



THE NEW YORK CITY COUNCIL

NEW YORK STATE

Legislative Agenda

FISCAL 2010-2011

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THE COUNCIL
OF
THE CITY OF NEW YORK
CITY HALL
NEW YORK, NY 10007

Dear Colleagues in Government:

Thank you for taking the time to review the New York City Council's Fiscal 2010-2011 NY State Legislative Agenda. We are looking forward to an ongoing partnership where, together, we make responsible choices that connect our collaborative legislative initiatives to the long-term needs of all New Yorkers.

In this State Legislative Agenda, we recognize that our State is facing an economic climate that presents difficult choices to the Governor and the Legislature. We won't have the flexibility to make large investments in current initiatives or new programs. At the same time, however, targeted budgetary reductions made at the State level must be equitable and reflect the dramatic impact that cuts to State financial support would have on New York City.

Indeed, New York City is the engine of our State's economic activity and while we understand reductions must be made, disproportional and excessive cuts to State support to the City will only hamper Statewide economic recovery. As the Council moves forward with its budgetary process, we will do our part by making painful but smart decisions with targeted reductions in City spending.

Recognizing these economic and budgetary realities, the State can still take important legislative actions to address a number of City priorities. In the past, we have identified critical steps the State can take to improve the city's economy and the well-being of City residents. In this State Agenda we have identified a number of these priorities directed toward the following goals:

- Furthering a statewide economic recovery that creates jobs through supporting small business;
- Preserving affordability for renters across the five boroughs;
- Creating more opportunities for early childhood education.

Our attached Legislative Agenda sets forth our legislative priorities in these areas. Those priorities include:

- Allowing credit unions, savings banks, and savings and loan associations to accept and secure deposits from municipal corporations;
- Repeal of state laws preventing city control over rent regulation;
- Full-Day Pre-Kindergarten for Four-Year Olds

It would be virtually impossible to work toward achieving the goals set forth in this agenda without the help of the legislature in reversing some of the cuts proposed in State 2010-2011 Executive Budget. It is our understanding that the total impact of these cuts on the Mayor's January 2010 Financial Plan and the Fiscal 2011 Preliminary Budget would amount to \$1.3 billion. The City could not withstand a loss of revenue of this magnitude, and would be forced to take drastic measures such as layoffs of approximately 19,000 city employees, among them thousands of teachers and uniformed workers.

The proposed reductions are in numerous areas and were covered in detail in our testimony before the Assembly Ways and Means Committee and the Senate Finance Committee in January. As usual, the vast majority of the cuts fall into the crucial areas of (1) education aid; (2) revenue sharing; and (3) welfare. However, as the Governor and the State Legislature deliberate the difficult choices involved with balancing this year's State Budget, we ask that New York City's top budget priorities be considered in the outcome.

These priorities include, but are not limited to:

- Mitigating the loss of AIM revenue sharing – our only source of unrestricted aid;
- Treating the City fairly when considering reductions in school foundation and building aid, and maintaining CFE requirements for keeping the two forms of aid separate;
- Considering NYC's unique situation with respect to labor costs and the levels of indigent care in the areas of Medicaid, health, and welfare services;
- Maintaining a fair share of State reimbursements/payments in all areas where City and State co-pay;
- Providing meaningful mandate relief and eliminating cost-shifts onto the City budget.

Again, thank you for your time and for your leadership. If you have any comments or concerns about the contents of this report or any other matters, please do not hesitate to contact me at any time in the future. We look forward to working with you.

Sincerely,



Christine C. Quinn
Speaker



Helen Diane Foster
Chair, State and Federal Legislation



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Chair, Finance

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NEW YORK CITY COUNCIL STATE BUDGET PRIORITIES

BOND ISSUANCE CHARGE (BIC) ON BUILDING AFFORDABLE HOUSING

When Albany passed the emergency appropriations bills on March 29th, a measure was slipped in by Governor Paterson which subjects the New York City Housing Development Corporation (HDC) to a Bond Issuance Charge (BIC) each time it issues bonds to finance affordable housing.

This is the first time in 38 years that New York City will be subject to this fee and it will have an immediate and severe impact on HDC's financing capacity – diminishing HDC's capacity to finance affordable housing by 285-430 units per year, and resulting in an additional cost of \$10-\$15 million per year incurred by HDC and its projects.

Given the nature of HDC's projects—the high cost it takes to build in New York City and the relatively low rents tenants can afford to pay—these transactions require HDC to draw upon their corporate reserves to subsidize the projects and make them affordable to low and moderate income tenants. This newly imposed fee will just increase the amount of subsidy necessary for projects to achieve feasibility, resulting in fewer units of housing, less economic activity, fewer jobs and fewer tax dollars flowing to the City and State. In 80-20 developments the BIC can perhaps be passed on to the developer who will incorporate the additional fee into the costs of issuance. But in affordable deals, the BIC will effectively increase project costs, creating gaps which will be incumbent upon the government to fill. These costs can be passed through only if additional subsidy is incorporated into the financing. In addition, where HDC issues bonds to raise money for subsidies or to securitize assets of New York City, there is no borrower to pay such charge so the BIC would be paid “out of pocket” by HDC.

The City Council is urging the members of the State Legislature to remove this language from the State Budget and make it retroactive to March 29th. The BIC measure poses an ominous, long-term threat to affordable housing.

MITIGATE THE LOSS OF AIM REVENUE SHARING

The permanent and complete elimination of New York City's Aid and Incentives to Municipalities (AIM) revenue sharing is particularly hard for the city to absorb this fiscal year and in the future. The elimination would amount to two year's worth of revenue-sharing in one City fiscal year. The City will permanently lose a critical revenue stream based on temporary economic circumstances. AIM funding is the primary vehicle of direct aid from state to city, and is used to support a range of operating costs. The budget proposal reduces AIM payments to other local governments by 2%-5%, while New York City's aid is eliminated completely. Out of a statewide cut of \$349 million, NYC will absorb 94% of that cut just in the next fiscal year. While it is true that New York City is not as reliant on AIM as other cities, \$680 million over two CFY's, even in New York City's budget, is still a tremendous hole. Revenue sharing is the City's only source of unrestricted aid – and according to the Mayor's January Plan, its elimination would be responsible for 83% of the budget gap and subsequent headcount reductions. The City Council urges the Legislature to find a way to mitigate the impact of this proposal and to treat the city fairly in considering a reduction to this form of local aid.

FULL STATE SHARE OF MTA METROCARDS – RESTORE SHARE TO \$45 MILLION

In light of a years long agreement between the City, the State, and the MTA to fund student MetroCards, the failure to fully restore the State's share of this program unfairly impacts the City and the hundreds of thousands of families who rely on student MetroCards every day. Many will simply not be able to afford to shell out the extra \$89 at the beginning of each month that would be required for a family with two kids in school. Despite our budget difficulties this year, the City will uphold its part of the commitment and fund its share of the student MetroCards. The City Council has vigorously opposed the MTA's proposal to begin eliminating reduced student fares – and we have also said that the City's contribution is something we are open to discussing. But we cannot and will not do so until the State is also willing to honor its commitment to match the City's contribution.

STAR – DISPROPORTIONATE SHARE BURDEN ON NYC

Under the proposed changes to the NYC PIT STAR benefit, the 6% reduction in the City PIT rates, refunded by the State, would be limited to the first \$250,000 of personal income. This would increase City residents' tax bill by \$143 million in SFY 2010-2011, and by \$180 million in SFY 2011-2012. The budget proposes to restructure the NYC Personal Income Tax relief benefit for 100,000 New York City residents. The proposal would substantially curtail this benefit by targeting 79% of the statewide cut in New York City even though it receives only 27% of property and income tax relief. While a cumulative \$70 million is cut from the STAR (Property Tax) Exemption affecting all State residents, \$143 million is slated to be cut from the NYC PIT STAR exclusively hitting City residents. With City residents also sharing the burden of the STAR Exemption cut, the cumulative increase in the tax burden on City residents becomes considerably higher than twice that on non-City residents.

The STAR property tax benefit is also amended to exclude properties with a value of \$1.5 million or more from the exemption. This benefit is valued at about \$230 for those with the basic benefit and about \$470 for those with the enhanced benefit (for owners who are 65 years of age and older with incomes below \$74,700). Although this program is universal, considering the higher value of homes in the NYC region, a higher percentage of homeowner in those areas will be impacted. The cumulative impact on NYC residents from this proposal is estimated to be \$15 million. Which added to the PIT benefit loss will amount to nearly \$400 million in additional tax burden for city residents.

Again, the City Council urges the Legislature to treat NYC fairly when considering increases in tax burdens, especially in areas of revenue to which the City already contributes disproportionately more.

MTA MOBILITY TAX INCREASE ON NEW YORK CITY BUSINESSES

The 21-day amendments of the Executive budget proposal change the MTA Mobility Tax from 0.34% of all employer payroll expenses and net earnings from self-employment within the twelve counties of the Metropolitan Commuter Transportation District, to a rate increase for the five boroughs of the City and a rate decrease to all those in the outer counties. Employers and self-employed in the five City boroughs would now be taxed at the rate of 0.54% (a 59% increase), while those in the outer counties would be taxed at the rate of 0.17% (a 50% decrease).

The variety of levies imposed on the City, as well as the adjoining counties, to finance the MTA have never differentiated in rate, assuming that the twelve counties connected by its

transit services all benefit equally from being part of this regional economy. The two tier system proposed by the Governor not only sets an unfair and unreasonable precedent, it further increases the cost of doing business in the city, threatens the city's tax base and revenue collections, and makes it more difficult for the City to balance its budget. The City Council strongly opposes this inequitable tax treatment and asks that all counties contribute equally to bridge State and MTA budget gaps.

The proposal does have one progressive element which we would like to express our support for - exempting incomes of up to \$100,000 of freelancers and the self-employed from this payroll tax. The City Council supports this exemption, and encourages the Legislature to consider a similar exemption for non-profit organizations whose operations will be adversely impacted by any further increase in their tax burdens.

REDUCTION IN FOUNDATION AID TO NEW YORK CITY SCHOOLS

The City Council understands that a reduction in education operating funds must be part of the measures taken to balance the State budget, and it is the biggest element in the proposed Executive. However, we would like to emphasize that the effective cut to the City's schools is actually higher than the Executive budget estimate, as it inaccurately counts the increase in Building Aid against the cut in operating aid. These two forms of aids have been separated historically and should remain separated for the purposes of estimating impact. Additionally, it is important to remember that any cuts to special education have a dollar for dollar impact on operating aid in general education. The cut to Summer School Special Education, discussed below, will place an additional \$50 million burden on school aid and the City budget.

The cut in Foundation Aid combined with the elimination of AIM funding will have a huge impact on the amount teachers New York City will be able to afford next year. We can potentially stand to lose 8,500 teachers as a result of State action, not including the Mayor's headcount reductions in the Department of Education.

SOCIAL SERVICES AND TANF FUNDED PROGRAMS

The elimination or restructuring of several Medicaid eligible services and TANF funding commitments at the state level will be problematic for the city, as these programs provided much needed social services to at-risk populations, and the City will not be able to make up the state's share out of its own budget. We enumerate a few of them below:

- Establishment of new Early Intervention Parental Fees, ranging from \$45 up to as much as \$540 per quarter, could discourage many low- and moderate-income families from taking advantage of critical EI services. We have worked very hard to educate parents on the importance of early intervention, and have provided funding for testing. Fees that discourage early testing and intervention will only result in more and larger costs later on.
- Discontinuation of TANF funding for Summer Youth Employment Program (SYEP) strikes a major blow to a highly successful program. The program is tremendously popular attracting 140,000 applications last summer. Even with expanded Federal funding, it was not able to meet the high demand, and with a \$20 million reduction in state funding to the city, the program will be further challenged to meet need. At

this level of funding, the program will only be able to provide 17,000 slots compared to last year's 52,000.

- Other TANF funded program cuts to impact social service delivery in the city: Non-residential Domestic Violence; Nurse Family Partnership; Preventive Services; Settlement House; and Supplemental Homeless Intervention Program.

TITLE XX FUNDS RESTRUCTURING

Title XX is federal funding, and there is no reduction to the amount that the State is receiving from the federal government. The Fiscal 2010-2011 State Executive Budget proposes to allocate these federal funds differently to save State dollars. New York State receives about \$103 million annually in Title XX funding. In previous fiscal years, this \$103 million was split between mandatory services (i.e. adult protective services, child protective services, domestic violence etc) and discretionary services (i.e. senior services etc). The Fiscal 2010-2011 State Executive Budget proposes that **all** Title XX funding be used to offset State and local Adult Protective and Domestic Violence costs, thus saving the State \$18 million. Therefore, all discretionary funds for senior services would be eliminated. DFTA currently receives \$25.2 million in Title XX funding. They estimate the closure of senior centers if they were to lose this funding in Fiscal 2011. Title XX funds support senior centers, meals programs, transportation, and educational/recreational activities for seniors. The City Council urges the Legislature to protect this vital source of senior services funding by allowing the City to use the discretionary portion of the funding pot for this purpose.

PROVIDE MEANINGFUL MANDATE RELIEF TO NEW YORK CITY

Although the Governor's Mandate Reform Agenda highlights several mandate relief measures, in reality, they have very little impact on New York City. Specifically, cost shifts in the budget will add up to tens of millions of dollars in new unfunded mandates at the local level. The City Council is concerned with the following cost shifts and urges the Legislature to either completely fund the state's share in providing these services, or lift the mandate through legislative action:

- **Summer School Special Education** – New York City is under Federal mandate to provide summer special education classes to its residents, and the State's proposed cut of \$51 million dollars is simply a cost shift from state budget to city budget. The state has undertaken multiple cuts to special education over the past year which have become increasingly difficult for the City to cope with. This has been exacerbated by continued rise in tuition rates paid to special education providers, which means that additional City resources have to be diverted to special education at the expense of general education classrooms.
- **Indigent Defense Legal Services** – Reducing indigent defense funding by \$6 million this year unfairly limits funding to the City. The cost shift occurs as a result of last year's law setting caseload caps for indigent defense which will not be met with this level of funding.
- **Elimination of Adult Shelter State Support** - The provision of a minimum level of homeless services is mandated either by the courts or by the state, which includes adult homeless individuals many of whom have physical or mental illnesses. Requiring City agencies to conduct public assistance

eligibility determinations for homeless adults, many of whom may not qualify, will result in a \$55 million shortfall for NYC's Department of Homeless Services. Homeless services have been particularly strained in this recession seeing increases in walk-ins by families and single adults. This cost will be a combination of meeting an increased need, and the necessity to provide support services to the homeless adults who will be turned away from shelter facilities.

- **Staff Increase of OCFS Administration and Operation** - The proposed budget increases staff-to-youth ratios in juvenile justice facilities in order to improve conditions, but falls short of fully funding the City share of staff costs (50% of staff and administration), therefore creating a \$10.2 million cost shift to the city in CFY 2010-11, as we would be mandated to comply.
- **OCFS Youths in Detention Reimbursement** - Despite sending nearly 60% fewer youths to state placement, the City has seen a marked increase in its per-diem reimbursement to OCFS for services provided to detainees. While the State has made efforts to reduce capacity in their OCFS facilities, the City has not received its proportional share of those savings and continues to be charged for empty beds and a system which has documented problems with safety and services. While the City will continue to pay for youths in need of permanent placement in the state facilities, we urge the State to re-formulate the City's share of these costs as well as allow us to re-invest the savings from reduced capacity in community based alternative programs at the local level.
- **Capping State Share of Accidental Death Benefit Reimbursement** - The Governor proposes to cap the state share of this reimbursement at \$32.02 million this year (as it has done in previous years), while City costs keep growing and while we are mandated to cover this benefit under pension laws in effect.

NEW YORK CITY COUNCIL STATE LEGISLATIVE PRIORITIES

AGING

ELDER ABUSE

Elder abuse continues to be a major issue affecting the elderly and takes many forms, including neglect, and physical, mental and emotional abuse. Financial abuse or financial exploitation of the elderly remains the most common form of abuse.

Unlike the criminal codes in most other states, New York does not specifically address financial exploitation such as larceny against mentally incapacitated persons. As a result, those who knowingly prey on mentally incapacitated elderly persons often go unpunished. Legislation could correct that gap in the Penal Law and make it a crime to knowingly and wrongfully take property from a mentally incapacitated person, thereby making it easier to prove that a theft has occurred since the mental state of the victim would be taken into account. The following legislation would correct that gap in the Penal Law and make it a crime to knowingly and wrongfully take property from a mentally incapacitated person and strengthen penalties against those who prey on the elderly.

The New York City Council therefore supports the following legislation:

- **S.2150 (Maziarz)/A.2585 (Clark) of 2009**, which would amend the State's Penal Law to prohibit knowingly and wrongfully taking, obtaining or withholding property from a mentally incapacitated person, including those who are elderly.
- **S.527 (Alesi)/A.7317 Camara of 2009**, which would require almost all medical professionals, (such as doctors, nurses, dentists, physician assistants, home health workers, etc.) social service workers and law enforcement officials (such as police officers and district attorneys) to report suspected cases of elder abuse to either the NYS Office of Children and Family Services, the NYS Commission on the Quality of Care for the Mentally Disabled, the Quality Assurance Division of the NYS Office of Mental Retardation and Developmental Disabilities, or to the county adult protective services office in the county where the person resides and/or to local law enforcement, depending on the location where the alleged abuse occurred. The bill would also provide immunity from liability for those who report suspected abuse in good faith.

SOCIAL SECURITY SUPPLEMENTAL INCOME

The New York City Council calls on the New York State Legislature to index state-funded Supplemental Security Income (SSI) benefits to the rate of inflation.

SSI is a joint federal/state means-tested program that provides a small monthly income for low-income seniors and disabled people from any age group. Approximately 30% of the 650,000 people who receive SSI are seniors. To qualify, one must have little or no income and few cash resources valued at less than \$2,000 for a single person or less than \$3,000 for married persons.

New York contributes a portion of SSI benefits, but such contributions are not indexed to inflation, meaning that over time the monthly payments given to recipients decrease significantly in value. As a result, SSI recipients rely on a benefit that is roughly \$140 below the federal poverty level per month. Because most SSI recipients cannot work due to disability or health problems associated with aging, this monthly payment is all they have to rely on to support themselves.

Indexing State SSI benefits to inflation would have the benefit of ensuring that monthly SSI payments maintain, rather than decrease, their value over time. This would, at the very least, ensure that recipients do not fall further below the poverty level every year.

CIVIL RIGHTS

ACCESS TO PUBLIC SERVICES FOR LIMITED ENGLISH PROFICIENT PERSONS

The New York City Council supports legislation that would require covered state agencies to take reasonable steps to provide equal access to public services for limited English proficient (LEP) New Yorkers. The following bills have been introduced relating to this matter:

- **A.5333 (Espaillat)/S.2274 (Parker) of 2009**, also known as the “Access to Public Services for Non-English Speakers Act,” would amend the State’s executive law by requiring each state department, agency or program to take reasonable steps to implement language assistance services for LEP persons.
- **S.2281 (Parker) of 2009**, also known as the “Equal Access to Health and Human Services for Limited English Speaking Individuals,” would amend the State’s executive law by requiring the New York State Department of Family Assistance, the New York State Department of Health, and the New York State Department of Labor to provide language assistance services to LEP individuals.

New York City opposes discrimination of any kind that could threaten the rights and privileges of its residents, including discrimination on the basis of national origin. In an effort to combat national origin discrimination, the Council adopted Local Law 73 in 2003 (L.L. 73), the “Equal Access to Human Services” law to require the City’s human services agencies to provide language assistance services to all persons identified as LEP. In 2008, Mayor Bloomberg took this initiative a step further by signing Executive Order 120 (E.O. 120) establishing a city-wide language access policy for agencies that have direct contact with New Yorkers. The proposed pieces of legislation are consistent with the current policies and practices in New York City.

PROTECTION FOR NON-CITIZENS IN CRIMINAL ACTIONS

The New York City Council supports legislation which would amend the State’s Criminal Procedure Law in order to require courts, prior to accepting a plea to a misdemeanor or violation, to provide notice to the defendant that the acceptance of such plea could result in deportation, removal, or denial of citizenship if the defendant is not a citizen of the United States.

Federal law requires that legal immigrants and residents may be subject to removal if they plead guilty to minor offenses classified under state law as violations. Even without a

conviction, the risk of deportation still exists. As a result of this law, immigrants are often deported, regardless of whether they committed - or were ever accused of - a crime. In addition, if an immigrant pleads guilty to a criminal act that occurred 20 years ago, he would still be subject to removal procedures. Unfortunately, most immigrant defendants are unaware of this law and may therefore unwittingly destroy any possibility to obtain citizenship status.

The following pieces of legislation have been introduced relating to this matter:

- **S.2254 (Schneiderman) of 2009**, amends the State's Criminal Procedure Law by allowing a defendant to receive a court advisement informing him or her that non-citizens of the United States may be subject to deportation, exclusion or denial of naturalization if he or she accepts a plea of guilty. This legislation would further provide the defendant with remedies should the court fail to advise him or her of the risks of accepting a plea of guilty.
- **S.4399 (Schneiderman)/A.4963 (Rivera, P.) of 2009**, amends the State's Criminal Procedure Law by requiring the court, prior to charging a misdemeanor, to advise the defendant, if the defendant is not a United States citizen, that a plea of guilty may result in the defendant's deportation or removal, exclusion from admission to the United States or denial of naturalization. Additionally, the court would be required to inform the non-citizen defendant that if he or she becomes subject to a final order of removal, the defendant may be released to the custody of Immigration and Customs Enforcement for removal purposes as a result of the plea of guilty. Lastly, the court would be required to affirm on the record or in writing that the defendant has been given notice.
- **A.4957 (Lopez, V.) of 2009**, amends the State's Criminal Procedure Law by requiring a court advisement of possible immigration consequences for a defendant who enters a plea of guilty for a state law offense. Additionally, it would allow a defendant to withdraw a plea of guilty if he or she is threatened with deportation and was not advised of such threat of deportation.

PAY EQUITY LEGISLATION

According to the latest United States Census statistics and the National Committee on Pay Equity, full-time employed women earned an estimated \$.77 to \$.78 to a man's \$1.00 in 2007. For women of color, the gap was even wider with African American women earning \$.72 and Latinas \$.60. The Institute for Women's Policy Research found that the ratio of women's and men's earnings was holding at 77.1 as of 2008 for full-time workers. Over time, the gender pay gap cumulates into a substantial difference in economic security. The Wage Project Organization calculated that the loss in wages over a lifetime would amount to \$700,000 for a high school graduate, \$1.2 million for a college graduate and \$2 million for a woman with a professional school degree.

The New York City Council, therefore, supports:

- **A.1119 (Destito)/S.5480 (Savino) of 2009**, making it a discriminatory practice for public employers to compensate employees of different sexes differently for work that is of comparable worth.
- **A.2351 (Lifton)/S.2968 (Krueger) of 2009**, a bill which would make it a discriminatory practice to compensate employees of different sexes differently for work that is of comparable worth; specifically provides when differing compensation is permissible; provides for phase-in.

RESIDENTIAL CLASSIFICATION OF INCARCERATED NEW YORKERS

The New York City Council calls upon the New York State Legislature to pass legislation to direct the New York State Board of Elections to obtain residential data on incarcerated persons and to require that such data be used in creating congressional, assembly, senate and county legislative districts.

Data obtained by the decennial Census is used to redraw congressional and state legislative district lines; allocate funds for government programs; determine areas in need of schools, roads and other public necessities; and identify demographic trends in order to predict future community needs. The U.S. Census Bureau counts prisoners in the Census tract of the prison in which they reside, rather than their pre-incarceration residence. This is a problematic practice, especially for New York State. According to the New York State Constitution, a person's residence does not change just because he or she is in prison. Specifically, Article II, Section 4 of the New York State Constitution states that "...no person shall be deemed to have gained or lost a residence, by reason of his or her presence or absence...while confined in any public prison." Despite the State's definition of residence and the transient nature of the prison population, several counties throughout the State include inmates in their population count when they reapportion their district lines.

In order to comply with the State's Constitution definition of residence, **S.1633 (Schneiderman) of 2009** would require prisons to collect each prisoner's residential data and report it to the State Board of Elections, which would circulate population counts that would be adjusted to recognize the prisoner's residence to be his or her pre-incarceration address. This corrected Census data would be used for the New York State's redistricting purposes.

CULTURALLY COMPETENT HEALTH CARE

The New York City Council recommends that the New York State Legislature take steps to ensure all medical professionals and hospital staffs are adequately prepared to interact with patients in a culturally competent manner.

Quality health care means providing a system of care that transcends language and culture. Cultural competence, however, extends far beyond simply providing adequate translation services. Physicians and other providers must be able to competently address the health care needs of people who are from disparate countries and cultures, who have different sexual orientations and who have various views towards medicine. The challenges posed by our City and State's great diversity demands that we place an even greater emphasis on quality care and cultural competence.

To ensure that physicians and other staff of medical facilities are able to provide culturally competent care, the Council urges the State Legislature to require training on cultural

competency for all levels of staff, including non-medical hospital staff. For example, the State Legislature should pass **S.123 (Sampson) of 2009**, requires cultural competency courses in all medical schools and mandate that all medical students and physicians complete cultural competency training. In addition, the State Legislature should pass **A.2112 (Benjamin) 2009**, requires all medical professionals to receive cultural awareness and competence training as part of their licensing requirements, provide for biannual training and create a program on minority health.

REPRODUCTIVE HEALTH AND PRIVACY PROTECTION ACT

The New York City Council urges the New York State Legislature to pass **The Reproductive Health Act (RHA), S.5808 (Stewart-Cousins) of 2009**.

Since the U.S. Supreme Court set a dangerous precedent on April 18, 2007, in upholding the federal “partial-birth” abortion ban without an exception to preserve a woman’s health, the threat to women’s health and privacy has never been greater. RHA would ensure that New York State continues to protect and respect women’s health, and the right to make private reproductive health care decisions. This legislation would also cement the State’s reputation as a leader in reproductive rights. By repealing the penal code provisions containing New York’s abortion statute and moving the law into the more proper public health section of the law, RHA would modernize New York’s law protecting a women’s right to make private medical decisions without interference from the government.

MARRIAGE EQUALITY

The New York City Council calls upon the New York State Legislature to reintroduce and pass legislation recognizing civil marriage between same-sex couples in New York.

Marriage entails a wide array of social and legal obligations, benefits, and responsibilities codified in many areas of local, state, and federal law. Such rights include 1,138 federal marriage-related rights, as well as over 700 marriage-related rights conferred by New York State in areas including social security, housing, food stamps, taxation, and employment benefits.

Only civil marriage will provide equality in the instances of adoption, visitation rights, custody battles and estate rights. Only civil marriage conveys the full weight of societal acceptance, a trait sadly lacking from civil union or domestic partnership structures that, while useful interim steps, in their very distinction from marriage reinforce a second-class citizenship. In the interest of basic civil rights, the time to act in New York State is now. It is unconscionable for New York State to wait any longer to take its place as a leader, not a follower, on the issue of same-sex marriage.

Advocates for marriage equality enjoyed a victory earlier this year when New York’s Appellate Division ruled that the State of New York must recognize all out-of-state marriages for same-sex couples. Governor Paterson and State Attorney General Cuomo, meanwhile, continue to express support for marriage equality, with the Governor even issuing a directive to all state agencies in May 2008 to revise their policies and regulations accordingly to reflect the Appellate Division’s decision.

The Council looks forward to working with the Governor and the State Legislature to secure this civil right for all.

GENDER EXPRESSION NON-DISCRIMINATION ACT

The New York City Council supports **S.2406-A (Duane)/A.5710-A (Gottfried) of 2009, the Gender Expression Non-Discrimination Act (GENDA)**. GENDA would prohibit discrimination based on gender identity or expression, and define "gender identity or expression" as having or being perceived as having a gender identity, self image, appearance, behavior or expression whether or not that gender identity, self image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth. GENDA would further include offenses regarding gender identity or expression within the list of offenses subject to treatment as hate crimes.

According to the 2008 report of the National Coalition of Anti-Violence Programs, in New York City in 2007, despite a decrease in the number of reports from transgender individuals regarding trans-phobic violence, there was still a 55% increase in violence motivated by anti-transgender bias from the previous year. These statistics alone are alarming; moreover, substantive data on these populations, including an accurate count of victims of discrimination and hate crimes, remains difficult to collect.

DIGNITY FOR ALL STUDENTS ACT

The New York City Council supports **S.1987-B (Duane) /A.3611-C (O'Donnell) of 2009, the Dignity for All Students Act (DASA)**. DASA would prohibit school employees or students from harassing or discriminating against a student based on actual or perceived race, color, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex on school property or at a school function.

DASA would require each school district in New York State to establish anti-harassment and anti-discrimination policies, and to create school training programs that are designed to discourage harassment and discrimination. DASA would also require school districts to develop nondiscriminatory instructional and counseling methods, and issue guidelines requiring that at least one staff member at every school be thoroughly trained to handle human relations in the areas of race, color, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex.

HEALTH INSURANCE TAX EQUALIZATION LEGISLATION

The New York City Council calls upon the New York State Legislature to pass **A. 6290 (O'Donnell)/ S. 2870 (Duane) of 2009**, which would provide for health insurance tax equalization (HI TEA) for domestic partners. Currently, when an employer provides an employee's domestic partner with health insurance coverage, the money contributed to the plan is considered taxable above the amount paid for the employee. Opposite-sex married employees with spouses covered under an employer health plan are not required to treat this benefit as a taxable benefit.

According to the 2006 American Community Survey, as of 2006, there were approximately 64,000 individuals in New York State in domestic partnerships, 24,000 of who are registered in New York City. If HI TEA were implemented, a couple in a domestic partnership would pay \$309 less per year in New York State taxes; New York City couples would save an additional \$165 on their city taxes.

In the interest of equality and accessible quality health care, the State Legislature should enact health insurance tax equalization legislation for domestic partners.

CULTURAL AFFAIRS

ENACT CULTURAL ZONES LEGISLATION

The New York City Council calls upon the New York State Legislature to create a New York State Cultural Zones Program. Such a program would designate certain areas throughout the State as cultural zones and would offer property tax benefits or other financial incentives for the development of artist housing, galleries and other facilities necessary to support and maintain a vibrant arts and cultural community. Such financial incentive may include tax incentives for landlords providing favorable rental rates to artists and nonprofit cultural organizations, tax credits for contributors to arts institutions located in the zone, and low-interest or no-interest loans for small arts-related businesses. By developing cultural zones, the State can bring economic development tools proven successful in supporting other economic sectors to bear on the creative community.

NON-PROFIT ENDOWMENT ACCESS

The New York City Council supports **A.7907B (Bing)/S.4778A (Krueger) of 2009**, enacting the New York State Uniform Prudent Management of Institutional Funds Act to provide oversight and flexibility for charitable endowments and to make sure non-profit organizations and charities are able to appropriately access their endowment funds in order to survive during the current economic downturn.

CIVIL SERVICE & LABOR

PREVAILING WAGE

The New York State Labor Law was amended and strengthened in 2007. The scope of the prevailing wage statute was significantly expanded; new responsibilities for contractors and contracting agencies were added to ensure compliance; and criminal penalties were added to the law to expand the jurisdiction of a local prosecutor. The New York City Council urges the continuation of this effort to modernize the State's Labor Law by passing legislation creating an action for damages against a contractor for failure to pay prevailing wages or taxes, contributions, assessments, or benefits. Suggested legislation should provide the appropriate offices with the authority to debar contractors who repeatedly hire subcontractors that intentionally fail to pay prevailing wages and supplements; repeatedly ignore or refuse document production requests issued in connection with a prevailing wage investigation; or violate the terms of a stipulated settlement or a final order and determination.

WAGE THEFT PROTECTION ACT

Recent studies indicate that wage theft is rampant throughout New York City. Wage theft costs the average New York low-wage worker \$3,016 a year, comprising 15% of their annual income. In New York City, wage theft losses equal more than \$18.4 million a week, nearly \$1 billion a year. In addition, 76% of low-wage workers who work more than 40 hours a week do not receive time-and-a-half for overtime as required by law. Moreover,

workers are terrified to speak up for their rights because they often face discharge and other retaliation as a result.

The New York City Council therefore supports **A.10163 (Heastie)/ S. 7050(Savino) of 2009, the Wage Theft Protection Act**. The Wage Protection Act would increase liquidated damages on unpaid wages from 25% to 200%; make clear that threats and any actions that frighten workers into silence are illegal; encourage workers to come forward by allowing them to make third-party complaints to the State's Department of Labor (DOL) through organizations the workers already trust; facilitate collections by providing the DOL the authority and discretion to file a judgment in court in the name of the worker and separately file a judgment for civil penalties and costs due to taxpayers; and increase penalties by 30% for employers who do not pay a judgment within 90 days.

ECONOMIC DEVELOPMENT

MUNICIPAL DEPOSITS

The New York City Council calls upon the New York State Legislature to adopt and Governor Paterson to sign into law legislation **A.8386 (Towns)/S.6221 (Robach) of 2009 and A.4370 (Heastie)/S.1872 (Parker) of 2009**, allowing credit unions, savings banks, and savings and loan associations to accept and secure deposits from municipal corporations. By enacting such legislation to permit the deposit of municipal funds in such institutions, the State would be helping local governments by expanding their financial options, while at the same time keeping these important thrift institutions viable and successful in their communities.

M/WBE LEGISLATION

The New York City Council calls on the New York State Legislature to pass **S.3185 (Dilan)/A.6807 (Farrell) of 2009**, which would authorize political subdivisions to award public procurement contracts to participants of a minority and women owned business enterprise (MWBE) program at a cost premium not to exceed 10% of the lowest bid.

General Municipal Law, Section 103, requires that qualifying contracts be awarded to the lowest responsible bidder and though MWBEs submit bids on city projects, the rate of contract awards to MWBEs remains low. As many MWBEs lose bids by very narrow margins, S.3185 (Dilan)/A.6807 (Farrell) of 2009 would allow localities to give certified firms a small price preference when awarding contracts. The small price preference would increase the number of MWBEs who are awarded city contracts and, particularly in difficult economic times, allow New York City to take steps to address this problem.

NEW YORK CITY BASED ENTERPRISE LEGISLATION

The New York City Council calls on the New York State Legislature to pass **S.3514 (Dilan)/A.7369 (Towns) of 2009**, which would authorize political subdivisions to award public procurement contracts to participants of a program designed to foster participation by local businesses in public procurement at a cost premium not to exceed ten percent of the lowest bid.

As General Municipal Law, Section 103, requires that qualifying contracts be awarded to the lowest responsible bidder, S.3514 (Dilan)/A.7369 (Towns) of 2009 would give New York

City flexibility when awarding contracts in order to support New York City-based enterprises (NYCBEs). Specifically, the City would be able to award procurement contracts to the lowest bid submitted by a NYCBE that, though not the lowest bid overall, does not exceed the lowest (non NYCBE) bidder by more than 10%. The opportunity to establish the NYCBE procurement preference seeks to ensure that local small businesses do as much business with the City as possible during these difficult economic times. Potentially injecting hundreds of millions of dollars to the local economy would help to ensure the vitality of local small businesses – the cornerstone our neighborhoods - and help to preserve the jobs of thousands of New Yorkers.

IMPROVING ACCESS TO INFORMATION FOR SMALL BUSINESSES

The New York City Council supports **A.2982 (Christensen)/ S.5618 (Valesky) of 2009**, which would establish and maintain a small business portal on the website of the State's Department of Economic Development internet website that would be a one-stop source of information to existing and prospective small businesses.

One of the major hurdles faced by potential or current small businesses is trying to understand and comply with all the permit/licensing requirements that apply to their types of businesses, the types of government benefits that may apply to them, as well as understanding the entire legal framework that relates to their businesses.

The portal will include links to websites with information on services provided to small businesses by state, federal and local agencies, including assistance with and online applications for permits and permit renewals; assistance with financing, tax exemptions, relocation and property acquisition; locating and training employees; obtaining affordable employee health insurance and other insurance coverage; and environmental compliance and other technical assistance.

EDUCATION

FULL DAY PRE-KINDERGARTEN FOR FOUR-YEAR-OLDS

The New York City Council requests flexibility in the usage of State Universal Pre-Kindergarten (UPK) funding to continue efforts to provide greater opportunities for essential early childhood education programs in the following areas: full-day UPK programs; start-up and capital expenses; and flexibility in the reimbursement rate.

In 1997, under the leadership of Assembly Speaker Sheldon Silver, the New York State Legislature passed the Learning, Achieving, Developing by Directing Education Resources Act (LADDER). This act initiated the State's UPK program to provide all four-year-olds with a free half-day (2½ hours) of pre-school. Since LADDER was implemented, the New York City Department of Education, with contracted community-based organizations, has provided both full-day and half-day UPK programs within the five boroughs. Data shows that nearly half of New York City's eligible four-year-olds today are enrolled in UPK (54,000 four-year-olds), of which the vast majority are in half-day programs and a quarter are in full-day programs. Due to the high cost of operating in New York City, the City supplements UPK programs, spending a total of \$43 million in FY 2007.

Several studies have shown that a full-day UPK program is significantly more beneficial to children and working families. Research indicates that children who attend a full-day UPK

program are less likely to drop out of school, repeat grades, and require special education services. Over the past two years, the Council has worked actively with the Bloomberg Administration to make full-day UPK available to all children and families in New York City. Following the Council's proposal in FY 2007 to expand its half-day UPK program to a full-day, the Council, in partnership with the Administration, created 2,577 full-day UPK slots and formed a UPK Interagency Task Force to oversee and strategize further expansion of full-day slots. In FY 2008, the Council allocated \$5 million to the NYC Administration for Children's Services (ACS), creating an additional 1,105 full-day UPK slots in ACS-contracted community-based providers. In total, the Council has been able to create over 3,700 new full-day UPK slots. In addition to these full-day UPK slots, the Council, working closely with the NYC Department of Education (DOE) and ACS, was able to create an additional 9,000 half-day UPK slots this year.

The Council enjoins the State to work with the City to expand and fund full-day UPK and guarantee quality programming in both public schools and community-based settings. Expanding the program is a wise investment, as the long-term savings and overall benefits far outweigh the costs. A 2006 report shows that expansion would save the State up to \$828 million due to a reduced need for remedial services and grade repetition. Over the past year, the City and State have had to make some tough choices regarding programmatic budget cuts. However, the Council believes that at this moment flexibility is critical. With flexibility, UPK funding will have greater impact on families and children by providing much-needed full-day programs and assisting the expansion of UPK programs in communities with high need but limited access.

LANGUAGE ASSISTANCE SERVICES IN PUBLIC SCHOOLS

The New York City Council urges the New York State Legislature to pass **A.474 (Kavanagh)/S.4564 (Parker) of 2009**, which would require all school districts to establish a language assistance program that would assist limited English proficient parents in communicating with teachers and school personnel.

Immigrants often come to the United States to obtain better educational opportunities for themselves and their families. Unfortunately, many immigrant parents are often prohibited from obtaining the best possible education and resources for their children as a result of a language barrier. Although teachers and school administrators may want to help parents in these situations, they are often hindered from doing so as a result of inadequate resources. As a result, children of immigrants may not have full access to academic opportunities and success. If this legislation is enacted, it would facilitate communication between children and their parents and allow parents to fully participate in their child's education.

ENVIRONMENT & SANITATION

TOXIC SCHOOL SITES

The New York City Council supports **A.1865 (Nolan) / S.1354 (Oppenheimer) of 2009**, which amends the Public Authorities Law in relation to siting requirements for the New York City School Construction Authority's (SCA) Leasing Program. The New York City Council has already passed Resolution 836-A on June 15, 2007, in support of the State Legislature taking action on these bills. In March, the New York State Assembly passed A.1865, , the New York City Council encourages the Senate to pass S.1354 during this session.

There is a history of building schools on environmentally contaminated sites. Right now, the law requires public notice and hearings where the City owns the site but not where the site is leased from a private owner. The SCA is expected to construct schools or other educational facilities on a substantial number of leased sites. A.1865/ S.1354 brings those sites into this public review process.

NEW YORK CITY'S DRINKING WATER

To protect New York City's drinking water supply, the New York City Council calls upon the New York State Legislature to enact **S.6244 (Duane) / A.8748 (Brennan) of 2009** in relation to the regulation of the drilling of natural gas resources. The Marcellus Shale, a geologic formation underlying a broad swath of New York State, has recently been the focus of intense interest from oil and gas companies. The shale formation contains natural gas that can be extracted using an unconventional drilling technique known as hydraulic fracturing. This technique, which involves the use of millions of gallons of water combined with proprietary blends of chemicals to force natural gas out of the shale, has been associated with water supply contamination in a number of states where it is used. This legislation would prohibit gas drilling within the boundaries of the New York City watershed or at any point within five miles of its boundary or other sensitive places, including within the Delaware River watershed, and anywhere that hydraulic fracturing presents a significant threat to a major source of drinking water. The drinking water for nine million people must not be jeopardized for short term gain.

WETLANDS PROTECTION

The New York City Council calls upon the New York State Senate to pass **A.6363 (Sweeney)/S.848 (Marcellino) of 2009**, which provide the New York State Department of Conservation (DEC) with the regulatory authority necessary to protect New York's wetlands by lowering the protection threshold to one acre or more from the current threshold of 12.4 acres or more, and eliminating the mapping limitations on DEC. This law defines "freshwater wetlands" to mean lands and waters of the State that are one acre or more in size, that are adjacent to a water body, including an intermittent water body, or that are of significant local importance.

In light of well-documented rollbacks in federal protection of smaller, so-called "isolated" wetlands in New York State, it is critical that the State act to specifically protect these wetlands. Currently, DEC lacks the authority to do so. Among other things, these wetlands provide critical storm water management functions, lessening the impact of floodwaters and combined sewer overflows, where raw sewage enters the waters surrounding New York City. They also filter out pollutants and provide vital habitats for many species of plants and animals. Such legislation would provide state protection for wetlands as small as one acre in size, better ensuring the above-mentioned benefits.

Wetlands protect our upstate watershed and while larger ones have buffers and protections in state law to keep them safe from construction or damage without a permit, smaller ones have no such protection. The Council wants to avoid any loss of wetlands that can result in erosion or pollution of New York City's watershed and wants state law to protect the City's drinking water. The Council lacks authority to apply such protections outside New York City.

CLIMATE PROTECTION

New York City has mandated a reduction in emissions by 2030, and we encourage New York State to support and expand the City's reductions by creating a statewide mandate. We support the following state legislation, which mandates emissions reductions and establishes programs to enable state residents to reduce their carbon emissions:

- **A.7572 (Sweeney)/S.4315(Thompson) of 2009** – the bill would require an 80% reduction in carbon emissions from New York State by 2050. New York City has already mandated emissions reductions from the City and would benefit from a similar state effort.
- **S.2764 (Thompson)/A.6321 (Sweeney) of 2009** – the Climate Change Solutions Program Act, the legislation establishes a greenhouse gas emissions reduction program within DEC, and energy efficiency, renewable energy, and clean air loan programs within the New York State Energy Research and Development Authority (NYSERDA). This bill would also establish requirements for use and reporting of funds from RGGI carbon credit auctions.
- **A.7017(Gianaris)/S.4641(Sweeney) of 2009** – establishing a Climate Change Solutions fund whose monies would be used for energy efficiency, renewable energy, and clean air projects. Money obtained through carbon credit auctions would be required to go to this fund. Municipalities would be able to apply for energy efficiency funds through this program, and New York City would be able to continue greening its building supply with additional funds.

ENACT A CHAPTER AMENDMENT TO THE STATE'S PLASTIC BAG RECYCLING LAW

The New York City Council calls on the New York State Legislature and Governor Paterson to make good on their commitment to enact a chapter amendment to the State's Plastic Bag Reduction, Reuse, and Recycling Act (Title 27 of Article 27 of the Environmental Conservation Law) to allow the City's law, which was preempted by the State's law, to govern plastic bag recycling within New York City.

There are several important differences between the City's and State's laws: the State's law significantly reduce the number of stores in New York City required to recycle plastic bags; the State's law only applies to carryout bags, and not all film plastic; and the State's law lacks important reporting requirements that the City's law had previously imposed on retail stores.

REQUIRE SOURCE SEPARATION OF DESIGNATED METAL, GLASS, PAPER AND PLASTIC ON PROPERTY OWNED OR CONTROLLED BY THE MTA AND IMPROVE RECYCLING ON STATE-OWNED AND LEASED PROPERTIES

Over the past three years, the City has made significant progress in siting public space recycling bins in public places such as parks and streets with high pedestrian traffic. Despite this progress, there are no similar recycling bins in MTA-controlled transit stations such as subway, bus and commuter train stations. The New York City Council believes that public

space recycling bins are an important component to shaping attitudes and educating the public about the City's recycling program, and therefore calls upon the New York State Legislature to establish a source separation recycling program in MTA subway, bus and commuter rail stations.

In addition, to further demonstrate the State's commitment to recycling, the Council calls upon the State Legislature to pass **S.1299-A (Johnson)/A.10845 (Englebright) of 2009**, which would require the implementation of recycling programs for all state-owned and state-leased properties.

RENEWABLE ENERGY

The New York City Council calls on the New York State Legislature to maximize the use of renewable energy by removing restrictions on net metering.

Net metering gives building owners a strong incentive to install small-scale renewable energy generation equipment on their property by allowing property owners to sell energy back to the grid when the equipment produces more than the building uses. The State enacted Chapters 452 and 480 of the laws of 2008, greatly expanding the ability of residential electricity users to use net metering and allowing non-residential users to use net metering. Utilities must now allow net metering until the electricity generated in this manner reaches 1% of their total electricity demand for the year, and the Public Service Commission may raise this amount after 2012. The Council encourages the New York State Public Service Commission to continue fostering the use of net metering by authorizing future increases in the 1% requirement for utilities.

The New York City Council supports **S.2085 (Parker)/A.409 (Kavanagh) of 2009**, in relation to net energy metering. This legislation would further incentivize alternative energy generation by permitting the customer-generator who generates more energy than they use to receive payment from the utility at the end of the year for the avoided cost for any excess electricity produced during the year. Currently, customers may reduce their energy bills by selling electricity back to the utility through net metering, but they may not receive payment for excess electricity.

And finally, the State Legislature should pass **A.7013-A (Bing)/S.1361-A (Johnson C) of 2009**, which establishes a tax credit for businesses that invest in alternative energy systems and generating equipment. Though individuals currently benefit from such a tax credit, businesses would have more incentive to purchase energy generating equipment if the tax credit were extended to corporations.

REDUCING POLLUTANTS IN HOME HEATING OIL

The New York City Council calls on the New York State Legislature to pass **S.1145-C (Perkins)/A.10108 (Sweeney) of 2009**, which would reduce the sulfur content in all number two heating oil to 15 parts per million by July of 2012 for residential, industrial or commercial heating within the State.

When number two heating oil is burned, sulfur dioxide, a known greenhouse gas, is released into the atmosphere and the exhaust particles exacerbate allergies, trigger asthma attacks, decrease lung function, cause heart attacks and shorten lives. Moreover, reducing the sulfur content in heating oil can be inexpensively and expeditiously done through the same

refining process currently used for diesel fuel. In addition, number two heating oil with a reduced sulfur content causes the heating system to perform more efficiently and saves fuel costs. This measure, if passed by the State, would improve air quality, protect health and save consumers money.

FIRE

TRAINING OF FDNY FIRE OFFICERS

The New York City Council calls on the New York State Legislature to introduce and pass **S.6784(Savino)/A.9885(Abbate Jr.) of 2010**, requiring the City of New York to provide fire officers with additional training. The training would consist of 40 hours of field training and classroom instruction in the recently enacted fire code, and 40 hours of field training and classroom instruction in the recently enacted construction codes. Although the FDNY has provided some materials and instruction in an effort to inform officers of pertinent changes to these codes that are germane to their building inspection responsibilities, much more substantial training needs to be undertaken. If fire officers are going to be held responsible for enforcing the fire and construction codes, they need proper training.

GENERAL WELFARE

NOTIFICATION OF FOSTER HOME CHANGE

The New York City Council calls upon the New York State Legislature to pass **S.5266 (Montgomery)/A.8418 (Scarborough) of 2009**, which would require local social services districts to notify the court, the law guardian and the respondent's attorney of any change in foster care placement at least ten days prior to the change. Providing such notification would help prevent the potential trauma to a child associated with an unnecessary move from one foster care placement to another, as well as the unnecessary separation of a child from his or her siblings, by ensuring that the parties to the case obtain information about the move in a timely fashion. Children and respondent parents/guardians in child abuse and neglect cases have a legal right to counsel, and such notification would also ensure that this right is fully realized by providing them with ample time to respond to the proposed move before it occurs. Finally, this legislation would ensure that the Court has the opportunity to intervene, when appropriate, to prevent the move or take other action to avoid undue trauma to a child.

CPR AND FIRST AID TRAINING FOR CHILD CARE WORKERS

The New York City Council calls upon the New York State Legislature to pass **S.3644 (Montgomery) /A.7923 (Scarborough) of 2009**, which would require employees at certain child care facilities to be certified in cardiopulmonary resuscitation (CPR) and first aid.

Accidents, including those that cause sudden cardiac arrest, are the leading cause of death among toddlers and children. Early CPR is one of the four critical links in the chain of survival for sudden cardiac arrest victims. CPR helps maintain vital blood flow to the heart and brain and increases the amount of time that an electric shock from a defibrillator can be effective. When CPR is performed immediately after a traumatic accident, it can prevent death as well as brain injury. Brain death starts to occur four to six minutes after a child suffers cardiac arrest if no CPR and defibrillation occurs during that time. According to the American Heart Association CPR can double or triple the chances of survival for a sudden

cardiac arrest victim. The NYS Office of Children and Family Services does not require day care center employees to have CPR training, but merely encourages it. New York State should be a national leader and increase the rate of survival for sudden cardiac arrest victims. It is imperative that employees are trained to provide aid to the children in their care.

ELIMINATE THE FINGER IMAGING REQUIREMENT

Requiring that food stamp applicants undergo finger imaging stands in the way of the original goal of assisting people in need. Forty-six states do not require food stamp applicants to be subjected to a finger imaging requirement. Additionally, New York City's five counties are the only counties in the State of New York that require working families who apply for food stamps to be fingerprinted. When individuals are arrested, they are fingerprinted to determine their criminal history and to prepare for their arraignment. Subjecting people who are merely applying for food stamps to the same process reflects a failure on the part of New York City to verify, document, and track people's identity in a nonintrusive manner. Federal guidelines for the food stamp program should be adopted and maintained by municipalities as they distribute this federal benefit to eligible participants. New York State should amend its current laws to fully mirror the intent and purpose of the federal programs that it administers.

HEALTH

HEALTH CARE PLANNING

The New York City Council recommends establishing a system of local planning agencies in New York State. The agencies would be legally empowered to oversee the expansion and development of new health care facilities. However, they would differ from previous health planning models, such as the now-defunct Health Systems Agency and the existing certificate of need process. This problem was brought to the forefront in 2005, when the New York State Legislature created the Commission on Health Care Facilities in the 21st Century ("Berger Commission") and tasked it with evaluating the needs of New York's health care system. As a result of the Berger Commission's work, approximately one-quarter of all of the hospitals in the State have been reconfigured; this includes closing, merging, and elimination of excess beds and redundant services. By 2011, 3,500 hospital bed spaces are expected to be eliminated.

The State believes that this resizing will result in an improved quality of care to residents while achieving significant cost savings. New York City had been particularly affected by the Berger Commission's work, with numerous city hospitals closing, merging, and others experiencing financial uncertainty. Many of these issues can be attributed to the lack of coordinated localized community health planning. The work of the Berger Commission underscored the need for an entity to view the health care delivery system in both a more regional and community-centered way. There is a strong need for an entity to possess a significant and substantial planning mandate to survey the primary, secondary and tertiary care services offered in every community. The agencies would conduct regular reviews of health care in communities and attempt to understand community needs, determine if those needs are being met, and dictate how the health care system can better meet the needs of communities. New York City and each of the State's other 57 counties would have a locally controlled planning agency.

VOLUNTARY HIV COUNSELING AND TESTING

The New York City Council calls on the New York State Legislature to support efforts to make HIV testing and counseling a routine component of medical care.

Routine offering of HIV testing in health care settings should include critical information and counseling so patients can make voluntary informed decisions about taking an HIV test. New York City remains the epicenter of the HIV/AIDS epidemic in the U.S., accounting for 14% of the country's AIDS-related deaths, according to the NYC Department of Health and Mental Hygiene. An estimated 25,000 New Yorkers are living with HIV/AIDS but do not know they are infected, and more than 1,000 New Yorkers each year first learn they have HIV when they are already sick with AIDS. The benefits of knowing one's status are directly linked to positive health outcomes and behavioral changes.

ANNUAL MRI SCANS FOR WOMEN WITH HIGH RISK OF BREAST CANCER

The New York City Council calls on the New York State Legislature to reintroduce and adopt **S.4158-B (Skelos)/A.7146-C (Rosenthal) of 2008**, which would require health insurance companies to provide coverage for annual MRI scans to women age 30 and older who have a high risk of developing breast cancer.

The American Cancer Society (ACS) reports that breast cancer is the most common cancer in women, with an estimated 40,470 women having died from breast cancer in 2009 alone.

Breast cancer can best be treated if it is detected early. Although mammography is considered to be the best and most reliable screening tool available, the National Cancer Institute (NCI) reports that mammograms miss up to 20% of breast cancers that are present at the time of screening. NCI supports the development of new technologies such as MRI scans to detect breast tumors; however insurance carriers currently are not required to cover them. Providing insurance coverage for MRI scans for women at high risk for breast cancer would give these women more options to fight the disease.

TAX LITTLE CIGARS ON PAR WITH CIGARETTES

The New York City Council urges the New York State Legislature to adopt **S.5820 (Krueger)/A.8052 (Lifton) of 2009**, which would allow little cigars to be taxed at the same rate as cigarettes. The legislation would also authorize New York City to impose a tax on little cigars, up to the rate that New York City taxes cigarettes. While New York City is making tremendous strides in reducing the number of smokers, children continue to be vulnerable. Little cigars have increased in popularity, as this product resembles cigarettes and are significantly cheaper. According to the New York City Department of Health and Mental Hygiene, there has been nearly a threefold increase in the number of public high school student smokers who smoke cigars and little cigars only. A cigar can contain as much tobacco as five cigarettes. Little cigars pose a serious public health risk and making the tax on little cigars on par with that of cigarettes would most likely result in less individuals smoking little cigars.

POSSESSION OF CONTRACEPTIVE DEVICES AS EVIDENCE OF PROSTITUTION

The New York City Council encourages the passage **S. 1289 (Montgomery) / A.3856 (Clark) of 2009**, providing that condoms may not be used in any trial, hearing or proceeding as evidence of prostitution. Currently, prosecutors may use the possession of condoms as evidence of prostitution. An unintended consequence of this practice is that

many sex workers are hesitant to carry condoms, thereby exposing themselves to deadly health risks.

Discouraging sex workers and sex venues from carrying condoms doesn't promote health and welfare. To the contrary, it unacceptably elevates the risk of HIV transmission. Fighting HIV/AIDS is a top priority of the Council. While the sanction against prostitution should not be affected in any way, the use of contraceptive devices should be encouraged - not discouraged - by public policy.

EXPANDING SYRINGE ACCESS BY RECONCILING THE PENAL CODE WITH THE PUBLIC HEALTH LAW

The New York City Council supports **S.5620 (Duane)/ A.8396 (Gottfried) of 2009**, state legislation that would make it explicit that a person is not criminally liable for possessing syringes and drug residue in or on syringes that he or she has a right to possess based on their participation in the Public Health Law's Syringe Exchange Program (SEP) or Expanded Syringe Access Program (ESAP).

Syringe exchange programs have been shown to reduce HIV and Hepatitis C transmission rates, protect police officers against needle-prick injuries and contribute to overall public welfare. New York Public Health Law authorizes clients and providers to possess and carry sterile syringes. However, the New York State Penal Code was never updated to reflect this fact and, as a result, clients and providers are vulnerable to arrest for carrying needles, even if legally participating in a syringe exchange program.

The Council has strongly supported syringe access programs, and this has contributed to annual declines in the number of new HIV diagnoses in New York City since 2001. Passage of this legislation would resolve contradictions between the penal code and public health law, resulting in sound public policy for New York State.

HOSPITAL FINANCIAL DISCLOSURE

The New York City Council calls on the State Legislature to pass legislation that would improve access to hospital financial information and increase community involvement in the process of hospital closure. In the last few years, New York City has witnessed the financial collapse of several of its hospitals. From Mary Immaculate to St. Vincent's, each time a hospital's financial difficulties has resulted in its closure it has been painful for its community and for New York City.

The financial failings of these hospitals have highlighted the need for better access to hospital financial information. Hospitals are already mandated to provide the State Department of Health with a range of financial information on a regular basis. Much of this information is required to be made available to the public but is not easily accessible. Furthermore, there are no provisions for local officials to be provided with any information about the facilities in their communities. In the case of the recent closing of St. Vincent's Hospital, for example, the Hospital provided information about its dire financial situation to the State Department of Health in the summer of 2009. If similar information had been provided to the public and local officials, perhaps a plan could have been developed that would have allowed the community maintain essential services. Thus, the Council calls on the State to create an online clearinghouse of all hospital financial information it receives.

The Council also calls on the State to require that a hospital provide this information to the local Community Board, City Council Member, State Assembly Member, and State Senator.

The Council believes that better access to hospital financial information could help officials and communities take early, preventive steps to ensure that closure of a hospital does not become necessary. When it is not possible to prevent closing a hospital, however, it is imperative that the local community have input into the closure process. Thus, the Council calls on the State Legislature to pass the Hospital Closure Planning Act **S.7483 (Huntley)/A.10748 (Lancman)**. The legislation would require the State Commissioner of Health to hold a public hearing on the potential impact of a hospital's closing; to provide a written report to the Governor and the State Legislature that includes a discussion of the anticipated impact of the closure and a description of steps taken and recommendations to reduce the impact on the community; and to hold a second hearing to allow the public to comment on the report. This legislation would make the hospital closure process more transparent and provide communities with the ability to participate in a process from which they are currently denied access.

MENTAL HEALTH

MENTAL HEALTH PARITY

The New York City Council calls on the New York State Legislature to pass **the Fair Insurance Treatment Act, A.04440 (Hyer-Spencer) of 2009**, which requires health insurers to provide coverage for mental illness and chemical dependence.

Under present law, health insurance contracts may deny coverage for the diagnosis and treatment of mental, nervous or emotional disorders; may place a limit on the number of days or visits permitted; or may require different deductibles, coinsurance or copayments for treatment. Health insurance contracts are currently required to partially cover substance abuse treatment but there is no mandated insurance coverage of substance abuse rehabilitation. This bill would also mandate equal insurance coverage for mental health and substance abuse services as provided for other health services covered.

APPLY SCRIE INCOME LIMITS TO DRIE PROGRAMS

The New York City Council calls upon the New York State Legislature to pass **A.7179 (Bing)/S.3539 (Krueger) of 2009**, which would use a flat income limit regardless of household size to determine eligibility for the Disability Rent Increase Exemption (DRIE).

Currently, the DRIE program income limit varies by household size, but this bill would use the Senior Citizen Rent Increase Exemption (SCRIE) flat income limit to determine eligibility. This bill would also reduce the complexities of the DRIE program as applicants would no longer be required to factor in impairment work expenses or blind work expenses to determine their income. In addition, the proposed legislation would make it easier for disabled veterans to be approved for DRIE. Under this bill, disabled veterans would be considered categorically eligible, just as SSI recipients currently are, provided that they meet any of the eligibility criteria.

COMMUNITY HOUSING WAITING LISTS

The New York City Council calls upon the New York State Legislature to pass **S.184 Morahan/A.04579 (Rivera, P) of 2009**, which would amend the Mental Hygiene Law in

relation to the establishment of community housing waiting lists for adults within the NYS Office of Mental Health Service System (OMHSS).

The bill would require each provider of housing services in the OMHSS to provide and publish, on a monthly basis, a list of each person referred to, admitted to, applying for, withdrawing an application for and denied admission to housing. The bill would also require the community-based agency performing assessments of persons with a documented mental illness to provide the office with the names of such who have been assessed and who meet the eligibility criteria for the array of funded and/or licensed housing programs. The bill would bring the State in line with the already-existing obligations under the Federal Americans with Disabilities Act (ADA), the Supreme Court's decision in *Olmstead v. L.C.*, and New York State Executive Law Sections 701-703. The Supreme Court's holding in *Olmstead v. L.C.*, required States to place persons with mental disabilities in community settings rather than in institutions when the State's treatment professionals have determined that community placement is appropriate. Undue institutionalization qualifies as discrimination by reason of disability under the ADA.

ESTABLISH THE METROPOLITAN TRANSPORTATION RIDERS COUNCIL FOR PERSONS WITH DISABILITIES

The New York City Council calls upon the New York State Legislature to pass **A.3954-A (Kellner)/S.1386-A (Duane) of 2009**, which would establish the Metropolitan Transportation Authority Rider's Council for People with Disabilities.

This Council would study and investigate all aspects of the day-to-day operations of the MTA and its subsidiaries, monitor their performance, and make recommendations to improve their operations with respect to people with disabilities.

HIGHER EDUCATION

SIXTY-DAY FINANCIAL AID NOTIFICATION

The New York City Council calls upon the New York State Legislature to enact legislation requiring the Higher Education Services Corporation (HESC) to determine eligibility for financial aid, awards, and loans within 60 days from the day of receipt of a financial aid application.

Proposed legislation should require HESC to make the determination of financial aid eligibility of a student within 60-days of receipt of a financial aid application. In the event that HESC fails to make the determination within the 60 days, the applicant would become eligible for the financial aid for which the application was made. This legislation would allow HESC to request a 30-day extension if notice were given to the institution within the initial 60-day period.

HESC was established by the State Legislature to administer and oversee the funds for the State's financial aid programs such as the Tuition Assistance Program (TAP). In its capacity, HESC determines the eligibility of a student, but not always in a timely manner, creating delays and uncertainty for students and institutions.

UNIVERSITY EMERGENCY ALERT ACT

The New York City Council calls upon the State Legislature to enact **A.1251 (Lancman) of 2009**, also known as the **University Emergency Alert Act**. This Act would require all state universities and colleges to implement an emergency alert system, pursuant to rules and regulations promulgated by the NYS Board of Regents, on or before July 1, 2010, to notify and advise students, faculty, staff, elected representatives and neighboring residents within a suitable geographic area of incidents or occurrences at the institution which, in the judgment of the institution, pose a threat to the health or safety of students, faculty, staff or neighboring residents. Participation in an institution's emergency alert notification system would be mandatory for students, faculty and staff at the institution who possess the electronic device necessary to receive the emergency alert.

The security and emergency management planning of colleges and universities have been thrust into the national spotlight due to the shooting tragedy at Virginia Tech on April 16, 2007. One of the criticisms of the Virginia Tech shooting was the lack of widespread and expedient communication. Consequently, it has been recommended that mass notification techniques be available within classrooms and other locations on college campuses.

HIGHER EDUCATION COMMUNITY SERVICE ACT

The New York City Council calls upon the New York State Legislature to enact **A.1697 (Englebright) and S.4847-A (Stavisky) of 2009**, which amends the NYS Education Law in relation to enacting the Higher Education Community Service Act. This Act would create a Council for Higher Education Community Service responsible for identifying existing quality community service programs and projects, incentivizing the participation of higher education students in long term community service programs, integrating public and community service into the curriculum, and encouraging institutions of higher education to develop a systematic process to disseminate information regarding volunteer projects. The Council for Higher Education Community Service would include representatives from SUNY, CUNY, the independent colleges of New York, and the New York Campus Compact. In addition, two of the council members would be students, appointed by the Governor.

The civic and social responsibility of students is an extremely important component of higher education. The passage of the Higher Education Community Service Act and subsequent creation of a state-wide council that disseminates ideas and encourages civic participation and community service would greatly contribute to an area of higher education that is often overlooked.

HOUSING

SUBPRIME CRISIS

Committed to helping homeowners avoid foreclosure during a national crisis, the New York City Council supports the passage of several pieces of state legislation designed to protect and educate current and potential homebuyers.

Therefore, the Council supports enactment of the following bills:

- **A.1240 (Lancman) of 2009, the Disclosure in Lending Act**, which would provide greater disclosure to borrowers; require a depiction, chart or table displaying

certain information to be given to borrowers; requires the NYS Banking Department to establish a website dedicated to the risk of subprime mortgages; and grant authority to expand enforcement actions.

- **S.954 (Johnson) of 2009**, which would amend NYS Tax Law to add a New York State Adjusted Gross Income exemption when the cancellation of debt due to the mortgage foreclosure on a primary residence would otherwise result in increased state income tax liability.
- **A.7855 (Lopez) of 2009**, which would provide define "mortgage" as a loan owed to a bank secured by a second lien on a fee simple or leasehold estate in real property located in the State and improved by a residential structure, whether or not insured or guaranteed by the United States of America or any agency thereof, provided, however, that such second lien secures a loan purchased by the agency and is made at the same time as a first lien securing a loan purchased by the agency.
- **5683 (Brennan) of 2009**, which would increase the bond cap of the State of New York Mortgage Agency (SONYMA), so that SONYMA could provide refinancing services to New Yorkers with subprime mortgages at a risk of foreclosure.
- **S. 58960A (Klein) of 2009**, which would require for-profit distressed property consultants to disclose to customers that the services they provide may also be obtained for free through state-funded services and to provide the number of the New York State Banking Department.

URSTADT LAW

The New York City Council urges the New York State Legislature to grant New York City local control over rent regulation and pass **S.749 (Krueger)/A.1688 (Lopez, V.) of 2009**.

The regulation of rents and evictions are principally matters of local, rather than state, governance. New York City should be empowered to protect its residents living in the decreasing number of rent-regulated apartments, and the Council urges the State Legislature to repeal those provisions of state law that prevent New York City from enacting local laws that establish or adjust rents, classify housing accommodations, regulate evictions and provide for enforcement of rent regulation laws.

VACANCY DECONTROL

The New York City Council calls upon the New York State Legislature to pass **A. 2005 (Rosenthal) / S. 2237 (Stewart-Cousins) of 2009**, which would repeal the provisions of New York State and New York City statutes that remove apartments from rent stabilization or rent control when such apartments are vacated.

The shortage of affordable housing in New York City, in the suburban counties of Westchester, Nassau, and Rockland, and in many other areas of the State is an acute crisis.

Rent regulation programs have been seriously eroded by the vacancy decontrol laws. Available data and several studies suggest that over 300,000 rent-stabilized apartments have been removed from regulation in New York City and the counties of Westchester, Nassau, and Rockland under vacancy decontrol. Repeal of vacancy decontrol is essential to protect the City's supply of rent-regulated housing.

GARDEN-TYPE MAISONETTE DWELLINGS

The New York City Council urges the New York State Legislature to protect affordable housing in garden-type maisonette multiple dwellings by passing **A.4649 (Lopez V.) of 2009**, clarifying that the alteration of garden-type maisonette buildings into a complex of buildings, each of which is less than six units, by the installation of separate essential services for each building shall not remove the building from the provisions of the Emergency Tenant Protection Act. The legislation further provides that owners may not claim for their own personal occupancy a unit in a complex that has been altered into a complex containing less than six units.

The Council urges the State Legislature to amend the original legislation so that the dwelling units of garden-type maisonette dwellings subdivided by the installation of separate essential services shall not be removed from the regulation of the Emergency Tenant Protection Act if the unit has become vacant after alterations are completed.

OPERATIONAL & ADMINISTRATIVE CONTROL OVER NYCHA

The New York City Council calls on the New York State Legislature to amend the NYS Public Housing Law to permit the City of New York to legislate matters concerning the administrative and operational performance of the New York City Housing Authority (NYCHA).

Presently, the only local or municipal laws to which housing authorities are subject statewide relate to compliance with local “planning, zoning, sanitary, and building laws” under Section 155 of the Public Housing Law. The Council is, accordingly, limited in its power to legislate on behalf of NYCHA residents.

RESIDENT PARTICIPATION ON NYCHA BOARD

The New York City Council urges the New York State Legislature to pass **S.1104 (Dilan)/A.4687 (Lopez V.) of 2009**, which would increase the membership of the Board of the New York City Housing Authority to include two additional members to be appointed by the Mayor, who reside in a NYCHA project.

Over 400,000 people reside in NYCHA projects. However, none of these individuals are allowed direct participation on the NYCHA Board, which makes decisions about all programs, policies, and expenditures that intimately affect the lives of NYCHA residents.

ILLEGAL HOTELS

The New York City Council urges the New York State Legislature to pass **S.6873 (Krueger)/A.10008 (Gottfried) of 2010**, relating to occupancy of Class A multiple dwellings. Some owners have illegally converted buildings to transient occupancy. This bill would aid the City of New York in its enforcement against buildings that have illegally converted to hotel use by clarifying the existing statutes.

ADEQUATE PROTECTIONS FOR FORMER MITCHELL-LAMA & SECTION 8 TENANTS

The New York City Council urges the New York State Legislature to pass **(Stewart-Cousins)/A.9230 (Rosenthal)** which provides rent stabilization coverage for all Mitchell-Lama and project-based Section 8 buildings that leave or have left government supervision, regardless of when constructed or first occupied. The bill would also prohibit landlords from seeking rent increases for “unique or peculiar circumstances.” This is the

only bill with rent protections for post-1973 buildings that have already left government supervision and did not then become rent regulated.

REFORM MAJOR CAPITAL IMPROVEMENT RENT INCREASE SYSTEM

The New York City Council urges the New York State Legislature to pass **S.745-A (Krueger)/A.1928 (O'Donnell) of 2009**, which makes rent increases for building-wide Major Capital Improvements (MCI) temporary surcharges, so that once tenants have paid them off, the rent increase disappears. The MCI would also be required to be listed as a separate surcharge on the rent bill, rather than being compounded with the base rent. An example of the problem with the current system may be found when owners make capital improvements to improve the energy efficiency of their buildings. The owner not only benefits from having a property that has increased value and lower operating costs due to energy cost savings, but will also continue to receive the rent surcharge long after the initial investment has been recouped.

REFORM INDIVIDUAL APARTMENT IMPROVEMENT RENT INCREASE SYSTEM

The New York City Council urges the New York State Legislature to pass **S.5296 (Squadron)/A.5316-A (Silver) of 2009**, which makes three necessary and reasonable reforms that address key problems in the 1/40th rent increase loophole. First, it would lengthen the amortization period for rent increases from 40 to 84 months, thus bringing it into line with the MCI program. Second, it would allow direct agency oversight of such rent increases to discourage fraud. Thirdly, it would strengthen tenant notification.

REFORM THE NYC AND SUBURBAN RENT BOARDS

The New York City Council urges the New York State Legislature to pass **S.5566 (Duane)/A.5282 (Latimer)**. The bill restructures the four rent guidelines boards in New York City and the three suburban counties (originally designed by the real estate industry itself) to level the playing field and give tenants a chance of fair rent adjustments. Among the most important changes is a requirement for Council approval of mayoral appointments to the board.

PARKS

PLAYGROUND SAFETY

The New York City Council calls upon New York State Legislature to pass **A.9464-A (Kellner) /S.7471-A (Peralta) of 2010**, which would amend New York State General Business Law, Section 399-dd, to direct the New York State Consumer Protection Board (the "Board") to promulgate rules regarding heat dangers in playground equipment, and temperature testing to deal with such heat dangers. This State legislation would require the Board to establish a maximum temperature threshold that play equipment can become and remain safe. The legislation would also provide that the Board promulgate rules detailing required mitigation should the maximum temperature threshold be exceeded.

During the past year, the Council has held hearings and heard testimony that children have sustained burns from overheated playground equipment. In response, the City passed Local Law 28 of 2009. This law requires the City's Parks Department to post signs at all playgrounds warning of heat dangers to exposed skin. However, New York State law does not require the State to set rules regarding the danger of burns from playground

equipment. The New York City Council calls upon New York State legislature to require that such rules be promulgated.

PUBLIC SAFETY

STRENGTHEN LAWS AGAINST ILLEGAL GUNS

The New York City Council urges the New York State Legislature to enact legislation that would help stop the flow of illegal guns into New York and otherwise deter illegal gun usage. This is both critically important to keeping crime down and to reducing the number of gun-related injuries and deaths. According to New York Police Commissioner Raymond W. Kelly, 90 percent of the guns that are confiscated after they are used in crimes come from a state outside of New York. There are several bills pending in the State Legislature that the Council urges the State to pass, including:

- **S.1715 (Schneiderman)/A.1093 (Paulin) of 2009**, which would address illegal street gun trafficking by amending the General Business and Penal Laws in relation to preventing the sale of firearms, rifles, and shotguns to criminals. Among other things, the bill would require gun dealers licensed by the state to lock up or otherwise safely store their weapons to prevent criminals from burglarizing gun dealers. Dealers would also be required to maintain an accurate inventory of weapons, train their employees to recognize straw purchasers, and follow all laws requiring background checks and other safety measures.
- **S.6005 (Schneiderman)/A.6468-B (Schimel) of 2009**, which would require microstamping technology to be used on semiautomatic firearms, thereby providing law enforcement with additional evidence to help investigate, arrest, and convict more people who use semiautomatic handguns in crimes. The microstamping technology would make it easier to link shell casings to particular guns, even if the gun is not found at the crime scene.
- **S.2379 (Padavan)/ to A.2881 (Koon) of 2009**, which would amend the definition of “armor piercing ammunition” in the Penal Law to include ammunition constructed of ceramics or polymer plastics, and prohibit the possession of “devastator” and “frangible” ammunition, which cause severe destruction and death.
- **S.725 (Johnson C.)/ A.5078 (Lentol) of 2009**, which would amend the Penal Law by redefining the term “disguised gun” to include any rifle, pistol, shotgun or machine-gun resembling a toy gun, and prohibit the possession, manufacture, or design of such gun.
- **A.6157 (Titone) of 2009**, which would replace the definition of an “assault weapon” with one that relies on the characteristics of the weapon and include definitions of assault weapons designed to enhance the lethality of such weapons.
- **S.4752 (Schneiderman) of 2009**, which would ban the possession, sale and use of 50-caliber weapons in the State and impose additional penalties for the use of a 50-caliber weapon while committing certain felonies.
- **A.2882-A (Koon) of 2009**, which would require the submission by state and local law enforcement authorities of expended projectiles, shell casings and guns found or

otherwise coming into their possession to the State's police pistol and revolver ballistic identification electronic databank.

- **A.5696-C (Kavanagh) of 2009**, which would require employees of dealers in firearms to submit to state and national criminal background checks.
- **S.5489 (Adams)/ A.3076-B (Kavanagh)**, which would amend the Penal Law by requiring a minimum three hour weapons safety training course before individuals are issued a firearm license.

STRENGTHEN LEGISLATION TO COMBAT DOMESTIC VIOLENCE

The New York City Council supports **S.251 (Adams)/A.3185 (Jeffries) of 2009**, which would establish a new article, family offenses, creating crimes of domestic violence for acts of violence against family members, including definitions for domestic violence, aggravated domestic violence, extreme domestic violence and defense.

The Council also supports the following legislation:

- **A.390 (John)/S.5033 (Hassell-Thompson) of 2009**, which would authorize references for orders of protection to judicial hearing officers or referees at any time and require training about domestic violence for them.
- **A.438-B (John)/S.5610 (Heastie) of 2009**, which would entitle victims of domestic violence to unpaid leaves of absence.

PROTECT VICTIMS OF DOMESTIC VIOLENCE FROM LOSING PUBLIC ASSISTANCE BENEFITS

The New York City Council calls on the New York State Legislature to exercise its option to protect victims of domestic violence and sexual abuse from losing public assistance benefits. Victims of domestic violence often require assistance when attempting to escape the crisis of abuse. Public assistance is frequently the only way victims are able to accomplish this goal. Requiring victims to meet strict program requirements established by federal welfare reform legislation can significantly hinder a victim from leaving an abuser. Program requirements that affect victims of domestic violence may include time limits on cash assistance, work and residency requirements, and family caps denying cash benefits to children born into families already receiving assistance. Recognizing that victims of domestic violence have special needs, Congress adopted the Wellstone/Murray Amendment as part of the Personal Responsibilities and Work Opportunity Reconciliation Act (PRWORA). The Amendment allows states to prevent victims of domestic violence from losing public assistance benefits when victims are unable to meet federal program requirements. **A.456 (Jacobs) of 2009**, adopts the family violence option, also known as the Wellstone/Murray Amendment, permitting the waiver of federal program requirements or penalty provisions for domestic violence services in New York State.

CONFIDENTIALITY FOR ORDER OF PROTECTION RECIPIENTS

The New York City Council calls on the New York State Legislature to adopt **S.5615 (Parker)/A.6509-A (Rivera N.) of 2009**, which would require phone companies to keep confidential the names, telephone numbers and addresses of victims of domestic violence who have received orders of protection.

Presently, phone companies charge customers to be removed from the phone book. Domestic violence victims in many cases do not have the resources to pay fees needed to be unlisted in a phone directory. This bill ensures that victims of domestic violence obtain this service for free.

EXPAND ORDERS OF PROTECTION IN DOMESTIC VIOLENCE CASES

The New York City Council calls upon the New York State Legislature to expand the duration of orders of protection in domestic violence cases. Orders of protection serve as a strong message that abusive behavior will not be tolerated, and provide some assurance to the victim that the order will serve as a deterrent to future abuse. Orders of protection are an important defense for domestic violence victims. Statutory provisions that limit their duration frequently diminish the effectiveness of orders of protection. Under current law, courts may only issue orders of protection for up to eight years in the case of a felony conviction, up to five years for a misdemeanor conviction and up to two years for a violation. Family courts, however, may only issue orders of protection for up to two years or, where aggravating factors exist, up to five years.

TRANSPORTATION

MAKE THE ROADS AND HIGHWAYS SAFER

Ensure penalties for inhalant abuse

The New York City Council calls on the New York State Legislature to amend the Vehicle and Traffic Law to ensure that all dangerous, substance-abusing drivers are subject to prosecution for driving while ability impaired (“D.W.A.I.”) and driving while intoxicated (“D.W.I.”). Although D.W.A.I. and D.W.I. are serious problems throughout the City and State, a loophole in state law makes it legal for impaired and intoxicated people to drive if the substance they abused is not alcohol or a substance listed in the New York Public Health Law definition of “controlled substance.”

Chemicals found in normal household products such as rubber cement, spray paint, or paint thinner may result in an altered mental or physical state for individuals who intentionally inhale the vapor from the product. This in turn may result in the driver being unable to drive safely. In 2008, inhalants were used by 729,000 people aged 12 or older for the first time. 70.4 percent of those abusing inhalants were under the age of 18 when they first abused an inhalant. These chemicals are not, however, found in the New York Public Health Law definition of “controlled substance.”

Increase penalties for driving with a suspended or revoked license

According to the AAA Foundation for Traffic Safety, drivers who drive with a revoked or suspended license are more likely to be involved in a fatal crash than are validly-licensed drivers. Currently, aggravated unlicensed operation of a motor vehicle in the first degree is a Class E Felony. In order to be charged with aggravated unlicensed operation of a motor vehicle in the first degree, an individual must operate a motor vehicle with a suspended or revoked license and either consume drugs or alcohol, or have ten or more suspensions imposed on ten separate dates, or be found to be operating the vehicle with a permanent revocation on his or her license. The New York City Council calls upon the State to amend the Vehicle and Traffic law in order to increase penalties for driving with a suspended or revoked license and to decrease the number of suspensions that an individual must have

before he or she may be charged with aggravated unlicensed operation of a motor vehicle in the first degree.

INCREASE PENALTIES FOR DANGEROUS DRIVERS

The Council calls upon the State to pass legislation holding dangerous drivers liable for their actions. Often, dangerous drivers are never held liable for their actions even if they seriously injure or kill someone. District Attorneys rarely file serious criminal charges, such as vehicular homicide, even where a driver's culpability may be shown. Bills **A.7917 (Kavanagh)/ S.4292 (Squadron) of 2009**, would create penalties for drivers who do not exercise due care when operating a motor vehicle and collide with vulnerable users of the road, defined as bicyclists, pedestrians or domestic animals. While this legislation would provide District Attorneys with additional options to charge dangerous motorists and help to deter dangerous drivers, it should be broadened to not only cover collisions with vulnerable users, but with all users of the road.

The Council also supports **A.06872 (Cymbrowitz)/S.3570(Savino) of 2009**, which would raise penalties for drivers who leave the scene of an incident without stopping and/or reporting the incident.

PEDESTRIAN SAFETY

The New York City Council urges the New York State Legislature to pass **A.5869 (Millman)/S.2057 (Dilan) of 2010**, which would require trucks, tractors and tractor-trailer or semi-trailer combinations to be equipped with convex mirrors.

Since the mid-1980s, trucks have killed a significant number of pedestrians because the truck driver was unable to see the person in the truck's "blind spot." Convex mirrors significantly reduce "blind spots" by allowing the truck driver to see any person or object at least three feet tall and one foot in front of his or her truck. Similar mirrors have been required on school buses since the mid-1970s, allowing drivers to see children crossing in front of the buses and reducing pedestrian injuries.

A broad coalition, including government transportation officials, safety and health experts, civic organizations, motorist advocates, the American Association of Retired Persons, and truck drivers, support the use of convex mirrors on trucks.

BUS MOUNTED CAMERAS

The New York City Council urges the New York State Legislature to pass **A.417 (Kavanagh) of 2009**, which would allow New York City and the Metropolitan Transportation Authority to conduct a pilot program of bus and bus stop mounted cameras to enforce bus lane violations. In New York City, many motorists illegally use and park in bus lanes, creating a dangerous situation for riders because buses cannot stop at the curb and riders are forced to go into traffic to board the bus. Congestion is also created in bus lanes by motorists' illegal use of the lanes. The City Council is also open to exploring the expanded use of cameras related to other traffic safety goals.

INCREASING FINES FOR OVERNIGHT COMMERCIAL VEHICLE PARKING IN RESIDENTIAL AREAS

The New York City Council urges the New York State Legislature to enact legislation allowing New York City to raise the fine for commercial vehicles that park overnight in residential areas. These commercial vehicles affect residents' quality of life by occupying

scarce parking spots and can be eyesores. Under current state law, the maximum fine for this violation is fifty dollars, not including surcharges. This low fine is not an effective deterrent to keep people from parking commercial vehicles on residential streets overnight.

COMPLETE STREETS POLICY

The New York City Council urges the New York State Legislature to pass **A.8567 (Gantt)/S.5711 (Dilan) of 2009**, which would require all new transportation facilities, plans and programs to accommodate pedestrians, bicycling and transit where practicable. Currently, many streets are built solely to accommodate cars and trucks and make no accommodations for bicycles, pedestrians and transit. New York City has one of the lowest rates of car ownership in the United States and it is important for new streets to be complete and accommodate bicyclists, pedestrians and transit.

VETERANS

STATE LEGISLATION MANDATING TREATMENT AND REHABILITATION OF VETERANS COMMITTING SUBSTANCE-ABUSE CRIMES DUE TO PTSD

The New York City Council calls on the New York State Legislature to enact legislation that would create Veterans Treatment Courts in each county of New York State to treat veterans who have committed crimes yet are suffering from mental health trauma related to or stemming from military service.

New York State's veteran population is growing as the current wars in Iraq and Afghanistan continue. Also, more veterans of these particular conflicts are being diagnosed with Post Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI) upon their return to the United States. In addition, New York is home to many veterans from prior military conflicts who still suffer from these conditions today. In many instances, these conditions lead to substance abuse, and occasionally criminal activity resulting from this abuse. In Buffalo, NY, in Brooklyn, NY, and in almost two dozen jurisdictions around the country, special court proceedings have been established to process veterans who have committed non-violent crimes resulting from substance abuse caused by mental trauma incurred during military service. These courts aim not to punish and incarcerate veterans, but to treat and rehabilitate them using trained volunteers. In addition, state police and law enforcement should be trained to recognize these conditions so that they can identify veterans and "divert" them from the traditional criminal process and into more positive and constructive services. Numerous localities have enacted this system at no additional cost to their municipal or county budgets.

STATE DEPARTMENT OF MOTOR VEHICLES TO AMEND DRIVER'S LICENSE APPLICATIONS TO IDENTIFY VETERANS

The New York City Council calls on the New York State Legislature to enact legislation to require the State Department of Motor Vehicles to amend driver's license applications to include a question inquiring about veteran status.

The total number of veterans in the state of New York is not currently known. The estimates for this figure, according to the Veterans Administration (VA) and Department of Defense (DOD), are based on the most recent census data, taken in the year 2000. This census occurred before the attacks of 9/11, the ensuing military recruiting boom, and two

long-term and large-scale conflicts across the world. The size of the military, and thus the size of the veteran population, ballooned as a result of these events and is not reflected in the current count of veterans. In order to obtain appropriate funding from the federal government for veterans programs and to best meet the needs of New York State veterans, an accurate count of the total veteran population is crucial. Other states in the nation have found great success by including this question on the state standard driver's license application form: "Are you a veteran?" The Department of Motor Vehicles (DMV) should include this question on their license applications and take great strides to ensure a more precise count of New York State's veteran population.

SUPPORTING S.6840-A AND A-10166 REGARDING THE APPROPRIATE DISPOSAL OF UNCLAIMED VETERANS CREMATED REMAINS

The New York City Council encourages the New York State Assembly to pass **A-10166 (Brotsky)/S.6840A (Parker) of 2010**, which would allow funeral directors to grant qualified veterans' organizations the right to receive the remains of a veteran that have not been claimed by a relative or friend of the deceased within one year after cremation.

As the young veteran population grows in number, the older generation of veterans from both the World War II era and the Vietnam era continues to age. As these veterans and their relatives climb in age and pass away, many do not have next-of-kin or other friends and family to receive their cremated remains. As sobering as this situation is, the New York City Council believes the State can do more to honor the memory of fallen service members. A.10166 (Brotsky) and S.6840A (Parker) would both allow funeral directors to turn over the cremated remains of veterans to service organizations if they are not claimed by a family member or friend of the veteran within one year. These organizations can more properly pay tribute to the deceased by maintaining or disposing of the remains in a way in which the service would see fit. As we lose more young men and women in combat, and remember those we lost in conflicts past, we must not forget that truly appreciating their sacrifice does not end with their deaths.

MITCHELL-LAMA HOUSING PREFERENCE FOR VETERANS OF IRAQ AND AFGHANISTAN

The New York City Council calls upon the New York State Legislature to pass **S.6279 (Adams)/A.9501 (Gianaris) of 2009**, which revises the priority occupancy clauses of the Mitchell-Lama housing program to give priority admission to all veterans who served in times of war and to their surviving spouses.

Some veterans of the wars in Iraq and Afghanistan have faced extended tours of duty which may have created financial hardships for many of them and their families, since military pay is more often than not substantially less than the amount such individuals earned in civilian employment. An already difficult transition to civilian life can be exacerbated by New York City's scarcity of affordable rental apartments, which may add to the risk of veteran homelessness. Veterans of the Iraq, Afghanistan and Gulf Wars receive no priority admission or preference to a Mitchell-Lama development under the existing statutory program. In addition, under the current law, widows but not widowers of Vietnam era veterans are eligible for the priority admission. This law would apply to all eligible veterans' surviving spouses. Veterans who are currently returning from abroad after serving the nation are being faced with more dismal job and housing market than at any point in recent memory. With S.6279 (Adams) /A.9501 (Gianaris), New York State would

ensure that this youngest, and most affected, group of veterans would be acknowledged for their service and aided in securing an affordable place to live.

WATERFRONTS

RECLASSIFY DREDGE SPOILS

The New York City Council urges the New York State Legislature to reclassify clean or processed dredged sediment from a “solid waste” to a “beneficial use” classification in order to increase its potential for beneficial reuse.

In order to maintain the New York Harbor, it is necessary to periodically dredge the navigation channels, berthing piers, and other waterfront facilities. In the past, material from dredging was either deposited in the ocean or at a land-based disposal sites. However, options for disposal have been recently limited by federal laws banning ocean dumping and by local environmental concerns about the use of contaminated material. New York State classifies dredged material as a “solid waste” even if they are free of contaminants. Concerns about the use of a “solid waste” in construction or as fill limit the potential beneficial reuse of dredge materials as construction material or agricultural soil.

DERELICT VESSEL REMOVAL PROGRAM

The New York City Council urges the New York State Legislature to create a derelict vessel removal program that would permit the City to identify, remove and dispose of derelict vessels in the waters and on the shores of the New York harbor and would finance the removal and disposal.

The New York harbor is the final resting place of hundreds of derelict vessels. Derelict vessels may negatively impact the harbor in a number of ways. In addition to potentially becoming navigational hazards or land-based obstructions, damaging other vessels or land-based infrastructure, they may also be the source of environmental contaminants and be structurally unsound, posing a health hazard to those on or near the vessel. They may also be an attractive illegal dumpsite and harm the aesthetic quality of the area in which they are located. Particularly in difficult economic times, abandoning a vessel in the waters or on shores of the harbor may be attractive an option for vessel owners who can no longer afford berthing and upkeep.

The National Parks Service has been leading a federal-state-local taskforce for the removal of abandoned vessels in New York harbor. Currently the taskforce relies on the donations of time and resources of several salvage groups, but in order to continue its operations the taskforce requires funding of approximately \$250,000 per year.

YOUTH

NEW YORK STATE RUNAWAY AND HOMELESS YOUTH ACT

The New York City Council calls on the New York State Legislature to amend the New York State Runaway and Homeless Youth Act, easing requirements to allow for an expansion of services needed to adequately serve runaway homeless youth in New York City.

Specifically, the Council calls on the State to:

- Increase the maximum eligible age for services to 24 years old from 21 years old;
- Recognize the unique needs of LGBTQ runaway and homeless youth, specifically by allowing, where appropriate, settings that aren't gender segregated;
- Change the maximum length of stay for youth in transitional independent living programs to be calculated independently of their 21st birthdays;
- Ease the 24-hour staffing requirement for residential programs; and
- Provide start-up grants for state certification applicants to use during the certification-waiting period.

In March 2008, the Empire State Coalition of Youth and Family Services released its report, entitled "A Count of Homeless Youth in New York City," sponsored by the Council to better track runaway and homeless youth ("RHY"). This count revealed that on any given night, some 3,800 young people are on the streets, sleeping on trains or engaging in risky behavior just to survive the night.

The Council recognizes that there is an immediate need to ensure that RHY have access to comprehensive services. Unfortunately, some aspects of the State's Runaway and Homeless Youth Act and its implementing regulations may restrict the City from building capacity and expanding programs to adequately serve this population.

Hon. Christine C. Quinn
Speaker of the New York City Council

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