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Senate Democrats Face Foreclosure On Housing Legislation

Advocates claim promises, Monserrate rumored as new Housing chair in post-coup order

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Hours after the June 8 coup that threw the State Senate into chaos, Assembly Member Vito Lopez (D-Brooklyn), the chair of the Housing Committee, approached his colleague, Linda Rosenthal (D-Manhattan), who was carrying sweeping legislation to overhaul the state's rent laws.

Rosenthal was digesting the swirl of events with a mix of awe and disbelief.

Lopez was more clear-eyed.

"All your rent regulation bills are dead now," he said, according to a person with knowledge of the conversation. (Rosenthal, while not denying that account, declined comment. Lopez did not return calls seeking comment.)

The real estate lobby appeared to have won, after providing crucial support to key players in the Capitol drama. Bills like Rosenthal's, which had already passed the Assembly, were assumed scuttled.

Even with the gridlock resolved, that new reality remains in place, with Senate Democrats back to square one on determining the fate of new housing legislation.

"We were in Albany last week just to see if any of these issues were coming up, but they weren't on anyone's agenda," said Rent Stabilization Association legislative director Frank Ricci in a late July interview.

Throughout the Senate Democrats' brief time in the majority so far, and during the years they were trying to obtain it, they have had to tread a careful line between promising a pro-tenant agenda and angering the real estate lobby, which has poured hundreds of thousands of dollars into their campaign coffers.

In January of 2007, for example, Craig Johnson, then a county legislator running for an open seat in Nassau, sent a letter to tenant activists pledging to "be a visible and vocal advocate for repeal of vacancy decontrol and other pro-tenant measures in Albany," according to a copy of the letter provided to The Capitol. The letter, which Johnson signed, helped earn him support in the tight race that helped tip the Senate toward the Democrats.

The real estate lobby, through its many political action committees, became one of the major underwriters of the Senate Democrats' takeover effort last year. Meanwhile, Johnson and his colleagues scaled back their rhetoric, and in January, State Sen. Pedro Espada (D-Bronx), an opponent of repealing vacancy decontrol, became chair of the Housing Committee, passing over Liz Krueger (D-Manhattan), a leader on rent regulation who was in line for the position. As chair, Espada bottled up most of the conference's housing agenda.

Espada warred with Democratic leaders over whether to bring the bill repealing vacancy decontrol up for a vote. He scheduled a final Housing Committee hearing on the Democrats' agenda for hours before the coup was to take place, but left the repeal of vacancy decontrol off the list. When tenant activists and majority counsel Shelley Mayer complained, Espada put the bill on the agenda and moved the hearing to Tuesday, June 9, though he was simultaneously involved in the coup plotting.

Even in the midst of the coup, Senate President Malcolm Smith and Conference Leader John Sampson held fast to a pledge to tenant advocates that one of the sticking points to any potential power-sharing agreement would be securing a vote on vacancy and luxury decontrol. They showed Michael McKee, the treasurer of the Tenants Political Action Committee, a list of priorities, with those two items at the top.

Plus, State Sen. Hiram Monserrate (D-Queens) told the advocates that he would make sure that the Senate voted on the bills.

"According to Hiram, he made it a condition of his return to do these bills, and that he has a promise from the Democratic leadership," McKee said.



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promise from the Democratic leadership, McKee said.

Neither bill went to the floor before the Senate broke for the summer.

Even before the coup, the real estate lobby had allies at the highest levels of the Democratic leadership. The Democrats, for example, steered legislation to the floor of the Senate largely through the so-called "super rules committee," a group of four or five senators who set the conference's agenda by phone once a week. Sampson and State Sen. Jeff Klein (D-Bronx/Westchester), opponents of repealing vacancy decontrol, were on those calls. Krueger, though Rules Committee vice chair, was not.

In an odd reversal for tenant advocates, their only hope may be Monserrate, whose original defection helped throw the fate of the bills into doubt. Espada relinquished his Housing Committee gavel to become majority leader, and now some are whispering that Monserrate may be the one given it.

Monserrate did not deny the speculation in an interview, though others involved with the conference threw water on the idea.

Monserrate said he remains committed to repealing vacancy decontrol, but is unsure about how his fellow dissident Democrats (and now powerbrokers) would vote.

"There has been no final decision on where Espada and [State Sen. Carl] Kruger will be," he said.

But on the other side of the issue, Krueger said she believes the bills can pass in the special session Gov. David Paterson (D) is expected to call in the fall.

She downplayed the importance of Espada's new role as majority leader in potentially rallying support against the bill.

"He is no longer the chair of the Housing Committee," she said. "He has basically no powers or authority, and certainly not the power to stop bills from coming to the floor." □



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