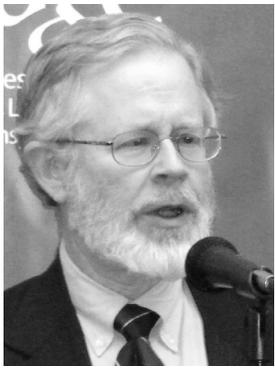


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Assembly Member **Dick Gottfried**

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Este boletín está disponible en español.

Dear Neighbor,

2011 will be an interesting and challenging year in New York State, with Andrew Cuomo as our new Governor, and a continuing budget crisis caused by tax revenues that have been depressed by the economy.

It is important in these times to work to protect health care, education, mass transit, housing, job development, and public services. These programs strengthen our economy and community, help people enter and remain in the middle class, and promote fairness and social justice. I believe they can and must be supported with taxes based on ability to pay.

Many needed reforms will be back on our agenda, including renewing and strengthening the rent laws; same-sex marriage; campaign finance, redistricting and ethics reforms; and legalizing medical use of marijuana.

One area of reform that is getting more attention is whether legislators ought to hold outside jobs. I have personally refrained from having any outside employment or business. I'm a lawyer, but I don't have a private practice. My full attention and loyalty—in Albany and in the community—belongs to public service and not to any other job or interest.

My Community Office is there to serve you. If you have a problem with your landlord, a government agency, or a utility company, or if your block association, co-op or condo board or other group needs my help or would like me to come to a meeting, or if there is any other way we can help, please let us know.

Stop by my office at 242 West 27th Street, call 212-807-7900, or e-mail GottfriedR@assembly.state.ny.us. And please write to let me know what you think on legislative and community issues.

Best wishes for a healthy and happy New Year;



Priorities for 2011

Working with Gov. Cuomo

I am excited about working with the new Cuomo administration. I have worked with Andrew Cuomo and his staff when he was State Attorney General on health law and other issues. The staff appointments he has announced so far are high-quality professionals with extensive public service.

He will be a strong, articulate leader committed to making government work. A governor like that can make an enormous difference.

He and I share progressive positions on many issues. As Assembly Health Committee chair, it is especially important to me that he is committed to protecting health care consumers, quality in service delivery, and reproductive choice.

There will be issues on which we will disagree, and I am sure there will be news stories about conflicts between the Governor and legislators, regardless of party. That is true with any governor. The founders of our country intended to create a system in which there would be tension—checks and balances—between the executive and legislative branches.

Change in the Senate majority

There will be a new majority in control of the State Senate. That means that many issues important to our community will have strong support in the Assembly, where I serve, but will face much difficulty in the State Senate. Much of what we want to do may not be possible to achieve.

We have faced this same lineup for many years (except 2009-2010). During those years, I was able to work with the other side (using a party name is not allowed in legislative newsletters) and we were still able to accomplish a great deal. Having Governor Cuomo's support on issues will be important.

Reforming Albany

We must make government and politics—especially in Albany—more effective, responsive, and honest. Here are three key steps I strongly support that are also supported by a large coalition of good government civic groups.

- “Clean-money” public campaign financing, which would enable candidates who do not have personal wealth or support from wealthy contributors to get their message out and compete effectively with wealthy or well-funded candidates. (The Supreme Court ruled that under the First Amendment, wealthy people and corporations are allowed to spend their money to try to influence elections.)
- I support creating an independent redistricting commission system similar to Iowa's. Iowa has an independent body that submits plans to the state legislature for approval. I co-sponsor the bill that would create an independent redistricting commission, with an open public process and fair districting criteria, for proposing New York State Assembly, Senate and Congressional districts. The commission must be appointed by a range of public officials, not just by the governor, so it will be independent.
- The legislative process must be more open and responsive. The Assembly, in which I serve, has already adopted many key reforms. In the Assembly, the leadership cannot bring a bill to the floor for a vote unless it has been reviewed and approved by the appropriate committee. In the State Senate, the leadership can just pull a bill out of committee and put it on the floor. The Assembly does not let committee chairs cast proxy votes for absent committee members, but the Senate does. In the Assembly, you have to be in the chamber to cast a vote. A Senator can be counted as a “yes” even if he or she is not in the room. I believe the State Senate should follow the Assembly's example.

Confronting the Budget Deficit

When you hear “state budget,” think health care, education, mental health,

Continued on next page

Priorities for 2011 continued

and higher education—because they make up over three quarters of the state budget. We don't want to cut health care (and when we do, it mostly affects the elderly and disabled) or the education of our next generation. But when we try to close a large deficit by cutting spending, we cannot avoid cutting those programs.

We face a \$9 billion-plus budget deficit for the 2011 budget year, beginning April 1. This is after cutting programs to deal with a \$9 billion deficit in 2010 and \$17 billion in 2009. These deficits were almost entirely caused by the drastic fall in state tax revenue due to the national recession. *State-funded spending actually remained almost flat.* (Total spending for some things increased because of federal aid.)

In a recession, when private sector spending and hiring is down, public spending is like a “back-up” generator to keep the economy going. For the long term, publicly-funded services—health care, education, transportation construction, mass transit, public safety, sanitation—are essential to having a strong job-producing economy.

I believe that increasing taxes on the very highest-income taxpayers would be a better choice than cutting these needed programs.

In tough times, I believe the wealthiest New Yorkers should be doing more. As John F. Kennedy said in January 1961, “Of those to whom much is given, much is required.”

Stronger Rent Laws and Tenant Rights

Strong rent laws are necessary to preserve affordable housing, enable people to remain in their homes, and promote stable, diverse communities. Without strong rent laws, a landlord can refuse to renew a tenant's lease, or insist on an unlimited rent increase.

In 2011, the state law that authorizes Rent Stabilization will end unless it is renewed by the Legislature. The Assembly will easily pass a bill to renew the law. But the State Senate majority has always been a serious obstacle. Preserving the law will take strong advocacy by tenants, legislators, and Gov. Cuomo.

I will also work to strengthen the rent laws and protect tenants' rights, including tenants who are not covered by the Rent Stabilization law. There are many bills I support that are important for protecting tenants such as: restoring New York City's right to strengthen its own rent laws, repealing vacancy decontrol, limiting a landlord's right to evict tenants on grounds that the landlord needs the apartment for “personal use,” and limiting rent increases for capital improvements.

Health Care Reform

The federal health care reform law gives important tools to the states to improve health coverage and the delivery of health care for all of us. As chair of the Assembly Health Committee, working with the chair of our Insurance Committee, much of my work for the next couple of years will be focused on implementing and building on the federal law.

One of our first jobs will be setting up a health insurance “exchange”—a marketplace for individuals and small businesses to buy state-approved health plans. Some people will be able to get subsidies to help pay for the coverage. It is important that the exchange be

easy to use and offer maximum protection and benefits for consumers.

We can also set up a “basic health plan”—a public plan for moderate-income people who are above income eligibility for Medicaid or Family Health Plus.

New York should also take advantage of the opportunities in the federal law that can help us reform our health care delivery system to improve the quality of care. See “New Directions for Health Care” in this newsletter.

Of course, the federal health care reform law is not true universal health care. I am committed to working for that here in New York.

After St. Vincent's: We Need a Hospital

The community and its elected officials worked hard to stop the closing of St. Vincent's Hospital. We know our community needs an acute care facility, especially a full-fledged emergency room. I am continuing to work with community leaders and my fellow elected officials to make that a reality. To help document the case, we are having a professional health needs assessment done, under community guidance and review. We will then develop a plan to meet the needs, and work to get participants, financing, and governmental approvals.

Strong Constituent Service

An important part of my job is constituent service. I am proud that my community office is widely regarded as one of the best there is in that regard. We work with community groups and individuals on a broad range of issues and problems, including rent and housing, problems with public benefits, quality of life issues (e.g., problems with some late-night bars and clubs), utility problems, etc.

Protecting our Communities

My community office staff and I work with tenants, community groups, community boards, and others against excessive development and to include as much affordable housing as possible in new development. I help get buildings landmarked and areas designated as historic districts. I also work to protect tenants whose landlords are trying to force them out to replace them with higher-paying tenants.

Marriage Equality & Gender Identity Protection

I am one of the prime sponsors of the same-sex marriage bill in New York. The right to marry is a fundamental human right; it is a profound denial of humanity to deny that right to same-sex couples. Strong family relationships help build a stronger community.

I am also the lead sponsor of GENDA, the Gender Expression Non-Discrimination Act, which would extend New York's antidiscrimination laws to protect transgender New Yorkers.

The Assembly has passed the marriage equality bill and GENDA several times, and we will do that again this year. We picked up more votes in the State Senate for the coming session. I hope that despite the change in control of the Senate, these bills will both be brought for a vote and be approved. Governor Cuomo is committed to signing these bills if they get to his desk.

Family Health Care Decisions Act Signed into Law

Each year, about 75,000 people die in New York without a health care proxy and lacking the capacity to make their own health care decisions. Until now, under New York law, a spouse, domestic partner, or other family member had no legal authority to make those decisions. And because they had no legal decision-making role, federal law made it difficult for doctors to even share medical information with them to get their advice. Some incapacitated patients were denied appropriate treatment, while others were subjected to burdensome treatments that violated their wishes, values, or religious beliefs.

This year, my bill, the Family Health Care Decisions Act, became law. It enables a patient's family member—including his or her domestic partner—to make health care decisions when the patient is not able to do so, while the patient is in a hospital or nursing home. This is an extraordinary victory for protecting the right of a patient to have his or her wishes and best interests protected even after the patient loses capacity to make health care decisions. I am now working to broaden the new law, so it can apply to patients



Anti-Bullying Law Signed

When Gov. Paterson signed the Dignity for All Students Act at the LGBT Community Center, City Comptroller John Liu spoke about the bullying he endured in school as an Asian-American.

who are not in a hospital or nursing home.

It took 17 years of tortuous struggle to overcome the technical, ethical, religious, and political hurdles of this issue. I first introduced the bill in 1993, when the Governor's Task Force on Life and the Law submitted it. The bill has widespread support from patient advocacy groups, health care providers, and the state and city bar associations.

New Directions in Health Care

To reform our health care system, many people are looking at “accountable care organizations” (ACOs). What are they? How would they work? What’s the difference between ACOs and HMOs? Here is what this is all about, as I see it.

More than 100 years ago, George Bernard Shaw complained that the health care system rewards a physician based on how much of your body he cuts off. Today, we do fewer amputations, but the system is still almost entirely based on paying physicians and hospitals for “procedures.”

We need to put more of our resources into primary and preventive care, which will keep people healthy and reduce costs. But now, the greatest financial rewards go to specialists and hospitals. Fewer and fewer physicians practice primary medicine, they are more overworked, and have less and less time to spend with each patient. Yet good care depends on your primary care physician, nurse practitioner, or physician assistant spending *time* with you.

At the same time, health care is getting more complex, so managing and coordinating care is crucial. Patients stay healthier when someone checks whether they are taking their medications, watching their weight, and coming in for check-ups or follow-up appointments. Electronic health records can make care management more effective, by allowing you and your health care provider to see up-to-the-minute information about your care and condition, and can help avoid expensive, and sometimes painful, duplicate tests and procedures.

Making primary care more accessible, managing care, and using technology effectively will reduce emergency room use, specialist visits, and hospitalizations, but it requires a big up-front financial investment.

Most primary care practitioners work in small, understaffed, and overworked practices, without the resources to support care management and electronic records.

Changing this will not come easily. But the current system is not sustainable.

One answer we hear a lot about is “integrated health systems,” like the Mayo Clinic in Minnesota and the Geisinger Health System in Pennsylvania. In New York, we have the Montefiore Medical Center’s system in the Bronx, the Bassett Healthcare Network centered in rural Cooperstown, and others.

These are networks of one or more hospitals, specialists, primary care practitioners, community health centers, and other providers. They share support services, including health information technology and help in coordinating care, making all this affordable to primary care practitioners.

In a fully developed system, health plans pay the integrated health system a set amount per enrolled patient. The system distributes the money it takes in to the providers in the system. In the new federal health care reform law, a system like this is called an “accountable care organization” (ACO).

How is an ACO different from an HMO or other managed care plan? Is this just another big organization telling you and your doctor what care you can get? There are very important differences. The people at the managed care plan are not your health care providers; they answer to the insurance company’s stockholders. In an ACO, your doctor is working with his or her fellow health care providers.

A well-run ACO thrives by keeping you healthy, mainly by promoting primary and preventive care—not by doing a high volume of expensive procedures.

An ACO cannot work unless primary care providers and their patients choose to join. If individual doctors and other practitioners feel the ACO treats them like “hired help,” and if patients in the community feel the ACO is holding down costs by “just saying No” to providing services, the ACO will lose providers and patients and will fail.

Health care in New York will be better and more affordable if integrated systems and ACOs become a widely available choice. Many health care providers and patients may never want to be part of an integrated system or ACO. But I believe we must encourage their creation as an important new option.



Veterans Day Parade

At this year’s Veterans Day Parade, I and several other elected officials marched with Veterans for Peace and other groups including the Granny Peace Brigade. Front row (l-r): Joan Pleune, City Councilmember Rosie Mendez, Jenny Heinz, Lillian Liflander, me; back row (l-r): State Senator Bill Perkins, Frank Stearns, Nydia Leaf (GPB), and City Councilmembers Brad Lander and Robert Jackson. Photo: Phyllis Cunningham.

Fighting Against Torture

U.S. Justice Department and CIA reports document that the CIA’s “enhanced interrogation” program depended on the involvement of physicians and other health care professionals. The government relied heavily on their advice on how to conduct “interrogations” and to prevent a prisoner’s collapse or death from interfering with the progress of the torture.

I have introduced the first bill in the country to make it illegal for a physician or other health professional to cooperate in the torture or improper treatment of prisoners.

Whether you think waterboarding is “enhanced interrogation” or torture, we should not be sending young people to medical school and giving them a license to practice healing so they can help a CIA agent or prison guard inflict pain and suffering. The states, which license health care professionals, should bar them from participating in torture or improper treatment of prisoners. That’s what my bill would do.

I believe there would be much less abuse of prisoners if even a few physicians said, “Sorry, sir; I could lose my license if I do that.”

Four medical school deans, three present and former CEOs of leading academic medical centers, two Nobel Prize winners, the White House physician to former President George H. W. Bush, and the former director of health services in the New York City jails have endorsed the bill, along with Physicians for Human Rights, the New York Civil Liberties Union, the NYS Nurses Assoc., the NY chapter of the American College of Physicians, the NYS Psychological Assoc., the National Assoc. of Social Workers NY chapter, the Center for Constitutional Rights, Human Rights Watch, the Committee of Interns and Residents, the National Lawyers Guild, and many other organizations.

If you would like more information on the bill, please e-mail me at: GottfriedR@assembly.state.ny.us.

Protecting Tenants against Illegal Hotels

Illegal hotels are units that are supposed to be apartments but are illegally used as transient hotel rooms. Illegal hotels take available apartments from an already tight housing market, and disrupt the lives of the residents who still live in the building.

New York City agencies had been working to crack down on illegal hotels. But then a court decision said that transient use of a residential building is not illegal if it is affecting less than half the units in the building.

State Senator Liz Krueger and I succeeded in enacting a new law to clarify that residential units are for residential, not transient use. Period.

The new law, which we developed with the Bloomberg administration and tenant groups, is essential to restoring the ability of City agencies to enforce the law against illegal hotels and protect tenants and housing. It will go into effect on May 1, 2011. If your landlord or others are operating an illegal hotel in your building, you should call 311, and report it to the Mayor’s Office of Special Enforcement so the Office will have the information available when it begins to enforce the law after May 1.

Transportation News

Extending the #7 Train

To provide transit service to the “Hudson Yards” development in the West 30s, the MTA and the City are extending the No. 7 Flushing Line westward from Times Square to 34th Street and Eleventh Avenue.

I support the project, but I believe the City is missing two important opportunities. First, the tunnel should include space for a station at 41st Street and Tenth Avenue, which was in the original plan. I understand that lack of funding prevents building the new station now. But failing to do the basic tunnel work now will make it much more expensive later.

Second, the City should adopt the “Visions 42” plan for a light rail system (like trolleys) along 42nd Street and turns downtown to West 34th Street. This would be a great convenience for residents, commuters, and tourists.

34th Street Transitway

Thirty-Fourth Street is Midtown’s most congested through street. Buses crawl at an average speed of just 4.5 miles per hour (some New Yorkers walk that fast!).

The City has proposed an ambitious plan for 34th Street, with a two-way protected bus lane and a pedestrian plaza between Fifth and Sixth Avenues. General traffic would run one-way westbound from Sixth Avenue and one-way eastbound from Fifth Avenue.

Many people who live and do business along 34th Street have raised a variety of concerns. The Department of Transportation has created a Community Advisory Committee (CAC) to discuss the project and seek input. Some people are concerned that the protected bus lane could interfere with deliveries, including oil, and access for taxis, Access-A-Ride, and emergency vehicles. As an active member of the CAC, I need to hear what you think. Please e-mail me at: GottfriedR@assembly.state.ny.us.

More Bike Lanes for New York

In major cities all over the world, bicycles are an important, inexpensive, and environmentally healthy way to get around. New York City is beginning to catch up. The City Department of Transportation (DOT) has ambitious plans for bike lanes and paths in all five boroughs.

On lower Eighth and Ninth Avenues in Chelsea, the bike lanes are separated from traffic by barriers and parked cars, and regulated by turn signals. Though the community is still adjusting to the new curb arrangements, the bike lanes have dramatically reduced vehicle-bike accidents.

DOT is planning to extend these lanes with different physical arrangements. I agree with many in the community that DOT needs to move carefully and evaluate these different arrangements as they are put in place.

The DOT has agreed to hold educational sessions with seniors and other area residents to help the public understand the layout. The organization Transportation Alternatives and DOT will work to educate bike riders on traffic safety and rules.

Progress on Moynihan Station

Turning the old Farley Post Office into a train station worthy of the City of New York is long overdue. The project is finally going forward after receiving an \$83.3 million federal grant in February through the American Recovery and Reinvestment Act of 2009.

Amtrak will use the new station as its hub; the Post Office will continue to use the front portion of the building for customer use; and New Jersey Transit and the Long Island Railroad will also use the station.

The first phase of construction is infrastructure work, including platform extensions and widening, as well as constructing entrances on the north and south corners of the post office on Eighth Avenue.

I strongly feel that the next stage, Phase II, should go through the City’s “Uniform Land Use Review Process” (ULURP). I believe it is wrong that projects built by public authorities like the Moynihan Station Development Corporation (MSDC, part of the Empire State Development Corporation) are not required to go through ULURP. Governor Cuomo should require MSDC to submit to ULURP. Since Phase II will not be ready or funded for some time, complying with ULURP should not delay the project. I believe a comprehensive public process will make the final result better, while protecting the public interest.

Protecting Our Water Supply

Natural gas drilling companies are eager to begin horizontal hydraulic fracturing (“fracking”) operations in many upstate New York areas, including areas that provide the drinking water for New York City. Fracking injects huge amounts of water laced with toxic chemicals, under high pressure, to break up the rock and release natural gas. There is danger that the toxic fluids may migrate for miles underground and pollute the environment, especially our water supply. There have been numerous cases of water supplies being contaminated by fracking around the country.

At the end of November, the Assembly passed a bill that I co-sponsored to impose a moratorium on hydraulic fracturing in New York State until May 15, 2011. It had passed the Senate earlier. The moratorium would have given the Legislature and the State Department of Environmental Conservation time to examine the risks and benefits associated with hydrofracking and then take further action. The bill had strong support from a broad range of environmental groups.

In December, Governor Paterson vetoed the bill. Instead, he issued an executive order that imposes a moratorium until July 2011, but only prohibits the most dangerous (horizontal) types of fracking.

Donate Blood

The demand for blood is the highest during the holidays, but it is also the toughest time to get people to donate.

To donate blood, contact the New York Blood Center at 1-800-933-BLOOD or through their website, www.nybc.org. You can schedule an appointment and find out where there is a blood drive going on, or where you can go to donate at a fixed blood donation site (there are four in Manhattan).

Two reasons you might not think of for giving blood: (1) in the middle of the day, you get to lie down and ignore your cell phone, and (2) they give you juice and cookies.



West Side Tenants Conference

I was a keynote speaker at the 6th Annual West Side Tenants Conference, sponsored by the West Side Neighborhood Alliance and Housing Conservation Coordinators. It's one of the best tenant events in the city.