housing practices.

Rapidly rising housing costs have driven many people out of our community, and have caused others to choose between putting food on the table or paying for necessary medications in order to be able to afford to stay in their homes.

New York's Rent Stabilization and Rent Control laws do more than limit the amount of rent increases. They make sure that tenants who pay the rent and are good tenants are entitled to stay in their homes. Without that protection, at the end of the lease the landlord could force a tenant to move, for almost any reason.

The rent laws promote stable families and communities. It means a neighborhood can be home to people of all ages, backgrounds, and income levels.

However, loopholes in the law have enabled landlords to remove hundreds of thousands of apartments from rent law protection. We are losing affordable housing faster than we are building it.

Under the older Rent Control system, tenants get a 7.5% rent increase almost every year – and almost always much higher than the increases allowed under Rent Stabilization. I am a co-sponsor of the bill introduced by West Side Assembly Member Linda Rosenthal that would not allow Rent Control increases to be higher than Rent Stabilization increases.

These are some of the bills passed by the Assembly:

- Repeal the "vacancy decontrol" law that removes an apartment from Rent Stabilization or Rent Control when it becomes vacant and the rent can be \$2,500 or more.
- Limit a landlord's ability to evict a tenant from a rent-regulated unit for "personal use" by the landlord or a family member. Under the bill, the landlord or family member must use the apartment as a primary residence, and the eviction would not be allowed if the tenant has occupied the apartment for 15 or more years. I sponsor a bill that would eliminate "personal use" eviction entirely.
- Reduce the amount a landlord can increase the rent after a vacancy of a rent-stabilized unit from 20% to 7.5%.
- Require that rent increase for "major capital improvements" stop when the cost of the improvement has been covered.
- Require City Council confirmation of the mayor's appointees to the New York City Rent Guidelines Board.
- Extend the amount of time a landlord must own the building before the owner is eligible to apply for a "hardship" rent adjustment from three to six years.



Community Park Cleanup — I enjoyed helping to clean and beautify the Clement Clarke Moore Park with Allen Oster, Mary Swartz, and Clayton Harley of the W. 400 Block Association this fall. Some of the tools were borrowed from the W. 300 Block Association.



Block Associations are Vital to Our Community

The Citizens Committee for New York City awards block associations grants each year to green their blocks and take care of their trees. The West 300's Block Association in Chelsea got a grant and made an event of it. They worked to clean and expand tree pits, plant new plants, and make their streets cleaner and greener.

Hudson River Park Protected and Expanded

The Hudson River Park has been a great success, created by a law I sponsored in 1998 with former Senator Franz Leichter. It is a wonderful and well-used asset for our community and our city. A new law was passed in June that will provide significant financial relief to the park, improve its quality and protect the principles built into the Hudson River Park Act.

The Park remains unfinished and in need of much repair. It also faces huge capital maintenance needs, far beyond what was anticipated when the Park and its financing structure were created.

Several piers in the park urgently need replacement of the pilings that hold them up. Even the bulkhead – the wall that has for generations kept the land from falling into the River – needs repair.

The State and City have spent about \$400 million creating the Park, and we still need over \$200 million to finish it – apart from the roughly \$200 million capital maintenance need.

The bill was developed through a year-and-a-half long deliberative process involving a broad-based task force assembled by the Trust, which included all the local elected officials in the Park's area, representatives of the local community boards, park advocates and users, and other stakeholders. There were public forums and meetings with community boards. Although many participants in this process have diverse and even adamantly conflicting views on some issues relating to the Park, the points in this legislation represent a number of broadly agreed-on measures that will help the Park.

One of the most important provisions of the new law is about

Pier 76 at West 36 St. When the New York City tow pound is removed from Pier 76, the 1998 law said half of the pier would belong to the City, which could build on it whatever the zoning allows. Now, the whole pier will become part of the park and will be subject to all the development restrictions in Park law, and any financial value produced will go to the Park. The other 50% of the pier must become open park space.

There are a number of provisions in the new law that help the park to be more financially viable. Among them is the ability to transfer unused development rights within the Park land to sites up to one block east of the Park, with the proceeds to go to the Park. This creates the potential for substantial financial benefit to the Park. It also means that development that might have taken place within the Park on "park-commercial" sites can take place instead on the land east of the Park, and still benefit the Park financially.

It is important to note that the bill requires that transfers under this provision are permitted only "if and to the extent designated and permitted under local zoning ordinances." So it will be governed by special zoning rules to be enacted by New York City.

It is critically important that the communities along the Park (including all our local elected officials) work closely together to make sure that the new law serves its important purpose of protecting and improving the Park without allowing excessive development.

We need to make sure that the new City administration works with and listens to our communities as the zoning legislation is drafted and implemented.