



News from Assemblymember

January 2015

# LINDA B. ROSENTHAL

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Dear Neighbor,

*I want to extend my best wishes for a happy and healthy new year. I hope that you had the chance to spend time with family and friends and to relax and unwind. Each new year brings with it the opportunity for renewal and recommitment. I am excited to get back to work in Albany to make some of the progressive change that will help to improve the lives of my constituents and all New Yorkers.*

*First, thank you once again for re-electing me to the New York State Assembly. I am humbled that you have chosen to place your trust in me and am honored to represent your interests in the State Legislature. I take my job as your elected official seriously and understand that you elect me to be your full-time representative. I have no other occupation because being your representative in Albany and in the community is my full-time job.*

*This year, 2015, marks the sunset of many important pieces of legislation. From the rent laws to 421-a and J-51 tax abatement programs to mayoral control of schools, the expiration of these critical laws marks a unique moment to begin a dialogue now that ends with real reform. As always, my staff and I are eager to hear from you about any of these issues or any other matter that is important to you and your family.*

*I look forward to seeing you at community events throughout the district when I am not in Albany during the Legislative session. In addition, please feel free to drop by my district office anytime to make a suggestion, get help with a problem or just to talk!*

*Let's have a great new year together!*

Sincerely,

Linda B. Rosenthal  
Member of Assembly – 67 AD

## 2015 Is the Year of the Tenant

New York City, like many cities across the nation, has been in the midst of a prolonged housing crisis for many years. While incomes have stagnated, rents have continued to skyrocket, making New York one of the most unaffordable places to live in the country. The need for affordable housing has never been greater: homelessness is soaring, with more than 60,000 people living in shelters, and hard-working families are struggling to put food on the table and still provide necessities such as clothing and medicine.

We stand at a critical moment in time – in June of 2015, the rent laws, which protect more than one million rent-regulated units across the State, are set to expire. Their renewal affords us a tremendous opportunity to create real change and preserve hundreds of thousands of units of affordable housing for future generations. In the past, each time the rent laws have come up for renewal, tenants have been forced to accept half measures and compromises as victory. This year, we must repeal vacancy decontrol, which is by all standards the most insidious housing law on the books.

As the prime sponsor of the bill to repeal vacancy decontrol, I know well the devastating impact it has had on rent-regulated tenants and affordable housing. Vacancy decontrol actually provides an incentive to landlords to neglect their buildings and harass their tenants into leaving their homes. Once the affordable tenants have vacated, the landlord is permitted by law to take a vacancy bonus and if any improvements are made to the unit, the landlord is allowed to raise the rent by a percentage of the cost of improvement. The system is not well regulated, and as a result, some landlords are able to game it.

According to “The Growing Gap: New York City’s Housing Affordability Challenge,” a report issued by Comptroller Scott M. Stringer, between 2000 and 2012, the City experienced a loss of approximately 400,000 apartments renting for \$1,000 or less. Median apartment rents in the City rose by 75%, in comparison to a 44% increase across the country. Housing affordability, as defined by rent-to-income ratios, decreased for renters in every income bracket during that time period, with the harshest consequences felt by poor and working-class New Yorkers earning less than \$40,000 a year.

We are working against an organized and well-funded landlord lobby, and this year tenants from across the City must stand together and fight like we never have before to repeal vacancy decontrol and improve tenant protections. As always, I will be on the front lines in the battle to renew the rent laws and look forward to seeing many of you in Albany standing with me.

## Huge Victory for Rent-Regulated Tenants Filing for Bankruptcy

Rent-regulated tenants across the City can finally breathe a sigh of relief: the New York State Court of Appeals ruled that rent-stabilized leases cannot be considered assets in bankruptcy. In 2011, I introduced legislation to protect rent-regulated tenants who for one reason or another needed to avail themselves of the legal protections offered by filing for Chapter 7 bankruptcy.

For some years, bankruptcy trustees, whose role it is to maximize the assets of the debtor to satisfy existing debt, were compelling rent-regulated tenants to sell their leases to their landlords for pennies on the dollar. The money generated from the sale of the lease would be used to

**Continued on page 3**



Assemblymember Linda B. Rosenthal kicks off the “Year of the Tenant” at a rally with housing advocates and tenants. Renewing the rent laws will be one of the most important issues we address this session.

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

# ALBANY HIGHLIGHTS

## Assemblymember Linda B. Rosenthal Passes Law Banning Sale of Liquid Nicotine to Minors and Requiring Child-Resistant Packaging

Liquid nicotine, which is a key component in electronic cigarettes, is extracted from tobacco and mixed with a variety of unidentified chemicals, colors and flavors. The liquid is readily available in stores and online, and is poured into refillable electronic cigarette cartridges and then vaporized by the user.

The federal government thus far has not stepped up to regulate electronic cigarettes or liquid nicotine, which is a dangerous poison with the potential to be deadly to children and adults. Small amounts of this potent neurotoxin, whether ingested or absorbed through the skin, can cause a variety of side effects, including vomiting, dizziness, increased salivation and tearing, diarrhea and muscle weakness. In serious cases, confusion, coma, seizures and even death may occur, especially in young children who ingest as little as one teaspoon of the liquid.

In late 2014, a one-year-old boy from Fort Plain, NY, became the first person in New York and perhaps the country to die after accidentally ingesting liquid nicotine. With the proliferation of electronic cigarettes, poison control experts have reported a significant increase in the number of liquid nicotine poisonings. Last year 3,638 liquid nicotine exposures were reported to poison control centers nationwide; more than half of those involved children.

To protect children against the known dangers associated with liquid nicotine exposure, I just passed a law to ban the sale of liquid nicotine to minors under the age of eighteen. Significantly, the law requires all liquid nicotine sold in the state to come in child-resistant packaging. This law will add a layer of protection so that no family in New York will have to suffer the loss of a young loved one in a completely preventable tragedy.

I am also the sponsor of legislation that would prohibit the use of electronic cigarettes in places where smoking is currently banned by New York's Clean Indoor Air Act and another bill that would require any electronic cigarette retailers to register with the New York State Department of Health. In 2012, I passed a law that made New York State one of the first states in the country to ban the sale of electronic cigarettes to minors.

## Victory! New York State Bans Fracking

At times, it has seemed to even the casual observer that the State has been engaged in a race against time to open up the Marcellus Shale to high-volume hydraulic fracturing (fracking). Finally, after tremendous organizing efforts by a multitude of groups and active participation by so many people in opposition to fracking, science and the advocates have won. On December 17, 2014, Governor Cuomo announced that New York State would not allow fracking, thus become the first state in the nation to impose a de facto ban. The New York State Department of Environmental Conservation will issue an order in early 2015 banning fracking statewide.

For years, advocates had cited the dearth of scientific data on the long- and short-term health impacts of fracking on the public, among other things, as one of the main reasons not to allow fracking in the State. Capitulating to the pressure, in 2012 the New York State Department of Health began a limited study on the potential impacts that fracking would have on public health. The report confirmed what many of us knew all along: that the risks involved with opening up large portions of the Southern Tier to fracking far outweighed the rewards, which, the report suggested, may have been grossly overstated by the oil and gas industry.

Citing risks like an increase in air and climate-change causing pollutants, the potential for drinking water contamination, the connection between fracking and earthquakes as well as the impacts the practice would have on communities, the report concluded that fracking is not safe for New Yorkers.

## Addressing Rape on College Campuses

Rape and other instances of sexual assault have reached epidemic proportions on college campuses across the country. The shame many victims of sexual violence experience often deters them from reporting the crime. For college-aged women, the fear of being victimized again by a system that is often stacked against them and administrators who are ill equipped to handle their cases with sensitivity and fairness is an additional obstacle to reporting. Here in New York and across the country, we have a responsibility to protect young students and guarantee that they can learn in a safe environment, one in which both their minds and bodies are respected.

New York is leading the effort by implementing a uniform policy on sexual assault at all SUNY campuses. The policy creates a system-wide Sexual Assault Victims' Bill of Rights that defines affirmative and unambiguous consent for all sexual acts and a uniform system for confidential reporting guarantees that all reports are kept strictly confidential and mandates sensitivity training for SUNY staff and police, among other things.

At the same time, it is critical that the organizations providing direct services to survivors of sexual assault are amply funded. To that end, I have been working closely with rape crisis centers to ensure that they have the resources necessary to provide education and intervention services to college students and other survivors in New York State. After changes were made to the State funding formula following the passage of the 2014-15 budget, a number of the rape crisis centers faced immediate financial constraints. I partnered with providers to secure the restoration of this critically needed funding, and will continue to work with them during the upcoming session to ensure that these programs receive an increase in funding in the 2015-16 budget cycle.

Rape crisis centers are lifelines for the survivors of sexual violence, and I was proud to have been able to successfully advocate on their behalf.

I have been opposed to fracking since the beginning. It has been clear to me and many others that no amount of precaution could make fracking safe enough to ensure human health and environmental safety. I am pleased that the Administration recognized the dangers associated with fracking and made a wise and prudent decision to put the health and welfare of the people of New York State first. We can now begin to refocus on the development and deployment of clean, safe and renewable energy sources, such as wind, water and solar power. These are energy sources that should be fueling our future.

With that goal in mind, I am pleased to announce that my bill to renew and expand the property tax abatement offered to home and building owners who install solar panels became law. The law will help to encourage New York City residents to invest in renewable energy, thereby leading to a reduction in our global warming emissions by providing a financial incentive to transition away from coal, oil and natural gas.

The law provides owners living in class one, two and four properties in New York City with a property tax abatement equal to the lesser of five percent of the total cost of the solar panel installation, the amount of property taxes payable in the tax year that solar panels installed or \$62,500. Eligible properties include most residential homes, co-ops, condos and rental, commercial and industrial properties. For more information about the property tax abatement or about the application process, you can call my office at 212.873.6368 or contact the New York City Department of Finance.

## Your Rights as A Tenant When Your Building Goes Co-op or Condo

It may not be a new trend, but there is a marked increase in conversions of rental buildings to cooperatives or condominiums, and tenants regularly contact me to learn about their rights when their buildings go co-op or condo. The conversion process is complicated and can be overwhelming and even fear-provoking for tenants. Understanding the process will help to make it smoother and more manageable. In addition to educating yourself, you should also contact my office. We have a lot of experience dealing with conversions and can advocate for you, help guide you or connect you with other helpful resources. The information below is provided by the Office of New York State Attorney General Eric T. Schneiderman. It is accurate as of the date of this writing and may be subject to regulatory change.

- The conversion process begins when the owner of your building or “sponsor” submits an offering plan, referred to as a “red herring” to the Office of the Attorney General (OAG) of New York State for review. The red herring contains all the details of the conversion plan and must be approved by the OAG before it can become effective. The final offering plan is memorialized in the “black book,” and must be delivered to all occupying tenants.
- All occupying tenants, regardless of status, are given a 90-day time period after they are presented with the black book during which they have the exclusive opportunity to buy the unit they occupy, usually at an “insider price.” During this time period, the unit may not be offered to an outsider.
- The red herring must indicate whether the sponsor is pursuing an eviction or non-eviction plan. The rights of tenants vary depending on the type of plan implemented.

### Eviction Plan

- An eviction plan can be implemented only if 51% or more of the total number of units are purchased.
- Both market rate and rent-stabilized tenants are protected against eviction for three years from the time that the offering plan becomes effective.
- Market rate tenants may be evicted after the expiration of the three-year period.
- Rent-stabilized tenants may be evicted after the expiration of three years, subject to the following:
  - » If your lease expires before the expiration of the three-year period, you cannot be evicted until the end of the three-year period. Your lease will be renewed at the rent-stabilized rate and your tenancy would continue as rent stabilized until the expiration of the three years.
  - » If your lease expires after the expiration of the three years, you cannot be evicted until your lease expires.
- Special Protections for Senior Citizens and Disabled People. Regardless of whether your sponsor pursues an eviction or non-eviction plan or your rent-regulated status, seniors aged 62 or older and disabled persons who complete a special exemption or waiver form and deliver it to the sponsor within a certain time period are protected against eviction indefinitely. The requirements to exercise this option are very specific, so please contact my office immediately if you think you might qualify.

### Non-Eviction Plan

- Non-eviction plans are the most common, and can only be implemented if 15% or more of the total number of units are purchased.
- Rent-regulated tenants cannot be evicted simply as a result of the conversion. Rent-regulated tenants are entitled to continue their tenancy with all of the rights and protections afforded to them by rent regulation.

- Construction and Major Capital Improvements (MCIs). Construction often accompanies a conversion, as many sponsors undertake renovations to improve the unit, common areas or both. Construction has the potential to be noisy and disruptive, create dust and other debris and can pose risks to human and pet health and safety. There are laws in place to protect all residents against hazardous or illegal construction and there are limits on the times of day and days of the week during which construction may be performed. In addition, in some cases, construction can rise to the level of harassment. Please contact my office if you are experiencing any construction-related problems.
- In addition to the disturbances that could be caused by construction, any improvements to the building, such as a new boiler or roof, could result in an MCI. As a rent-regulated tenant, you are required to pay legitimate MCI charges, but I recommend that you review the paperwork carefully to determine whether any challenges should be made.
- Amenities, new and old. It is common for new amenities, such as fitness rooms and roof decks, to be added to your building after a conversion. I am the sponsor of legislation that would require equal access to all tenants, but until that becomes law, access to or use of those amenities legally may be reserved exclusively for co-op or condo owners. Rent-regulated tenants are legally entitled to access and use of all amenities previously provided to them. Failure to provide access could be the basis for a rent reduction order.

*Assemblymember Linda B. Rosenthal discusses funding needs with representatives from groups providing critically important eviction prevention services in New York City. L-R: Jennifer Vallone, University Settlement; Michael Callaghan, Nazareth Housing; Melissa Aase, University Settlement and Sarah Desmond, Housing Conservation Coordinators.*



### Huge Victory for Rent-Regulated Tenants Filing for Bankruptcy Continued from page 1

satisfy creditors, and in exchange, the rent-regulated tenant would in most cases be forced to leave their home.

Mary Veronica Santiago-Monteverde was a victim of this unfair practice: after the prolonged illness and eventual passing of her husband, 79-year-old Santiago-Monteverde was forced to file for bankruptcy to relieve her of thousands of dollars in medical debt. I also heard from a number of constituents who were facing similar circumstances.

Bankruptcy should not result in a tenant becoming homeless, and the Legislature never intended to allow landlords and trustees to agree to deregulate rent-stabilized and rent-controlled units via bankruptcy. Santiago-Monteverde sued her trustee in federal court, and I also submitted an amicus curiae, or friend-of-the-court brief, to clarify the Legislature’s intent and support Santiago-Monteverde other rent-regulated tenants just like her. In October, the New York State Court of Appeals agreed with me and Santiago-Monteverde: it ruled that rent-regulated leases are “local public assistance benefits,” and therefore cannot be liquidated in bankruptcy proceedings.

## IRS Phone Scam – Do Not Be Duped!

Have you received a threatening call from someone claiming to be the IRS? Well, you are not alone. I have heard from so many constituents about a particularly dangerous phone scam in which the caller identifies himself or herself as a representative from the IRS and explains that the purpose of the call is to collect back taxes. In most cases, when pressed for information, the caller becomes increasingly more hostile, and usually ends the call by threatening to send an agent to make an arrest or take other legal action.

Most of the people who receive this call are shaken, and rightfully so. These calls are scams, designed to elicit sensitive personal information, such as credit card and bank account numbers, by using scare tactics. The IRS does not make initial contact with taxpayers over the telephone, and will instead send a certified letter to your legal mailing address. In addition, the IRS does not resort to threats, nor will it engage in such tactics in order to collect any debt that you may owe.

If you receive one of these calls, there are several things you should do:

- Do not provide any personal, confidential information to the caller under any circumstances.
- Attempt to get a callback number or other identifying information from the caller. Even if you have a caller ID service, you should still ask for a callback number; in most cases the number that is displayed on your caller ID will not be a working telephone number.
- Call my office. We have been gathering information about these calls and have been reporting them to the proper authorities, including the New York State Department of State, the Office of the Attorney General of New York State and the Federal Trade Commission.

**Though it can be very difficult to track down these individuals, the more complaints the authorities receive, the easier it will be for them to prosecute these scam operators.**



*Assemblymember Linda B. Rosenthal snaps a photo with Girl Scout Troop 3156 after meeting with them to discuss community engagement and leadership. Top L-R: Avery Teano, Ava Simon, Alannah McEvoy-Benisti, Piper Karnilow-Maurice, Megan Yates and Samaya Stronger. Bottom L-R: Marina Tselioudis, Anna Chambers, Hannah Strott and Madison Chou.*



*Assemblymember Linda B. Rosenthal at West End Preservation Society's (WEPS) holiday gathering with Josette Amato, Executive Director, New York City Comptroller Scott M. Stringer and Erika Peterson, Co-Founder and Vice President.*



# News

from  
Assemblymember  
**LINDA B.  
ROSENTHAL**

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## Assemblymember Linda B. Rosenthal Fights to Restore Service on the M104 Bus Line

Until it was decimated by budget cuts in 2010, the M104 bus line had provided New Yorkers with a convenient and vital connection between Harlem, the Upper West Side and Midtown. Those cuts hit my constituents, particularly parents with small children, seniors and the disabled, very hard. A “one-fare” trip for those who depended on the east-west route at 42<sup>nd</sup> Street now requires a transfer to a subway or another bus, which is no small inconvenience to many riders.

To make matters worse, a recent round of service cuts has considerably increased weekday wait times between buses. This is simply unacceptable. Regardless of age or physical ability, West Siders are a fiercely independent bunch, and the buses in

this area enable them to maintain an active and interconnected lifestyle. Increasing wait times on a line that has already been severely cut will create further delays on one of the most highly used routes on the West Side.

As a frequent M104 rider myself, I understand the importance of the line to everyone who lives in my district. I sent a letter to the Metropolitan Transportation Authority calling for a reversal of recent service reductions and more importantly, a restoration of service on the line to its pre-2010 levels.

If you have a suggestion about how to improve transportation or a complaint about services, please do not hesitate to contact my office.