



# Assemblymember Robert Carroll

## 2019 Legislative Session Recap



District Office: 416 7<sup>th</sup> Avenue, Brooklyn, NY 11215 • 718-788-7221 • [carrollr@nyassembly.gov](mailto:carrollr@nyassembly.gov)  
 Albany Office: Room 557 LOB, Albany, NY 12248 • 518-455-5377 • <http://nyassembly.gov/mem/Robert-C-Carroll/>

**Fall 2019**

## 2019 LEGISLATIVE SESSION RECAP

*This past legislative session produced more progressive gains than any in history. From making rent stabilization and rent control permanent and delivering the strongest tenant protections ever to passing the Climate Leadership and Community Protection Act, the most comprehensive and aggressive green initiative in the nation – the New York State Legislature accomplished many historic and great things for residents of this State and I am proud to have been a part of it. Here are a few highlights from the final month of the legislative session:*

### *The Housing Stability and Tenant Protection Act of 2019*

On June 15th, the legislature passed the Housing Stability and Tenant Protection Act, which among other things makes rent regulation laws permanent and delivers some of the strongest tenant protections in New York’s history. This legislation impacts rent-stabilized and rent-controlled tenants who live in buildings of 6 units or more.

If you would like for me to speak at your tenant association or to a group of tenants about this legislation, please reach out to my office by emailing [carrollr@nyassembly.gov](mailto:carrollr@nyassembly.gov) or by calling (718) 788-7221.

#### ***Extends the Rent Regulation Laws and Makes them Permanent:***

- Makes the rent regulation system permanent, so they will not sunset at any time in the future without an act of the Legislature to repeal or terminate them.
- Previously, rent regulation laws have been scheduled to expire every four to eight years.

#### ***Repeals Vacancy Decontrol:***

- Repeals the provisions that allow the removal of units from rent stabilization when the rent crosses a statutory high-rent threshold and the unit becomes vacant or the tenant’s income is \$200,000 or higher in the preceding two years. This means all apartments that are stabilized or controlled will remain so permanently.
- Previous provisions led to the deregulation of more than 300,000 units since they were first passed in 1994.

#### ***Repeals the Vacancy Bonus and Longevity Bonus:***

- Repeals the “vacancy bonus” provision that allows a property owner to raise rents as much as 20 percent each time a unit becomes vacant.



- Repeals the “longevity bonus” provision that allows rents to be raised by additional amounts based on the duration of the previous tenancy.
- Prohibits local Rent Guidelines Boards from reinstating vacancy bonus on their own.

#### ***Prohibits Rent Guidelines Boards from Setting Class-Specific Renewal Increases:***

- Prohibits Rent Guidelines Boards from setting additional increases based on the current rental cost of a unit or the amount of time since the owner was authorized to take additional rent increases, such as a vacancy bonus.

#### ***Makes Preferential Rent the Legal Regulated Rent:***

- Prohibits owners who have offered tenants a “preferential rent” below the legal regulated rent from raising the rent to the full legal rent upon renewal.
- If the tenant vacates, the owner can charge any rent up to the full legal regulated rent, so long as the tenant did not vacate due to the owner’s failure to maintain the unit in habitable condition.

#### ***Provides Relief from Large Rent Increases for Rent-Controlled Tenants:***

- Sets Maximum Collectible Rent increases at the average of the five most recent Rent Guidelines Board annual rent increases for one-year renewals.
- This bill also prohibits fuel pass-along charges.



### ***Extends Rent Overcharge Four-Year Look-Back Period to Six Years:***

- Extends the four-year look-back period to six or more years as reasonably necessary to determine a reliable base rent, extends the period for which an owner can be liable for rent overcharge claims from two to six years, and would no longer allow owners to avoid treble damages if they voluntarily return the amount of the rent overcharge prior to a decision being made by a court or Housing and Community Renewal (HCR).
- Allows tenants to assert their overcharge claims in court or at HCR and states that while an owner may discard records after six years, they do so at their own risk.

### ***Reforms Rent Increases for Major Capital Improvements (MCIs):***

- Lowers the rent increase cap from six percent to two percent in New York City.
- Provides the same protections of the two percent cap going forward on MCI rent increases attributable to MCIs that became effective within the prior seven years.
- Lowers increases further by lengthening the MCI formula's amortization period.
- Eliminates MCI increases after 30 years instead of allowing them to remain in effect permanently.
- Significantly tightens the rules governing what spending may

qualify for MCI increases and tightens enforcement of those rules by requiring that 25 percent of MCIs be inspected and audited.

### ***Reforms Rent Increases for Individual Apartment Improvements (IAIs):***

- Caps the amount of IAI spending at \$15,000 over a 15-year period and allows owners to make up to three IAIs during that time.
- Eliminates IAI increases after 30 years instead of allowing them to remain in effect permanently and requires owners to clear any hazardous violations in the apartment before collecting an increase.



*Assemblymember Carroll speaking to a tenant association in Kensington. If you would like Assemblymember Carroll to speak at your tenant association meeting, please call the District Office at (718) 788-7221.*

## ***Opposing the National Grid Gas Moratorium***

Without notice, National Grid has imposed a natural gas moratorium in Brooklyn, refusing to connect new gas lines for all residents and businesses. They have tried to link this moratorium to the State Department of Environmental Conservation's rejection of the build-out of the fracked natural gas Williams pipeline, casting blame on myself and other elected officials for opposing the project. This argument is specious.

National Grid never contacted my office to discuss our collective infrastructure needs, nor have they engaged proactively in helping New York meet the goals set forth in the Climate Leadership and Community Protection Act (CLCPA). Now they would like to increase all of our gas rates and reduce service. That is why I testified and sent a letter to the Public Service Commission this summer to oppose the rate increase and National Grid's coercive tactics. If you are having issues with National Grid gas service, please contact my office at (718) 788-7221 or email me at [carrollr@nyassembly.gov](mailto:carrollr@nyassembly.gov). We must figure out a way for Brooklyn residents to both get the gas connectivity they need in the short term while also taking aggressive and smart steps to meet the ambitious renewable energy goals in the CLCPA.



*Assemblymember Carroll testifying in front of the Public Service Commission (PSC) regarding the National Grid gas moratorium and proposed rate increase. Assemblymember Carroll is leading the effort in the Assembly to call on the PSC to investigate National Grid's gas moratorium.*

## ***Winning Labor Protections for Farm Workers and a Minimum Wage for Car Wash Workers***

I am proud to have supported the Farm Laborers Fair Labor Practices Act, A.8419, which is now law and finally ensures that farm workers will get overtime pay, expansion of workers compensation benefits, and other worker rights and protections. Additionally, the Assembly and Senate both passed legislation, A.6346C, to ensure that car wash workers in New York City, and Nassau, Suffolk and Westchester counties are paid minimum wage. The Governor has not yet signed this legislation, but I am proud to have supported it. As a product of a union household and as someone who worked as a doorman and a cleaner in unionized buildings prior to becoming an attorney and an Assemblymember, I know how important it is to make sure that workers receive fair pay for a fair day's work.

## ***Driver's License Access Extended to Undocumented Immigrants***

The Legislature passed the Driver's License Access and Privacy Act, also known as the Green Light Bill, which will allow undocumented immigrants to obtain New York State driver's licenses. This legislation will create safer roads by ensuring more New Yorkers are licensed to drive, have proper insurance, and will raise necessary revenue to keep our roads in good repair.

With the enactment of this legislation, New York joins twelve states, Puerto Rico, and the District of Columbia to allow undocumented immigrants to obtain a driver's license. A 2017 Stanford University study found that California's law expanding access to driver's licenses led to a drop in hit-and-run accidents between seven and 10 percent, or approximately 4,000 fewer hit-and-run accidents, and saved not-at-fault drivers \$3.5 million in out-of-pocket expenses for car repairs.

This legislation, which I am proud to have co-sponsored, makes everyday tasks such as getting to work, shopping for groceries, or picking up kids from school vastly easier for an estimated 265,000 people in New York, including 64,000 north of New York City. The policy change will generate an estimated \$57 million in combined government revenues that recur annually, as well as a \$26 million one-time boost in revenues as more people get licenses.

## *Decriminalization of Marijuana*

In June, the Assembly and Senate passed legislation to decriminalize the possession of small amounts of marijuana and expunge the records of those with low-level convictions, A.8420-A.

Under the previous law, possession of small amounts of marijuana was punishable by a fine for the first offense, but once the small amount was open to public view or being burned, it was often charged as a misdemeanor. The new law, which went into effect on August 28th, eliminates the public view or burning provision and redefines unlawful possession in the first degree from no more than 25 grams to no more than one ounce, which results in a maximum of a \$200 fine.

Additionally, this new law expunged 160,000 records of individuals with certain marijuana related misdemeanor charges. As a result of this law, almost 11,000 people in New York City who had a criminal conviction on their record will no longer have one. This will ease the burden on New Yorkers, especially people of color who have been disproportionately impacted by the previous drug laws. A criminal record makes it difficult for people to find gainful employment, housing, and obtain other basic services. This legislation is a meaningful and important first step, but I, along with many of my colleagues, support the legalization of adult use of marijuana and will be advocating for the legislature to do so in the future.

## *Martin Act Expansion Signed into Law*

Governor Cuomo signed my legislation, A.8318, to extend the statute of limitations of the Martin Act from 3 to 6 years. The Martin Act is one of the most powerful tools in the state's toolbox to prosecute financial fraud and protect consumers.

This six-year timeline brings New York in line with many other States and will help ensure that Wall Street's bad actors will be brought to justice by giving the Attorney General and others the necessary time to investigate these complex crimes.

## *Street Safety Legislation*

The Assembly and Senate passed my legislation to require the commissioner of Motor Vehicles to suspend the license of a driver who the Department has received evidence of loss of consciousness, A.4751-A, and will only reinstate that driver's license after a review that determines the driver is not at risk to themselves or others while operating a motor vehicle.

After the tragic crash that took place last year just a few blocks from my District Office which took the lives of two young children, it became clearer to me than ever that our State must do more to make the safety of pedestrians, bicyclists, and other motorists a top priority. This legislation will allow for the Department of Motor Vehicles to remove dangerous drivers from our roads before another tragic crash takes place.

### *Other Prime-Sponsored Legislation that passed the Assembly and Senate in the final week of the legislative session:*

#### **A.7835-A:**

Directs the Metropolitan Transportation Authority to study and report on potentially hazardous structures and storage areas under elevated train tracks, and its commuter notification system.

#### **A.3360:**

Ensures candidates are promptly notified of potential campaign compliance deficiencies by allowing for 1st Class instead of certified mail for notices.

#### **A.3543:**

Authorizes consolidation of certain voting districts with a small number of eligible voters; such district must have fewer than ten eligible voters.

## *Climate Leadership and Community Protection Act*

In June, the legislature passed the Climate Leadership and Community Protection Act (CLCPA), A.8429, which sets the goal of reducing greenhouse gas emissions by 85 percent by 2050, and having net zero emissions in all sectors of the economy. Additionally, the Act requires utilities to purchase 70% of their energy from renewable sources by 2030. I am proud to note that this provision came from one of my own bills, A.7832. The CLCPA will also require that all electric generation statewide be zero emissions by 2040. This measure will spur the procurement of at least nine gigawatts of offshore wind electric generation by 2035, six gigawatts of distributed photo-voltaic solar generation by 2025, three gigawatts of statewide energy storage capacity by 2030, and 185 trillion BTUs of end use energy savings below the 2025 energy use forecast. To that end, the Governor announced this summer the beginning of planning and construction for the two largest off shore wind farms in the United States off the coast of Long Island.

Additionally, the Act will:

- Require the State Department of Environmental Conservation to create a process and establish a climate justice working group to identify disadvantaged communities for the purposes of reducing co-pollutant and greenhouse gas emissions. The Climate Justice Working Group will ensure that 35 percent of investments from clean energy and energy efficiency funds go to those communities.
- Require state agencies to assess and implement strategies to reduce their greenhouse gas emissions, and to consider the impact on attaining the statewide greenhouse gas emission limits when issuing permits, licenses or other administrative approvals.

I proudly co-sponsored this legislation and joined Governor Cuomo, Vice President Al Gore, members of the State Legislature,



*Assemblymember Carroll with Vice President Al Gore, Governor Cuomo and legislative colleagues at the historic signing of the Climate Leadership and Community Protection Act in July.*

and environmental activists from around the state and nation to witness the signing of this historic and critically important legislation.

With this legislation, New York is showing it will lead in the face of a federal government that wants to turn the clock back on greening our economy and I am proud to be a part of it. I am already working on additional legislation to help New York reach the ambitious goals set in the CLCPA and would love your thoughts on how to help us get there.

## Assemblymember Robert Carroll – Around the District



Assemblymember Carroll marching in the New York City Pride March in June.



Assemblymember Carroll with members of the Pakistani American Merchants Association of Coney Island at the annual Pakistani Day Festival in August.



Assemblymember Carroll speaking at a rally at City Hall in opposition to the Williams Pipeline.



Assemblymember Carroll with Susan Siegel, Sandra Thomas, and other members of the Cortelyou Road Merchants Association (CORMA) participating in beautification efforts along Cortelyou Road.



Assemblymember Carroll at his first annual "Answer Fair" in May. The Answer Fair is an annual community resource fair sponsored by Assemblymember Carroll that brings together dozens of city and state agencies to provide a one stop shop for constituents.



Assemblymember Carroll with Joy Makon from the Park Slope Windsor Terrace Artists, Daniel McDonald from the Prospect Hill Senior Center, and a number of other artists whose work was featured in Assemblymember Carroll's District Office Art Window.

New York State Assembly, Albany, New York 12248



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Assemblymember Robert Carroll  
in partnership with Flatbush Development Corporation  
and Neighborhood Housing Services of Brooklyn  
invite you to the:

### 2019 Housing Resource Fair for Tenants, Homeowners, and Future Homeowners

Saturday, October 5th / 10 am – 3 pm  
Ditmas Junior High School / 700 Cortelyou Road  
(between East 7th and East 8th Streets)

The program will feature a presentation at 1:30pm from Assemblymember Carroll on the new tenant protection laws passed in Albany this session.

- Opportunities to meet with representatives from the Department of Finance, HPD, NYCHA, and more.
- Sign up for Seminars about Affordable Housing Lotteries, First Time Home Buying, Protecting Your Home, Saving on Household Expenses, and more.
- Tap into resources from community non-profits and city agencies
- Plus: City agencies and community-based non-profits will be available to answer your housing questions and inform you about their resources.

To RSVP: [Carrollr@nyassembly.gov](mailto:Carrollr@nyassembly.gov) or (718) 788-7221.