



## Assemblymember

# Linda B. Rosenthal

## Reports to the People of the 67<sup>th</sup> Assembly District

Winter 2017

District Office: 230 West 72nd Street, Suite 2F, New York, NY 10023  
Phone: 212.873.6368 • Email: [rosenthal@nyassembly.gov](mailto:rosenthal@nyassembly.gov)

Dear Neighbors,

*For many of us, this last year has often felt like a bad day that just won't end. From destructive and hateful tweets to repeated attacks on healthcare, to travel bans and threats to women's reproductive rights, to "tax reform" that will only benefit corporations and wealthy individuals to looming national security threats, the end of net neutrality and revelations that sexual harassment and assault have pervaded our most hallowed institutions, it's easy to feel disgusted and exhausted.*

*Despite all this, there has been a resurgence of grassroots activism that inspires and encourages me. So many of you have left the safety of your living rooms and taken to the streets to demand change. I have joined you at many of these marches and rallies, and we must continue to stand up to preserve our rights.*

*Working together, we can and have achieved change. We have beaten back some of the most dangerous attacks on our healthcare and have forced a national reckoning on workplace relations and gender equality. Together, we will continue to make change, but we must take our advocacy from the streets and into the Legislature. Though New York is a beacon of progressive values nationwide, victory on a number of social issues has remained elusive.*

*Hopefully, until now.*

*Here in New York, the Assembly has passed numerous critical bills that the State Senate has refused to vote on, including: the Reproductive Health Act, which will bring New York's abortion law, which was passed two years before the landmark Roe, in line with federal law; the Dream Act that will provide roughly 4,500 undocumented students with access to the same educational opportunity as all children and the Liberty Act to protect vulnerable immigrant populations; the Gender Expression Non-Discrimination Act, which will put an end to legalized discrimination against people because of their gender identity; and reform the rent laws, which protect tenants and affordable housing.*

*Along with my colleagues, I am working hard for our district and state on so many fronts, from education funding to greater resources for people with special needs to election and criminal justice reform and more. As always, my office and I are here to help, so please do not hesitate to drop in or be in touch.*

Sincerely,

Linda B. Rosenthal

## Securing Justice for New York's Children

In one of the great remaining injustices of our time, New York's anachronistic statute of limitations denies justice to thousands of survivors of childhood sexual assault. New York's statute on childhood sexual assault is among the most restrictive in the country, and prevents child victims from obtaining justice if they do not commence a criminal action against their abuser before they turn 23 years of age. Child victims are particularly vulnerable, and research has shown that the vast majority do not come to terms with their abuse until middle age, when it is too late to pursue a case in court.

Last year, I was honored to become the prime sponsor of the Child Victims Act (CVA), which would help provide justice to survivors of childhood sexual assault by reforming the state statute of limitations. The CVA would extend the statute of limitations to 28 years of age in criminal cases and 50 years of age in civil cases. Importantly, it would open a one-year window within which previously time-barred civil cases could be revived. The window is the heart and soul of this legislation and would allow those who have suffered in silence for so many years to name their abuser and obtain some semblance of justice.

I have been awed by the courage of survivors of childhood sexual assault who bravely share their stories to ensure that no more children suffer like they did. Passing the Child Victims Act is not just a legislative imperative, it is a moral obligation. Child predators should not receive a "get out of jail free" card simply because they run out the clock, and New York law must do much more to protect children and their families.

Our children deserve better, they deserve justice. That is why I fought hard to ensure that the bill passed out of the Assembly for the first time since 2008 by an overwhelming vote of 139-7.

The opposition to the CVA is organized and well-funded, but we must not allow political or pecuniary objections to derail us. I will continue to fight as long as there are survivors in New York who have been denied justice.



Assemblymember Linda B. Rosenthal joins transit advocates to demand the MTA make all subway stations accessible. A mere 23 percent of the 472 subway stations in New York City have elevators, but many are often out of order. If the MTA does not move faster to retrofit stations, it will take 70 years for the entire system to be accessible to New Yorkers of all abilities.

**FREE NOTARY SERVICE AT MY DISTRICT OFFICE**

## More Resources Needed to Address Growing Substance Use Crisis

As the Chair of the Committee on Alcoholism and Drug Abuse, I am responsible for helping to devise and make recommendations on funding solutions to the heroin and opioid crisis that has been plaguing our state, and others, for years. Opioid overdose deaths have quadrupled since 1999, outpacing motor vehicle collisions as the leading cause of death in the United States.

In response to this growing crisis, I helped secure record investments in addiction prevention, treatment and recovery programs. I have introduced legislation that will establish a one cent tax per milligram on certain opioids prescribed within the State of New York. The revenue generated from the tax, which would be levied on drug companies importing opioids into the state and could not be passed on to the consumer at the point of sale, will help finance the development of new addiction treatment facilities, sober living homes and other measures to help address the opioid epidemic.

In addition, I have passed laws to limit opioid prescriptions and to train medical professionals in prescribing them safely and more effectively, and I introduced legislation to make patient brokering illegal. Unscrupulous treatment providers often refer people struggling with substance use disorder to treatment facilities in exchange for a fee. While these referrals are not technically illegal, removing the profit motive will ensure that decisions about treatment are made with the best interests of the patient in mind and not the potential profit not to be made.

In the Legislature, we passed a historic package of laws, but despite these efforts and more, overdose deaths continue to rise.

If we are serious about saving lives, we have a responsibility to use every tool at our disposal. I am working on legislation to make treatment more accessible by removing costly copayments and to require New York's prisons and jails provide incarcerated individuals with access to medication assisted treatment and counseling during incarceration and after release.

In addition, I will continue to demand more funding for the full continuum of addiction prevention, treatment and recovery services. We must meet and treat people with robust supportive services wherever they are in their struggle with addiction. We cannot allow any person to fall through the cracks.

## Get Up, Stand Up for Pregnant Subway Riders

For pregnant women, finding a seat on a crowded subway can be a challenge; seated riders often ignore or are oblivious to their condition. I have spoken to many pregnant women who have had to stand during long rides on public transportation because no one offered them a seat or people refused to accommodate them. Some people are preoccupied with their phones or other material, some seem to be discourteous, but the fact remains that most pregnant women would probably appreciate a seat, as would those who are elderly or disabled. This situation has been addressed in other municipalities and countries in various ways, and advocacy groups have sprung up to devise ways to change attitudes and behavior about accommodating those in need. I am working to require the MTA, in addition to increasing the number of posted notices and announcements, to reserve specific seats on every subway and bus for pregnant, elderly or disabled individuals. These seats would be clearly marked with signage and designated for the exclusive use of those passengers. While other attempts to raise awareness have been tried, including a now-ended pilot project requiring one to request a "Baby on Board" or "Please Offer Me a Seat" button from the MTA, I believe reserving seats will go a long way to ensuring that those who need them but want to avoid awkward requests will be afforded the courtesy.

## Your Hair Stylist Could Save Your Life

Domestic violence is an epidemic in this country, and one in four women will be a victim in her lifetime. As we grapple with that harsh reality and expand efforts to assist survivors in securing their safety, regaining control and rebuilding their lives, we need to employ new tools to help identify and assist women in abusive situations. That is why I introduced legislation to empower hair stylists to help save the lives of those who are battered and abused but are suffering silently. Salon professionals and their clients often have a unique and close relationship, one built on trust in an environment where women feel safe. Women often confide in their hair stylist and tell them about abusive situations even if they would not tell anyone else. Hair stylists, in turn, can detect signs of physical abuse that are frequently hidden from view on the head and neck, but are unsure how to help the client aside from compassionate listening and caring.

My legislation calls for training hair stylists on how to recognize signs of abuse, including emotional mistreatment, providing them with information on resources they can give to victims, such as hotline numbers, shelters, local organizations and legal referrals that can help them. By capitalizing on an already existing relationship, we can give hairdressers the capability to assist their clients by connecting them with the support that might just save their lives.



*Assemblymember Linda B. Rosenthal celebrates the season with New York City Comptroller Scott M. Stringer and her constituents at her annual holiday party at Project Find: Hargrave House.*

## Legislating to Protect Animals

Since I was first elected, I have worked hard on legislation to protect animals. I passed my first animal welfare law in 2006, by extending orders of protection to include companion animals as intimate partner and domestic violence often begins with or includes cruelty to animals. Since then, I have passed numerous laws to protect animals statewide.

This year, I am proud that my bill to protect animals in natural disasters became law. After Superstorm Sandy, it was clear that we needed a better plan: so many people refused to evacuate to safety because they could not take their pets with them. This didn't just endanger their lives, but it endangered the lives of their pets and the first responders charged with rescuing them.

My law now allows pets to evacuate to safety along with their owners on all MTA transportation in natural disasters so long as there is sufficient room to accommodate all people first. The law will ensure that all New Yorkers – two- or four-legged – will be safe if and when the next natural disaster strikes.

This session, I will be working to pass new legislation I introduced to protect pets if their owners get evicted. I introduced legislation after I heard about Tori, a two-year-old pitbull puppy that was trapped in a cage inside her apartment for two days with no food when her family was evicted. The marshal who executed the eviction order locked the apartment and refused to allow the tenants to enter to retrieve the animal.

Animals are considered property under the law, so there is no distinction between how a couch and an animal are treated when a tenant is evicted. Unlike couches, however, animals are living, sentient beings, and need food, water, air and affection to survive. They cannot and should not be treated like property.

I am working to change this legal fiction through legislation that would move the animal cruelty laws into the penal law, the section of law pertaining to crimes. Currently, animal cruelty and other crimes against animals are found in the Agriculture and Markets section of law, which regulates activities like the adulteration of linseed oil and licensing of rendering plants.

## Closing the Clean Indoor Air Act Loophole on E-Cigarettes

E-cigarette use among teenagers and young adults continues to increase causing concern among public health professionals. According to the New York State Department of Health, between 2014 and 2016 e-cigarette use among high school students doubled from 10.5 percent to more than 20 percent.

The years-long effort to cast smoking as an unacceptable behavior had been hindered by the use of e-cigarettes in public indoor areas. I am gratified, therefore, that my bill to extend the protections of New York State's Clean Indoor Air Act to include e-cigarettes became law in October. The Clean Indoor Air Act protects New Yorkers against exposure to second-hand smoke from traditional tobacco products in office buildings, restaurants, bars and other public spaces. It did not include e-cigarettes because they did not exist when cigarette smoking was added to the Act in 2003.

E-cigarettes deliver nicotine, which is addictive and can be harmful to the developing adolescent brain. They contain various chemical components, including formaldehyde, benzene, cadmium and toluene as well as diacetyl, known to cause "popcorn lung," volatile organic compounds and others. E-cigarettes are available in thousands of flavors designed to appeal to youth. Most adult smokers began using tobacco before the age of 18. Discouraging e-cigarette use among young people will help to prevent a lifetime of smoking.

I authored the laws in 2012 to ban the sale of e-cigarettes to minors, in 2014 to ban the sale of liquid nicotine to minors and to require it be sold in child resistant packaging, and in 2017 to prohibit e-cigarettes use on school grounds. However, the fact that New Yorkers were not protected against e-cigarette use in public indoor spaces was a glaring loophole that needed to be closed.



*Assemblymember Linda B. Rosenthal is joined by her colleagues in government, advocates and tenants at a press conference to demand a rent freeze for the remaining 50,000 rent-controlled tenants. Though rent-controlled tenants are among the most vulnerable New Yorkers – they are elderly and live on low, fixed incomes – they pay some of the highest rent increases in the city as a result of the process by which the state calculates their rent. The Maximum Base Rent (MBR) system was created in 1970 as a means by which to balance the tenants' need for affordable rent against the landlords' need to make a reasonable return on their investment. Application of the formula has resulted in nearly annual 7.5% rent increases for rent-controlled tenants, which is stunning given that nearly the same factors resulted in two consecutive rent freezes for rent-stabilized tenants. The formula is as arcane as it is complex, and it triggers arbitrary and unfair increases that are impossible for rent-controlled tenants to pay. Assemblymember Rosenthal is the sponsor of legislation that would end the MBR system and change the way rent increases for rent-controlled tenants are calculated. While protecting the unique benefits rent-controlled tenants enjoy, rents could rise only by the average of the previous five-year rent increases for rent-stabilized tenants. This is a much fairer system more reflective of the economic realities of today.*



*Assemblymember Linda B. Rosenthal spearheaded the successful effort to name the library at the Riverside School for Makers and Artists (PS 191) the Madeleine Polayes Library Commons. Ms. Polayes was an innovative educator, a long-time Upper West Side community activist-leader and an affordable housing developer. In 1981, she founded the Coalition for a Livable West Side, which fights to protect community and environmental interests. Working to ensure that the community benefited from what was built in the area between 59 and 72 Streets, she helped squash then-developer Donald Trump's plan to build the world's tallest building there, and she went on to tangle with him over the eventual Riverside South development. Congressman Jerry Nadler and Assemblymember Linda B. Rosenthal stand with her daughter, Debbie P. Christensen, in the newly dedicated library.*



*After Puerto Rico was devastated by Hurricane Maria, Assemblymember Linda B. Rosenthal opened her office as a collection site for the many people who wanted to donate to the people of the beleaguered island. Hundreds contributed to the effort, bringing water, diapers, batteries, lanterns and other critical supplies. The Kaufman Music Center, represented here by Brooke Bryant and Edwin Valdivieso, brought donations it had gathered, to help bridge the gap for the millions of Puerto Ricans suffering through this ongoing calamity.*

## #MeToo Movement Demands Strong Legislative Response

The revelations that Harvey Weinstein, well-known movie producer and co-chair of the Weinstein Company, had sexually assaulted nearly 100 women, opened the floodgates. In the weeks since the news broke, women from numerous industries have come forward to share their own stories of sexual violence perpetrated by the powerful men who could have ended their careers. Revelations are emerging thanks to the #MeToo movement from women journalists, athletes, lawmakers, and actors, and women in advertising, agriculture, construction, finance and academia, detailing what they have had to endure at the hands of their powerful male bosses.

Sexual harassment is pervasive across all fields, and we have only just begun to see women be empowered to stand up and speak out. As each woman comes forward, she helps to tip the balance of power in favor of those who have been silenced by it. We must ensure that the spotlight shines as brightly on women of color, immigrants, low-wage workers, and others who are particularly vulnerable to workplace harassment and abuse, and any remedies must empower them.

Here in New York and across the country, we have a responsibility to ensure that every workplace is safe for every employee, and that there are consequences for sexual abusers and those who enable them. The Weinstein Company received millions of dollars in tax credits from the state to encourage local film and television production. New York's taxpayers should not be subsidizing companies with hostile work environments where sexual harassment and abuse is allowed to persist. I am working on legislation to hold companies doing business in New York accountable. Companies must foster safe working environments by instituting comprehensive sexual harassment policies and ensuring that all employees are respected. This is a minimum; failure to do so will result in severe consequences.

In addition, I have introduced a bill that will remove an unnecessary barrier to prosecution in cases of criminal forcible touching. Current law requires the victim to get into the mind of her abuser by proving intent: that he touched her to humiliate her or to derive sexual gratification. The reason someone touched you should matter little if that touch was unwanted and uninvited, and not accidental. My legislation would remove the requirement that victims prove the intent of their abuser, and instead, would simply require them to prove that they did not want to be touched. This legislation will make it easier for victims to obtain justice and for us to get sexual abusers off the streets.

## Achieving Menstrual Equity

After passing the law to eliminate New York State's tax on tampons, sanitary napkins and other menstrual hygiene products last year, I was honored to be invited to give a TEDMED talk on my work to achieve menstrual equity. Created by the founder of the renowned *TED Talks*, TEDMED stands at the intersection of science and medicine, and the public's understanding of both.

In addition to speaking about my successful effort to ax the tampon tax, I discussed my bills to provide free menstrual hygiene products in schools, shelters and prisons statewide. Students should not have to miss school because they do not have access to menstrual hygiene products. Women in shelters should not be forced to dig deep into their nearly empty pockets to buy these products or miss school, work or a job interview. And people in our prisons should not be made to feel less than human, begging for medically necessary products from guards who often use access to the products as a means to control or manipulate them.

The theme of this year's TEDMED conference was *Limitless*: just think of all we could achieve if we removed the many systemic and historical barriers to access of menstrual hygiene products that persist to this very day.

Though my TEDMED talk was the culmination of years of work on this issue, it marks only the beginning of our struggle to put menstrual health on the map. As I said in my speech, women's health has long taken a back seat to general health, and menstrual health is hardly recognized a critical issue affecting half the population.

I aim to change all that, and will share my speech once it becomes publicly available. In the meantime, feel free to contact me for more information on how you can join the fight to achieve menstrual equity throughout the world.



*Assemblymember Linda B. Rosenthal delivers her talk on menstrual equity to the TEDMED audience assembled in Palm Springs, CA.*

## Oysters to the Rescue, Say a Group of West End Secondary School Students

After conducting research into the ecology of the Hudson River, a group of sixth- and seventh-grade students from West End Secondary School, located at 227 West 61st Street, approached me with a plan. These intrepid and creative students, who attend school just a few blocks from the Hudson, learned that oysters play a critical role in the health of many waterways, and restoring them would help return the harbor to its original pristine state and reinvigorate marine life. Because oysters, which regenerate within their original shells, help filter water, the students proposed I introduce legislation to establish an oyster shell recycling tax. In January, I introduced the bill, which creates a tax credit of \$0.10 for each pound of oyster shells recycled during the tax year. The students traveled to Albany to advocate with other lawmakers for the bill's passage, and I was thrilled to introduce them on the floor of the Assembly. I look forward to continuing to work with the students to pass the bill into law this session.

New York State Assembly, Albany, New York 12248



**News**  
from  
Assemblymember  
**Linda B.  
Rosenthal**

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## It's Not Your Imagination, Your Bus *IS* Always Late

For years, I have conveyed the need for better, more reliable bus service on the West Side to the New York City Transit Authority and the MTA. I have written letters and had conversations detailing the chronic service delays that confront West Siders every day. The inefficient deployment of buses, with numerous buses arriving simultaneously at specific stops and long gaps in between arrivals has resulted in more and more people forgoing bus travel around the neighborhoods or using alternate forms of transportation. I recently added a petition to my website, which has garnered hundreds of signatures in just a few weeks, demanding that the MTA fix the service, especially the M104 and other major bus routes on the West Side.

Recently, I met with the New York State Metropolitan Authority to share these concerns and demand a solution. As a result, the MTA has promised to reevaluate the M104 route, which was cut dramatically in 2010. The agency also agreed to review the distance between the last bus stop on the M104 and the M42 transfer point in midtown. The MTA designated the M66 bus as a Select Bus Service route, which will hopefully result in a faster ride and more reliable service. While these are steps in the right direction, more must be done. The MTA should conduct an audit of these lines to determine the causes of the delays, as not all result from traffic. The agency and the New York City Department of Transportation must work together to properly re-route buses to avoid bunching and employ transit signal priority, a technology already in use on certain routes that allows coordination between transit vehicles and traffic signals to reduce the time buses are stuck at traffic lights. Following the audit, the MTA must implement solutions designed to address the problems specific to our neighborhoods.

And, the MTA must stop justifying dramatic cuts to bus service on reduced ridership. People are abandoning the buses because they cannot rely on them to get where the need to go. Low ridership is a result of the bad service, not a cause of it. I know that for so many of you, the bus is the only form of transportation you can take, particularly if you are elderly or disabled, and I will continue to fight to improve bus service for all.