



Candidate Questionnaire

Local Candidates Committee

NYC Public Advocate Election 2019

OF THE CITY OF NEW YORK

Citizens Union appreciates your response to the following questionnaire related to policy issues facing New York City and our interest in reforming city and state government. Please return the questionnaire to us as soon as possible, and no later than January 3rd. Responses to these questions will be one of several factors Citizens Union uses to evaluate candidates running for New York City Public Advocate, and to issue our endorsement in the Special Election. Please feel free to affix any additional information such as a résumé, campaign brochure, or issue statements.

If you seek our support, we will also need to schedule an interview with you as part of the evaluation process. Please contact us if you wish to be interviewed.

We plan to publish returned questionnaires on our website, in printed voters directory, and in other appropriate venues. We thank you very much for your response.

Biographical Information

Candidate Name: Danny O'Donnell

Party Affiliation(s): Democratic, though for this Special Election I am running on the Equality for All line.

Age: You should never ask a lady, but if you must, I'm 58.

Education: B.A. George Washington University 1982, J.D. CUNY Law School 1987

Office Sought: New York City Public Advocate

Occupation/Employer: New York State Assembly Member / The People of the 69th Assembly District

Previous Offices, Campaigns and Community/Civic Involvement: Legal Aid Attorney in Brooklyn's Criminal Justice Division; Founding Member of NYC branch of Citizen Action, Board Member of Mothers Against Gun Violence; Founding Member of Morningside Heights Historic District Committee, Housing Chair on Community Board 9

Candidate Cell Phone: (Please feel free to affix any additional information such as a résumé, campaign brochure, or issue statements.) 917-697-5644.

Please also find my resume and first literature piece attached.

Campaign Contact Information

Campaign Manager Name: Nicole Migliore, nicole@odonnell.nyc, 718-440-7574

Additional Staff Contact: Yanni Trittas, yanni@odonnell.nyc, 718-787-7859

Address: 2697 Broadway NY, NY 10025

Telephone: 718-440-7574

Fax: n/a

Website: www.odonnell.nyc

Email: danny@odonnell.nyc

Twitter: @DannyforNYC

Facebook: @DannyforNYC

Affirmations

Have you completed required campaign finance filings? YES

Are you willing to be interviewed by CU's Local Candidates Committee?

YES

(Please note: interviews are prerequisites of being considered for Citizens Union's endorsement.)

Signature of Candidate: Danny O'Donnell

Date: 1/3/18

I. POLICY QUESTIONS

Please state whether you support or oppose the following reform measures, and feel free to elaborate in the space provided at the end or on additional paper.

CITIZEN UNION ISSUES

1. What is your position with respect to eliminating party primaries and establishing a nonpartisan election system in which all candidates participate in the first round and the top two candidates advance to the second round? All registered voters regardless of party would be eligible to vote in both rounds. Support / ~~Oppose~~

I'm interested in the possibility, particularly for municipal elections. I know it's been done in California for the past 8 years, and I'd be interested to see its impact at raising voter turnout. Increasing voter turnout and voter engagement is very important to me, and I've supported and voted for no excuse absentee ballots for years. Given the 24 hour nature of NYC, I think that having a no excuse absentee ballot is a good first step in electoral reform and I hope that it's one of the first things we address this legislative session.

2. What is your position on instituting ranked choice voting in all elections for citywide office, including all special elections? Support / ~~Oppose~~

As in the first question, I am open to the possibility but have additional questions that I think we as a city should think through. In a regular citywide election we have a runoff system. Should we have ranked choice, and then do a runoff based on ranked choice results? As I said in question 1, I'd like to see how impactful it is in California. In citywide specials, since there is no runoff, I think ranked choice makes sense.

3. What is your position on modifying the City Charter to require that laws enacted by referendum only be changed through approval by the voters? Support / ~~Oppose~~

In 1993 and 1996, the voters of New York City made it clear they wanted their elected officials to be limited to two terms. All elected officials must truly take their constituencies wishes into consideration before all decisions, particularly the Public Advocate, though I know of a candidate in this race that was instrumental in the passage of the third term legislation.

The only exception to my answer on this question would be action that hastens the implementation of the public's will. I want to commend the Council on ensuring that the reforms to our public financing program were applicable to all City elections immediately after the people passed the Charter Revision, and I think it shouldn't even be a question whether someone participates in the old program, or the program the voters said they want.

4. What is your position on establishing independent budgeting for:

a. Borough Presidents? Yes

Our borough Presidents are our last line of defense against overdevelopment and non-contextual zoning. Independent budgets are necessary for them to effectively fulfill their role.

b. The Conflicts of Interest Board? Yes

The Board that investigates conflicts concerning public servants and our elected officials (including the Mayor and the City Council), should not have its budget decided by those same entities.

c. The Public Advocate? Yes

The position that acts as a check on the Mayor and the Council should not have its budget decided by those same entities.

d. Community Boards? Yes

We saw in the last city charter revision how the Mayor targeted community boards to reduce their influence, particularly in telling Board Members they weren't allowed to mention they were Board Members when commenting on the proposal, while he paraded around the city headlining "Vote Yes!" rallies. Community boards are the most grassroots voice of the people, often the most vocal against overdevelopment and non-contextual zoning, and should have the ability to maintain their independence.

II. ISSUES OF CITYWIDE IMPORTANCE

5. How would you use the office of the Public Advocate to impact public policy to serve the broad public interest?

The only way the Office of Public Advocate can serve the public interest is if it is held by someone who is bold, progressive, and independent of any and all Executive power. I have a 16 year legislative record in which I was unafraid to vocally oppose those in power, and yet was still able to accomplish progressive change, all while never having to compromise on my values. I know how to use a bully pulpit effectively, and from years of passing uncompromisingly progressive legislation under a Republican controlled state Senate, I know how to get things done even in the face of challenges. I have no pre-existing cozy relationships with the Mayor or the Governor, and I don't intend to change that. I'm tired of having to ask for permission from Executives to do the right thing. If elected, I will use this job to make sure that what is right for the people is always what our government strives for- not the interests of special interests or the wealthy. I intend to bring my philosophy for service from my current office to this one. No phone calls go to voicemail, every walk-in is immediately helped, and no one is sent to another office. We help those that have issues at the city, state or federal level.

6. What would be your most important legislative and non-legislative priorities as Public Advocate?

On the first day as Public Advocate I will submit legislation to give the office subpoena power. It is something I have used before, as Chair of the Ethics Committee, in investigations. I understand intimately that it is often the only way to get to the truth, and as I believe that the Public Advocate's core job is to find and shine a light on the truth about the Mayor, agencies, and city council, this is something that is critical in order to perform the duties of the office.

My non-legislative priorities will be exclusively constituent services. In my office, more than half of our resources go to constituent services. I've always had a full time Housing Specialist, and we've provided free monthly legal clinics. As Public Advocate, I will make sure that each borough has dedicated constituent services staff. I will also partner with legal aid organizations to create a robust legal aid program where folks can get help with anything from lease disputes to wills. Before becoming an elected official, I conducted many legal clinics pro-bono for 1199, and saw firsthand what a difference it makes when someone has access to legal resources that would otherwise only be available to the wealthy.

7. What do you consider to be the three most important oversight functions of the Public Advocate?

First, the Public Advocate must be able to conduct investigations into the office of the Mayor, the Council, and city agencies. The only real way to do that is with subpoena power, as I explained in the previous question. The city agencies in particular, as a non elected body, function in an extremely non transparent way. NYCHA, the Department of Buildings, the Office of Emergency Management- the public only knows if they are doing their job when it comes out that they've failed. The Public Advocate needs to make sure that these agencies are actually serving the public's interest and safety- not that of those in power.

Second, the Public Advocate must make sure that the city is on track with all of its goals. Our City emblazoned Department of Sanitation vehicles with their "0x30" campaign to eliminate trash to landfills by 2030. Our City committed to reducing greenhouse gas emissions from buildings by 80% by 2050 ("80x50"). Our city signed on to the commitment New York State made to End Aids by 2020, and while I admire the work that Dr. Demetre Daskalakis has done as Deputy Commissioner for Department of Mental Health and Hygiene on this issue, 2020 is next year, and we don't have an answer of if the city will meet the goal. There is no one keeping track of progress on these promises, and the Mayor's administration continues to use campaigns like these as a token of the work they are doing. The Public Advocate should shine a light on promises made to the people that are not kept.

Third, the Department of Investigation Commissioner cannot be appointed by the Mayor. It does not make sense that the Commissioner, whose job it is

to investigate the Mayor, is appointed by the Mayor. With the recent firing of Mark Peters, this has never been clearer. I believe that the Public Advocate should appoint the DOI Commissioner to guarantee true independence and allow the DOI to conduct investigations freely.

8. The most recent Public Advocate has used litigation extensively, with mixed results, at least with regard to the Public Advocate's standing to bring a lawsuit. What is your view on the Public Advocate's use of litigation to attempt to force policy changes?

I think that the Public Advocate should continue to use litigation to force policy changes, and should continue to look for ways to bring litigation that will stand up in court. Personally, I know that sometimes filing lawsuits does not work- I was a plaintiff in the Marriage Equality lawsuit with my husband John, and when we lost the case, we were told that this was something that could only be done legislatively. However, it added pressure to the push for Marriage Equality in NY, and gave me ammunition to bring the Marriage Equality bill to passage years later. Almost all of the Public Advocate candidates believe that litigation and subpoena power are key to this role. However, there are very few candidates in this race that are lawyers and know how to litigate, and fewer that have actually used subpoena power. I believe that if the public thinks using litigation and subpoena power is essential to fulfilling the role, then the role is also best filled by a lawyer with experience with both, like I have.

9. What discrepancies, if any, do you see between services promised to New Yorkers and services rendered? For those listed please indicate your proposals for bringing policy closer to practice.

Simply put, five years ago, we heard the slogan "A Tale of Two Cities" and an unambiguous promise to address inequality. Today we see inequality at exponentially higher levels than before, and homelessness at its highest rate since the Great Depression.

Promises have been made to small businesses, which are shuttering at a staggering rate and the city has not allocated more resources to Small Business Services despite acknowledging the empty storefront problem.

Open spaces are being filled in with irresponsible development, public libraries are cutting back their hours, and our parks are still inaccessible over 20 years after the Americans with Disabilities Act was passed. I've allocated funding to every single public library in my district to ensure they continue to provide seniors and those with limited incomes with opportunity. I recently gave a \$500,000 grant to make a comfort station in Central Park accessible.

Finally, addressing our inability to meet goals we promise to attain; the City Department of Sanitation created an Organics Recycling Program as part of its zero trash to landfills commitment. It was incredibly popular where it was

rolled out (mostly in Manhattan). In fact, the initial pilot program for the Organics Program was conducted in Morningside Gardens, a co-op development and Naturally Occurring Retirement Community in my district. Although highly successful, the City has announced they've stopped its expansion citywide.

10. How would you approach the responsibilities of the Public Advocate regarding access to public information in monitoring the implementation of the city's Open Data Law?

The City's Open Data portal has been instrumental in uncovering instances of people being ticketed even though they made no violations¹, and the identification of intersections whose design contributed to a huge increase in vehicular crashes². Open Data has also been very useful to my office. When constituents expressed concern about the possibility of increased crime around a proposed location for housing homeless seniors, my staff were able to find NYPD data through the portal to show there were no increases whatsoever in crime at any of the organization's other sites. I will ensure that New York City releases as much data as possible to the people

1. <https://nypost.com/2016/05/11/now-the-nypd-is-ticketing-you-even-when-you-park-legally/>
2. <https://www.citylab.com/transportation/2014/02/mapping-new-yorks-traffic-accidents/8516/>

11. What specifically will you do as Public Advocate to ensure New York achieves a full and complete Census count in 2020?

First, my staff have attended multiple meetings regarding the Census, the citizenship question, and the impact it will have on our city. I fully understand the significance of an accurate Census count so that our city gets the resources it needs, but I also understand the challenges of getting an accurate count in today's context where immigrants are (rightly) distrustful of government and therefore less likely to participate. I will work with community leaders and activists to spread the word about the Census in communities that are less likely to participate, and encourage online participation. I will also use my office's communications- social media, mailings, and press office to get the word out.

12. How would you leverage the office of Public Advocate to address any of the following issues, if not discussed in answering previous questions:

- a. Affordable Housing** - I strongly believe in Universal Rent Control and bills to protect rent stabilized and rent controlled tenants. In the city, we need to fight for major increases in affordable housing requirements and dedicate a larger portion of new affordable housing to the homeless.
- b. Public Safety** - In my district they recently rolled out Neighborhood Community Officers, and I think we need more of this kind of community policing and engagement with people. We need more services for those that are involved in the justice system to help them after they are released from jail or prison, such as those provided by the Mass Bailout project. We can also increase public safety by increasing public trust of our police officers, which

can only be achieved by increased transparency.

c. **Public Transportation**- Our transit system is beyond crumbling. We need multiple dedicated funding streams to fix our subways and buses. With our bus system in particular, I'd like to see DOT take more control from the state in order to streamline initiatives such as traffic signal priority and increasing service to those who live far from the subway system, which are usually lower income communities.

d. **Health and Environment**- While I was a member of Community Board 9, the neighborhood had the worst air quality in the city. We need to to examine environmental justice in communities of color, particularly when it comes to asthma rates.

e. **Economic Development** - Our small businesses are struggling and many are outright closing. Small Business Services administration is not doing enough. We need more robust services, and we need to look into mandating arbitration of leases between landlords and tenants, rent control of commercial spaces, and taking away tax breaks for businesses that remain vacant for more than two years.

f. **Education**- The Governor needs to comply with the courts and give our schools the \$4 billion they are owed. After we fully fund our schools we can tackle segregation in schools and making sure we have enough public schools to meet the needs of our growing population.

Please use the space provided or a separate sheet of paper to elaborate on your positions on the issues contained in the previous pages. You may also provide additional information on any actions that you have taken or plan to take to advance your positions on these issues.

II. CAMPAIGN PROMISES MADE TO VOTERS

What are the top five promises or goals you are making to voters during this campaign?

If elected, Citizens Union will use these promises to evaluate your performance while in office, as well as to evaluate your candidacy in the future.

Please feel free to use additional paper if the space provided is not sufficient, and to affix additional information such as a résumé, campaign brochure, or issue statements. We thank you very much for your response.

TOP FIVE 2017 CAMPAIGN PROMISES OR GOALS

1. Advocate for the closure of Rikers, an end to cash bail and criminal justice reform
2. Advocate against overdevelopment without greater public input and increase the use of ULURP
3. Advocate for increased affordable housing requirements and increased set asides of new affordable housing for the homeless
4. Advocate for a dedicated revenue stream for our public transit system
5. Advocate for more transparent government

III. ETHICAL REPRESENTATION OF CONSTITUENTS

Citizens Union believes that all New Yorkers deserve to be represented by officials who work for the public interest and honor public trust. With the corruption conviction of recent state legislative leaders, we seek to endorse a candidate who will demonstrate that she/he will honor the full commitment of the oath of office, and will always represent the public interest above all else. Please tell us how you would continue to conduct the political affairs of this office in an upright manner.

Recently, my government staff came back from the annual Ethics training that is mandatory for employees of the legislature, and told me the presentation cited my standards of ethics, specifically that I told all those invited to my wedding that I would refuse gifts from registered lobbyists.

When I'm assigned a job I do the job. That's why years ago I introduced a bill to ban outside income of state legislators. Even though I'm an admitted lawyer, when I became an elected official in 2002 I gave up my private law practice because I couldn't see how I could continue practicing and my legislative title not becoming a conflict of interest. I'm pleased that the Governor's Pay Raise Commission this year voted to increase legislator pay in tandem with banning outside income. For more on this, please see my op-ed urging my colleagues to uphold the ban on outside income:

<https://www.nydailynews.com/opinion/ny-oped-accept-the-ban-on-outside-income-20181217-story.html>

I was the Chair of the Assembly's Ethics Committee from 2010 to 2012, in which I conducted multiple investigations into that unethical behavior.

My only motivation to occupy this position is to be more effective when it comes to representing the people, and to bring the model of service I've implemented in my district to the entire city.

Please return to: Citizens Union, Local Candidates Committee, 299 Broadway, Suite 700 New York, NY 10007; Via email to candidates@citizensunion.org or fax to 212-227-0345 • Call us at 212-227-0342 with questions.

Daniel J. O'Donnell

611 West 111th Street
New York, NY 10025

SUMMARY

- Admitted to Practice of Law in 1988.
- Admitted and qualified to the United States Supreme Court in 1993.
- Certified to handle A-1 felonies.

EXPERIENCE

Member of Assembly
New York State Assembly
69th Assembly District
2002-Present

- Chair, Committee on Arts, Parks, Tourism and Sports Development 2017 to Present.
- Chair, Subcommittee on Criminal Procedure 2003 to Present.
- Chair, Committee on Corrections 2013 to 2016.
- Chair, Committee on Ethics 2010 to 2012.
- Member, Committee on Codes, Education, Environmental Protection.

Solo Practitioner
Law Office of
Daniel J. O'Donnell
New York, NY
1994-2002

Ran a private practice specializing in criminal and civil litigation for a diverse set of clients.

- Litigated criminal cases including white collar crimes, theft and narcotics sales.
- Litigated civil cases including civil rights, housing, and employment discrimination.
- Argued 2nd Circuit of Appeals discrimination case.
- Pro bono tenant cases in housing court.
- Drafted, executed, and negotiated contracts on behalf of individual clients.
- Conducted dozens of co-op conversions, including of my own building as President.

Senior Staff Attorney;
Criminal Defense
Division
Legal Aid Society
Brooklyn, NY
1987-1994

Represented indigent defendants through all criminal stages. Responsibilities included making bail applications, preparing defendants for testimony, investigating crime scenes, conducting suppression hearings, bench and jury trials, researching and writing motions, and effective cross examination of police officers, civilian witnesses, and expert witnesses. Extensive trial experience in New York City Criminal Court and New York State Supreme Court. Noteworthy achievements include;

- Certified to handle felonies after 6 months.
- Conducted dozens of felony trials, including murder, rape, robbery, narcotics sales, and welfare fraud conspiracy.
- Researched and wrote post-judgement motions filed with Appellate Division, Second Department.
- Quoted in the New York Law Journal on January 10, 1990 regarding alternative sentencing.

Legal Assistant;
Litigation Bureau
New York State
Department Of Law
1986-1987

Aided Assistant Attorneys General in all phases of civil litigation defending New York State and its employees. Responsibilities included preparing affidavits and researching and writing a variety of memoranda, petitions, and briefs e.g.;

- *Dudley v. Stubbs*; this petition for a writ of certiorari was submitted to the US Supreme Court and has been frequently cited in opinions.
- *Cuomo vs. Kobler*, joinder of parties, this brief was argued in the United States Court of Appeals, Second Circuit and submitted to the US Supreme Court in a petition for a writ of certiorari.
- Extensive experience defending the State of New York in Article 78 proceedings.
- Constitutional issues such as state sovereignty.
- Thousands of USC §1983 depositions.

EDUCATION

Juris Doctor

CUNY Law School at Queens College, Queens, NY, 1987
Member of Who's Who Among American Law Students, 1987

Bachelor of Arts

George Washington University, Washington DC, 1982
Major in Public Affairs

DANNY O'DONNELL

for Public Advocate

BOLD. PROGRESSIVE. INDEPENDENT.



EQUALITY for ALL
VOTE TUESDAY FEBRUARY 26th

"New York City saved my life, and I think it's time we save New York City."

New York City has made me who I am today. That's why I've dedicated my life to giving back to our city. I worked as a Legal Aid Attorney representing those on Rikers. I founded the Morningside Heights Historic District Committee, fighting against big development. As an elected official, I passed Marriage Equality, the Dignity for All Students Act, lowered the speed limit, and took away all guns from those convicted of Domestic Violence.

Now I want to continue giving back to New York City by being your Public Advocate."



The New York City
We All Deserve

This is the city that allowed me to become a lawyer by offering an affordable law degree at CUNY Law School. This is the city that kept me and my now husband John safe from harassment. This is the city that elected me as the first openly gay man in the NY State legislature.

New York City has made me who I am today. That's why I've dedicated my life to giving back to our city, and will continue to do so as your Public Advocate.

ADVOCATING for Transparency

Our Executives at the city, state, and federal levels must be held accountable. We need to shine a light on NYCHA, expose shameful giveaways like the Amazon deal, and stand up to Trump's attacks on our rights.

ADVOCATING for Renters

We have an affordable housing crisis and a homelessness crisis. We need to drastically increase requirements for affordable housing, and dedicate 15% of affordable housing to those without homes.

ADVOCATING for Straphangers

Our transit system is crumbling. We need dedicated funding to fix our buses and subways and get us back on track.

ADVOCATING for the Incarcerated

We have a racist and unjust criminal justice system. It's time we close Rikers and stop jailing people for being poor by ending cash bail.

ADVOCATING for You

The wealthy and well connected have big lobbyists fighting for them. We deserve a Public Advocate who fights for us.

www.O'Donnell.nyc



Paid for by Danny for NYC