



Assemblymember Linda B. Rosenthal

Reports to the People of the 67th Assembly District

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Combating the Opioid and Heroin Crisis

New York, and nearly every other state in the nation, has been ravaged by heroin and opioids. As more and more people struggle with addiction to opioids, we are seeing an alarming increase in the number of fatal and near-fatal overdoses in New York State. As the Chair of the Committee on Alcoholism and Drug Abuse, I fought to increase funding for the New York State Office of Alcoholism and Substance Abuse Services (OASAS), the agency responsible for overseeing prevention, education and treatment programs in New York. After a long battle and in recognition of the dire need for more targeted support services for New Yorkers struggling with substance abuse disorder, I am pleased to report that the final budget increased OASAS funding by \$25 million this year. This desperately needed funding will help to expand existing prevention and treatment services with the goal of ensuring that any New Yorker can access safe and effective treatment near them.

I was pleased to have been named a member of the New York Heroin and Opioid Task Force. In this role, I was able to pass into law historic legislation that

- requires doctors and other medical professionals to be trained in pain management, palliative care and addiction to ensure responsible opioid prescribing. Doctors receive no formal training in prescribing opioids at any point during their medical career, and overprescribing is one of the root causes of the heroin and opioid addiction crisis;
- allows pharmacists to counsel patients receiving opioids about the risks of addiction and provide these patients with educational materials;
- prohibits doctors from initially prescribing more than a seven-day supply of opioids for acute pain to guard against overprescription (Those suffering with chronic conditions will still be able to receive 30-day supplies.); and
- removes bureaucratic obstacles to treatment by allowing individuals to receive up to 14 days of medically necessary inpatient treatment for a substance use disorder without prior authorization from insurance companies.

In addition to this law, I passed several others that will help us turn the tide in the battle against substance abuse. My legislation will help to remove the stigma associated with medication assisted treatment (MAT) by requiring credentialed alcoholism and substance abuse counselors to become familiar with MAT through a one-time continuing education course. The second will ensure that judges cannot require defendants eligible to participate in a judicial diversion program to use a specific medication. Judicial diversion programs have been successful in allowing non-felony level drug offenders to avoid jail by participating in a court-ordered treatment program instead. After passing a law allowing defendants to use MAT (drugs effective at treating addiction) while participating in judicial diversion programs last year, I learned that judges were specifying which drugs a defendant could use. Only licensed medical professionals should be making determinations about the proper MAT for an individual.

Axing the Tampon Tax

As the prime sponsor of legislation to make tampons and other feminine hygiene products tax-free in New York State, I am thrilled to announce that the new law will take effect on September 1, 2016, relieving women of the singular responsibility of paying a gender-based tax by removing all state and local taxes from tampons, sanitary napkins, panty liners and similar products.

I have since introduced legislation to require schools, prisons and other criminal detention centers and shelters statewide to provide free access to feminine hygiene products. Women should not be denied access to medically necessary products that enable them to participate in everyday activities during their periods for any reason, and these bills will ensure that that is no longer the case in New York State.

There's a reason that many women used to refer to their period as "the curse:" because menstruation is hardly a luxury. Yet, New York State along with 39 other states, had taxed feminine hygiene products as if they were luxury items.

For context, the state opts to exempt condoms, dandruff shampoos and hair growth serum from sales tax. In principle, the tampon tax is a regressive tax on women and their bodies. It is a vestige of a time when statehouses were smoky rooms filled by men making decisions for women and about women. For low-income women and their families, just struggling to make ends meet, a 4% state tax and a corresponding local tax on medically necessary items represents a real financial burden. Considering that women earn just 87 cents on the dollar, this tax is a slap in the face of this state's 10.1 million women, who are already working hard and making less than their male counterparts. The drive for menstrual equity has finally reached New York, and I am gratified to have played a role in getting us there.



Surrounded by hardworking New Yorkers who have been victims of wage theft, Assemblymember Linda B. Rosenthal and members of the SWEAT (Securing Wages Against Employer Theft) Coalition held a press conference on her bill, which would help employees recover wages stolen by their employer.

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

The Connection Between Domestic Violence & Animal Cruelty

Throughout my career, I have worked to give voice to the powerless in the halls of government. One of the first laws that I passed as a legislator, now 10 years ago, was the law to extend orders of protection to companion animals. Back then, research was just emerging to show a connection between domestic violence and animal cruelty.

Now, a decade later, the research is incontrovertible. It is clear that domestic violence and animal abuse often go hand and hand, with abusers using the threat of violence or actual violence against pets to terrorize and further control their victims. In addition, survivors of domestic violence with pets report that among the top reasons for not leaving an abusive environment, is fear of leaving a pet behind in an abusive situation.

To address this situation, I passed a law this year to allow survivors of domestic violence to bring their service or therapy dogs with them to domestic violence shelters. Many domestic violence survivors will tell you that the most difficult and potentially dangerous decision they face is the one to leave. Escaping a violent and abusive situation carries with it all manner of unknowns and can be physically and emotionally overwhelming. This situation is complicated when the survivor has a pet, as many pet owners are reluctant to leave their beloved dog behind. This law will help a small number of women make the decision to leave that much easier.

Building on this, I introduced legislation that would provide funding to domestic violence shelters to enable them to accept all companion animals. Additionally, I am working to pass into law a bill to make animal cruelty done in a domestic violence situation, with the intent to coerce, intimate or threaten another person, a standalone felony level crime. Taken together, these bills will help to provide an added layer of protection to individuals and animals in domestic violence situations.

Sadly, more than 80,000 people were the victims of domestic violence in New York State last year alone. Many of those individuals will need to rely on the safety of a shelter, and it is crucial that we make their path out of abusive situations as easy and safe as possible.



Assemblymember Linda B. Rosenthal stands with new members of the New York State Education Department Board of Regents Luis Reyes and Nan Mead. The Regents play a critically important role in shaping education policy statewide.



Assemblymember Linda B. Rosenthal was joined in the Capitol by hundreds of advocates from across the state to lobby in support of her bill to require mandatory GMO labeling in New York State.

Working to Protect Children, the Public Against E-Cigarettes

In the absence of federal regulation of e-cigarettes, for years I have been working on the state level to protect the public, particularly young people, against the risks associated with the use of e-cigarettes. In 2013, the law I passed banning the sale of e-cigarettes to minors went into effect, and later I expanded it by banning the sale of liquid nicotine to minors and requiring the liquid to be sold in child resistant packaging.

While I am pleased that the United States Federal Drug Administration (FDA) will finally take the long overdue step of regulating e-cigarettes as it does tobacco products, we must still pass my bill that would include e-cigarettes in the State's Clean Indoor Air Act. The Clean Indoor Air Act protects New Yorkers against exposure to secondhand smoke from cigarettes in workplaces, restaurants and other indoor public spaces. In addition to protecting the public against exposure to irritating and potentially noxious e-cigarette vapor, including e-cigarettes in the State's Clean Indoor Air Act is also crucial in our efforts to keep youth smoking rates low.

E-cigarette use has exploded among young people according to the Centers for Disease Control (CDC) with rates tripling in just one year. Middle- and high-school students who use e-cigarettes are exposed to nicotine, which is addictive and may cause harm to their developing brains.

Advocates have spent many years working to change public attitudes with respect to smoking. Their successful efforts have resulted in a generation of young people who view cigarette smoking as socially unacceptable. Allowing e-cigarette use in indoor public spaces where smoking has been prohibited for years will help to undo the progress we have made. While the Assembly passed my bill, the Senate did not. Next session it will be among my top legislative priorities as it will help prevent a generation of young people from starting down the path to smoking.

CareCredit Deceives Its Card Holders

Few of us relish a trip to the doctor or dentist, but as we age, these visits become more important than ever. Seniors and those for whom English is not their first language are often vulnerable to fraud when it comes to financing their healthcare. Recently I have heard from a number of constituents who have been victims of medical billing fraud. In two of the cases, each of the constituent's healthcare professionals encouraged them to open a CareCredit credit card right at the office in anticipation of thousands of dollars of expensive dental work.

CareCredit is a healthcare financing credit card made available by Synchrony Financial to people who need help financing dental, hearing, vision and other medical expenses, even veterinary services, that are not covered by insurance. In 2013 and under different ownership, CareCredit was required to provide more than one million of its customers with a \$34 million refund after the U.S. Consumer Financial Protection Bureau found that it was misleading its clients by not providing adequate information about interest rates and card terms. It would seem that little has changed since then.

One of my constituents was not told that her Medicaid plan would not cover the expensive dental procedure or that she was applying for a CareCredit card. She did not sign the billing contract, but an account was opened anyway. She now owes more than \$2,000, subject to 26.99% monthly interest. She is struggling to make payments and the company has refused to negotiate with her.

Another constituent knowingly opened a CareCredit card, but was not told that the card would be subject to nearly 15% interest. Days after she opened the first card, much to her surprise, a second card arrived in the mail for a separate account that was opened without her consent. This senior citizen who is a SNAP recipient now owes more than \$11,000, and the company has refused to reduce her bill. In fact, customer service was seemingly designed to frustrate customers and provide no help whatsoever. Agents hung up mid-conversation, were rude and simply refused to give any answer that was not "no," or "no, I can't." This is not unintentional. Others have similar stories.

Both of these constituents were suffering from painful oral infections that required immediate intervention, and they were taken advantage of by CareCredit. After being counseled by their healthcare providers to select the most expensive treatment plan possible, the terms of the credit card agreement were not explained properly and they were approved for far more credit than they could possibly afford, practically guaranteeing these constituents would default. I am advocating for them and for others who have fallen victim to CareCredit's deceptive practices. If you or someone you know has experienced something similar, please reach out to my office immediately.

Bringing Reform to the New York City Department of Buildings

The New York City Department of Buildings (DOB) is supposed to protect New Yorkers against dangerous construction while ensuring that development occurs in a safe and reasonable manner. To be sure, this task seems nearly herculean when one considers the number of construction projects taking place in New York City at any given time. Regardless of the challenge, we rely on DOB to ensure that work performed on buildings is legal and that residents are safe and not overly burdened by the near-constant pace of construction.

After-Hours Variances

If it feels like construction is happening at all hours of the day and night, that's because it sort of is. Since 2012, the number of after-hours variance (AHV) permits issued by the DOB to developers as a result of exigent circumstances to perform work in the early morning, late evening or on the weekend, has increased by 47.3%.

One of the most common complaints my office receives relates to construction noise, particularly at odd hours. While there are a limited number of circumstances under which an AHV is vital, such as a dire emergency or work requiring a street closure, it appears that DOB's new e-filing system allows developers to electronically renew their AHVs with little to minimal oversight. DOB itself has acknowledged that the process to file and renew AHVs has become unwieldy, and as the agency reassesses its policies, I have urged it to substantially revise its own AHV standards and guidelines. It is critical that DOB balance the necessity of granting the permits against the impact that the after-hours work will have on the public.

Planned Work Application (PW1)

When residential rental buildings want to combine units or make other significant interior structural changes to an inhabited building, the building must submit a PW1 form, which is a request for permission from the DOB to make the desired changes. One of the most critically important questions on the PW1 form requires building owners to state whether the building is occupied and if so, whether any of the occupants' units are rent-regulated. If a building is occupied, the owners are required to file a Tenant Protection Plan, detailing steps they will take to protect tenants against the dangers associated with construction, such as dust, debris, noise and other construction-related hazards.

Working with constituents, I have discovered that often building owners or their agents submit fraudulent PW1s claiming that the building is vacant, when in fact it is not, to avoid filing a Tenant Protection Plan. It is rare for DOB to catch the fraudulent filings, and when the agency is alerted to them, it simply requests that the building owner file an amended application. In many cases, dangerous construction, including demolition and plumbing work, continues without plans in place to protect the tenants. Given that this misrepresentation jeopardizes the health, safety and well-being of building residents, the penalty for filing a fraudulent PW1 should reflect the gravity of the infraction. After demanding action from DOB, the agency announced that it would make minor procedural changes, but it is not enough to punish bad actors after the fact. The DOB must take action to ensure compliance with the law at the outset. The consequences for building owners who put the safety of their tenants in jeopardy must be severe to send a strong message that this behavior will not be tolerated. I will continue to monitor the agency to ensure that the changes it makes are meaningful and will protect New Yorkers.

Major Capital Improvements

I have introduced legislation that would prohibit landlords from collecting a major capital improvement (MCI) rent increase for work that was performed without a proper permit. With unfortunate frequency, constituents contact my office reporting shoddy or potentially dangerous construction work taking place in their buildings. My office often finds that the building did not apply for or receive a permit from the DOB in advance of performing the work.

A permit for construction work is essentially a guarantee that the work complies with all relevant building and safety codes that ensure structural integrity and tenant safety. When major capital work is not conducted pursuant to a legally obtained building permit, the work can and in many cases, does expose building residents to potential harm. Landlords should not be permitted to receive a permanent MCI if the work was performed without a legally obtained permit. This legislation will provide an incentive to building owners to apply for and obtain building permits and perform safe and legal construction work.

2016 State Budget Highlights

For years, I have been fighting alongside my colleagues in government and activists from across the state to raise the minimum wage and guarantee paid family leave to New York's hardworking families. I was thrilled that after years of advocacy the final 2016-17 State budget includes these historic improvements to help New Yorkers better provide for their families.

Minimum Wage Will Be a Living Wage

The minimum wage will gradually increase to \$15 an hour by 2018 in New York City and 2021 in parts of Long Island. For workers in the rest of the state, it will be raised to \$12.50 by 2020 and then indexed to inflation until it reaches \$15. While more than 2.3 million New Yorkers will benefit from these increases, I, like many of you, was disappointed that we were not able to win a \$15 statewide standard. This increase also did not include an increase for New York State's tipped workers, but I will continue to fight until every single New Yorker is paid a fair and livable wage.

Paid Family Leave Now a Reality in New York

Now that New York has made paid family leave a reality for this state's workers, hardworking New Yorkers will no longer be forced to choose between having a child or caring for a sick loved one and receiving a paycheck. New York's paid family leave, one of the most comprehensive in the country, will provide eligible employees with up to 12 weeks of leave when caring for an infant, a family member with a serious medical condition or to relieve family pressure when someone is called to active military service.

Putting Education First

After much struggle, I was pleased that the final budget included \$24.8 billion in school aid, the highest amount of school funding in the state's history. We all know that the foundation for success later in life is laid in school, and it is critical that all students in New York State have equal access to exceptional educational opportunities that will help them to compete and succeed in a 21st Century economy. The final budget maintains \$30 million in funding for statewide Universal Pre-K and continues the \$2 billion Smart Schools program. The budget includes \$175 million for failing and other high needs community schools and \$20 million for My Brother's Keeper to implement programs to improve outcomes for boys and young men of color.



Assemblymember Linda B. Rosenthal reads "The Lorax" to children at the Ryan/Chelsea-Clinton Community Health Center's Reach Out and Read event in celebration of Arbor Day. She is joined by (l-r) William Murphy, Executive Director, Richard Hsu, Community Relations Assistant and Dr. Yasmin Hassan, a pediatrician with the Center.

Fighting for Relief for Rent-Controlled Tenants

There are approximately 30,000 rent-controlled tenants remaining in New York, and they are some of the most vulnerable tenants in the city. The vast majority of rent-controlled tenants are senior citizens living on fixed incomes. Though you hear stories of rent-controlled tenants paying absurdly low rents, the truth is because of an antiquated system for calculating rent increases, many rent-controlled tenants are now paying far more than their rent-stabilized counterparts.

The maximum base rent (MBR) system was originally created in 1970 as a reform measure. It was intended to protect tenants against unexpected rent spikes while ensuring that landlords maintained their buildings in good repair and turned a reasonable profit. Despite the balance that the MBR system was intended to achieve, rent-controlled tenants have faced year after year of sky-high rent increases that are not reflective of economic realities.

The Rent Guidelines Board (RGB) approved a rent freeze for one-year leases for rent-stabilized tenants because it found that landlord expenses decreased, yet the MBR system, using the same factors, yielded an exorbitant increase for rent-controlled tenants. Rent-controlled tenants are struggling under the weight of these unjustifiably high rent increases, and are certain to face automatic increases of 7.5% each year.

I am the sponsor of legislation that would change the way rent increases for rent-controlled tenants are calculated. Instead of the MBR system, rent increases for rent-controlled tenants would be calculated by taking an average of the previous five years of rent increases voted by the RGB for rent-stabilized tenants. I will continue to fight to pass this legislation into law to provide rent-controlled tenants with desperately needed relief.

Taking the Imperial Court Hotel to Task for Years-Long Illegal Hotel Activity

For years, I have done battle with the owner of the Imperial Court Hotel, a single room occupancy building in my district, and one of the City's most notorious illegal hotels. The owner, Michael Edelstein, has long operated an illegal hotel enterprise in the building in contravention of the multiple dwelling law, which prohibits occupancy of fewer than 30 days in class A multiple dwellings and class B hotels. SRO buildings are intended to provide very low-income individuals with access to low-rent housing. For many New Yorkers, the availability of SRO housing has made the difference between a life of stability and homelessness.

In the early 2000s, many SRO owners, seeing an opportunity to reap big profits, began to empty their SRO buildings of permanent tenants and replace them with transient illegal hotel guests. This was often achieved through ceaseless harassment and neglect. For the few tenants who remained, living with illegal hotel guests became unbearable as they were forced to endure noise and nuisances, trash and vermin, along with constant security concerns as a result of the illegal hotel guests.

In 2007, I booked a two-night stay online at the Imperial Court to prove, against the owner's claim, that he was conducting illegal hotel activity. Since then my office has worked closely with the permanent tenants, housing advocates and the Office of Special Enforcement (OSE), the agency tasked with eradicating illegal hotels, but the illegal hotel activity has continued unabated in this building for years.

Following the conclusion of litigation in which the Appellate Division ruled that the Imperial Court Hotel could not rent out rooms for fewer than 30 days, two OSE inspections conducted at my urging uncovered 57 and 99, respectively, units of illegal hotel activity out of a total of 227 total building units. As a result of the constant harassment, there are only about 40 permanent tenants living in the building at this time.

It is crucial that these precious units of affordable housing be returned to hotel stabilization and that the remaining 100+ SRO units be made available to low-income New Yorkers on a permanent basis. The Imperial Court Hotel must no longer be allowed to profit from its brazen illegal activity to the detriment of this City's affordable housing stock while record numbers of New Yorkers spend their nights in shelters or on the streets.

To that end, I am working closely with the State Tenant Protection Unit to restore these units to affordability.



News

from
Assemblymember
**Linda B.
Rosenthal**

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Standing in solidarity with the Communication Workers of America, Assemblymember Linda B. Rosenthal rouses the crowd of thousands of striking Verizon workers.



Assemblymember Linda B. Rosenthal stands with hundreds of advocates from Families for Safe Streets and Transportation Alternatives who traveled to Albany in support of legislation to install speed cameras at every school in New York City and to make the streets safer for everyone.