



NEW YORK STATE BLACK, PUERTO RICAN, HISPANIC, AND ASIAN LEGISLATIVE CAUCUS
Assemblywoman Michaelle Solages | Chair



THE PEOPLE'S BUDGET
BUDGET EQUITY XXX

ADVANCING THE PEOPLE'S PROSPERITY



Assemblywoman Yuh-Line Niou | Caucus Budget Chair

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Message from the Chair
Assemblywoman Michaelle Solages
SFY 2022-2023

I am honored, as Chair of the New York State Black, Puerto Rican, Hispanic, and Asian Legislative Caucus, to present: The 2022 People’s Budget — Advancing the People’s Prosperity.

The Caucus has fought the people’s fight for over 50 years, and with the current challenges our communities face, now is not the time to slow down. We continue to expand our membership, with 65 members representing millions of diverse New Yorkers. It is our mission to continue the legacy of our founders and remain a voice for the marginalized people of New York State.

Despite the ongoing tragedy of COVID-19, which has resulted in an enormous loss of life, New York has remained resilient as we navigate through the global pandemic. As life slowly returns to normal, we must work harder to rebuild our economy, reimagine public safety, strengthen our healthcare and education systems, and advocate for affordable housing. In these efforts, we must ensure that our low-income families and communities of color are prioritized. We must bridge the health and wealth gap by creating equal access to free high-quality healthcare and education.

The state is entering a time of transition and healing, and it is imperative that we remain united in our fight. New Yorkers of color must remain diligent in demanding from their representatives that we reimagine public safety, create financial security, fight for environmental justice, free education, healthcare, and affordable and safe housing. The Caucus’s People’s Budget is unique in that it was crafted through a participatory budgeting process that was inclusive of diverse communities and organizations from across the state.

The People’s Budget is a moral document that outlines the policies necessary to effectuate change while inequities and disparities continue to plague the most marginalized in our state. Let this budget be a blueprint to our partners in government on the imperative needs of Black, Latino, and Asian New Yorkers. As you read this document, I encourage you to consider how you can help make this vision a reality.



**Message from the State Budget Subcommittee Chair
Assemblywoman Yuh-Line Niou
SFY 2022-2023**

It is my pleasure to offer to the people of New York, our legislature, and Governor Kathy Hochul the 2022 People's Budget: Advancing the People's Prosperity. Now more than ever, our state has an opportunity and the obligation to create policy that uplifts and empowers all New Yorkers regardless of their race, religion, socioeconomic status, or the circumstances of their birth. The 2022 People's Budget reflects the combined efforts and voices of a broad spectrum of residents, community organizations, lawmakers, and not-for-profit groups who together are united in ensuring we do not squander this critical moment in our state's history with business-as-usual budgeting.

The People's Budget seeks to build an inclusive and thriving New York where the needs of overlooked communities are not just heard, they are acted upon with seriousness and speed. From improving access to quality education for disadvantaged groups to addressing our state's crisis-level public and affordable housing needs to reforming a racist criminal justice system and rooting out the scourge of gun violence in our communities, this budget offers actionable solutions that would make New York a model for the nation. Our new governor offers a fresh opportunity to rethink the tired policymaking that has defined our state budget process, and in its place pursue a more inclusive process that truly involves regular New Yorkers in determining their government's priorities.

The ongoing COVID-19 pandemic has challenged all of our communities in ways large and small, and through this time of hardship we have seen New Yorkers exemplify the highest standards of character and community-mindedness. We have stood up for each other, protected each other, fed each other, and grieved with each other. The best way we can honor these years of sustained sacrifice is to return to the people of New York their power to set the agenda in Albany. The 2022 People's Budget does exactly that, and I thank everyone who took part in the collaborative process that created this strong, focused, and necessary statement of our shared priorities and values.

I join the New York Black, Puerto Rican, Hispanic, and Asian Caucus in thanking you for taking the time to review this year's People's Budget, and I encourage you to make your voice heard as your elected representatives begin the monumental process of determining our state's budgetary path. The 2022 People's Budget offers a plan for the future that New Yorkers can be proud of, and I look forward to advocating for its passage during this legislative session.

ACKNOWLEDGEMENTS

We would like to express special appreciation to all the Legislators, staff and community groups who have contributed to this publication. Without their talents and commitment, this would not have been possible.

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We thank all New Yorkers for their continued advocacy to improve the quality of our state. Their efforts greatly contributed to the content of this document.



NYS Budget Highlights

- All Funds Spending: The Executive Budget estimates All Funds spending for State Fiscal Year (SFY) 2022-23 at \$216.3 billion, an annual growth of 1.6 percent.
- State Operating Funds Spending: The Executive estimates total State Operating Funds disbursements of \$118.8 billion in SFY 2022-23, reflecting annual growth of 3.1 percent.
- General Fund Spending: The Executive estimates General Fund disbursements in SFY 2022-23 of \$95.5 billion, for an annual growth of \$4.8 billion or 5.3 percent.
- Current Budget Surplus: The Executive proposal projects a budget surplus of \$5.0 billion in SFY 2021-22, as a result of continued growth in tax receipts.
- Out-year Budget Surpluses: The Executive estimates surpluses of \$6.4 billion in SFY 2022-23, \$5.3 billion in SFY 2023-24, \$5.5 billion in SFY 2024-25, and \$2.9 billion in SFY 2025-26. Surpluses extend beyond the five-year plan and are estimated at \$4.0 billion in SFY 2026-27.
- General Fund Closing Balance: The Executive estimates the SFY 2022-23 General Fund closing balance will be \$27.7 billion, a decrease of \$2.8 billion from the current year. The decrease is mainly due to the timing of PIT credit payments related to the pass-through entity tax.
- General Fund Reserves: The Executive Budget includes language that would phase in the current cap on Rainy Day reserves to 15 percent of State Operating funds spending by SFY 2024-25.

Francis Palazzolo
BronxWorks

“My work at BronxWorks with the most vulnerable community in NYC, the homeless population, is a salve in restoring the agency and visibility of the clients I serve. More often than not this takes going over and above my part time position by organizing activities and exhibitions at New York City’s museums. Of particular note, I facilitated an exhibition of client artwork during 2019 at Museum of Modern Art (Cullman Education Center). In 2021-22 I co-created portraits with residents from the Living Room Safe Haven that will be on exhibit at the New York Historical Society in a show titled: Art for Change: the Artist and the Homeless Collaborative. In my experience it continually takes extra effort to produce systemic change, so I am asking the People's Priorities Budget to align with me and support my work with the Cost Of Living Adjustment (COLA).”



Executive Budget Highlights
BUDGET and REVENUE

- **Accelerate the Phase-in of the Middle-Class Personal Income Tax (PIT) Cut:** The Executive proposes to accelerate the phase-in of the middle-class PIT cut, which began in 2018 and is scheduled to be fully phased in by tax year 2025, and instead have the reduced tax rates take effect in tax year 2023.
- **Homeowner Tax Rebate Credit:** The Executive proposes to create a one-year \$2.2 billion property tax relief credit for households that are eligible for STAR or Enhanced STAR and that have incomes below \$250,000. This credit would be calculated on a sliding scale based on household income and would be provided as an advanced payment in the Fall of 2022.
- **Small Business Tax Credits:** The Executive proposes to establish a \$250 million refundable tax credit to support small business capital expenses resulting from the COVID-19 pandemic. It also proposes to expand the types of businesses eligible for the small business subtraction modification and increase the benefit from 5 to 15 percent of net income.
- **Extend the New York City Musical and Theatrical Production Tax Credit:** The Executive proposes to increase the cap on the New York City Musical and Theatrical Production Tax Credit from \$100 million to \$200 million, and to extend the initial application deadline.
- **Expanded Tax Credits for Farms:** The Executive proposes to expand the Investment Tax Credit related to certain farming activities, double the Farm Workforce Retention Credit to \$1,200 per employee, and to create a refundable tax credit for overtime hours paid by farm employees.
- **The Affordable Neighborhoods for New Yorkers Tax Incentive Program:** The Executive proposes to replace the Affordable New York Program enacted under Section 421-a of the Real Property Tax Law, which is scheduled to expire on June 15, 2022, with the Affordable Neighborhoods for New Yorkers Tax Incentive Program. The new program would have modified affordability requirements, tax benefits, geography, and labor requirements.
- **Downstate Casino Authorization:** The Executive proposes to remove the current restriction on casinos being located in Zone One (Downstate) and to authorize the Gaming Facility Location Board to issue a request for application for up to three un-awarded casino licenses.

The People's Budget **BUDGET and REVENUE**

As wealth continues to be extracted from communities of color, it is imperative that New York State establishes a tax framework that addresses generations of wealth disparities that have kept communities of color locked out of the American Dream. New York is the financial center of the nation and with that title comes the responsibility to lead by example. Although COVID-19 has completely altered society, it has also highlighted our enormous wealth disparity and need for a change in our economic policy. Thus, we support the revenue raisers detailed below that collectively would provide New York State with the financial means required to enact the policies contained herein; and we advocate for a New York that ensures everyone pays their fair share.

Billionaire Wealth Tax (\$10 billion annually)

- Wealth tax to attack inequality
- Tax wealth-in-speculation, including unrealized capital gains
- 10-year lookback period with new, stronger definitions of personal and corporate residency

Capital Gains Tax (\$7 billion annually)

- Taxes income from investments like stocks the same as wages
- The federal government taxes investment income at a much lower rate than the income we make at our jobs; New York can fix this by adding a tax to investment income that's equal to the tax break the rich are getting from the federal government

Heirs' Tax (\$8 billion annually)

- A progressive tax on large sums of inherited wealth
- Only the top 1 percent of inheritances would be affected, and only amounts in excess of \$250,000
- Inheritance that will not be affected by this tax: family houses up to \$2 million, money from pensions or retirement funds, and family farms

Ultra-Millionaires Income Tax (\$2.2 billion annually)

- Higher income tax brackets for income above \$5 million (9.32 percent), \$10 million (9.82 percent) and \$100 million (10.32 percent) year

Pied-à-Terre Tax (\$650 million annually)

- Assessment on the mostly vacant extra homes of the wealthy

Stock Buyback "Corporate Greed" Tax (\$3.2 billion annually)

- A targeted tax on stock buybacks at the rate of 0.5 percent of the value of open market share repurchases



Carried Interest Fairness Fee (\$3.5 billion annually)

- State-level surtax that assures private equity and hedge fund managers pay the same tax rate as teachers and truck drivers

Corporate Tax Reform (\$9 billion annually)

- In 2017, Trump's tax cuts reduced the federal corporate profit tax rate from 35 percent to 21 percent, and Trump cut taxes on real estate businesses by 20 percent. New York can end these tax breaks in our state so that businesses pay the same tax as they did five years ago.

CEO Pay Gap Tax

- Establishes a 10 percent tax on companies where CEOs make over 100 times the company's median pay, and a 25 percent tax on companies where CEOs make over 250 times the company's median pay

Ending Real Estate Subsidies (\$4 billion annually)

- Create a state law to end certain real estate subsidies and redirect local taxes on luxury development to end the homeless crisis

Corporate Landlord Tax

- Assesses a fee on mezzanine debt used in large-scale regulated housing purchases by private equity and hedge funds

21st Century Bank Tax

- Reinstates a progressive tax, raising more from large banks, private equity funds, hedge funds, and venture capital firms

Yacht and Jet Tax

- Reinstates a tax on private jets and yachts worth over \$235,000 formerly eliminated in 2015

Digital Advertising Data Tax (\$700 million annually)

- Create a targeted tax on digital advertising by the largest ad platforms
- The range would be from 2.5 percent - 10 percent tax rate, depending on the size of corporation

Stock Transfer Tax (\$13 billion annually)

- Repeals the rebates for stock transfer tax paid; dedicates funds of the stock transfer tax fund and stock transfer incentive fund to various funds; establishes the safe water and infrastructure action program.

NYC Under Three Payroll Tax (\$626 million annually)

- Applies to private-sector employers with payrolls larger than \$2.5 million, excluding about 95 percent of firms
- Will cost firms an average of \$250 per employee

Aaron Mair
Forever Adirondack Campaign Director

“Youth are already leading the revolutions that say we must stop climate catastrophe. I agree with them in that we can absolutely create the market for clean green jobs and a clean green economy that includes the protection of wilderness areas that are vital to curb our climate crisis. A new Civilian Conservation Corps is what we need to repair our natural infrastructure.”



Executive Budget Highlights

CLIMATE ACTION, ENVIRONMENTAL JUSTICE and ENERGY

- **Clean Water, Clean Air and Green Jobs Environmental Bond Act:** The Executive proposes a \$4 billion Environmental Bond Act, to be submitted for voter approval at the November 2022 general election. This proposal would help reduce the impact of climate change by funding capital projects for restoration and flood risk reduction, open space land conservation and recreation, climate change mitigation, and water quality improvement and resilient infrastructure.
- **Environmental Protection Fund (EPF):** The Executive proposal includes \$400 million for the EPF, an increase of \$100 million from SFY 2021-22, comprised of \$53.4 million for solid waste programs; \$117.9 million for parks and recreation; \$184.2 million for open space programs; and \$44.5 million for climate change programs.
- **State Superfund Program:** The Executive proposal continues to fully fund the state's Superfund Program with a \$100 million appropriation, including funding for the Environmental Restoration Program.
- **Clean Water Infrastructure:** The Executive proposal includes \$383.5 million, an increase of \$208.5 million, for the Clean Water State Revolving Fund, reflecting increased federal aid through the Infrastructure Investment and Jobs Act (IIJA). The Executive also proposes \$500 million for water infrastructure programs for a total of \$4.5 billion in appropriations.
- **State Parks:** The Executive proposal includes capital funding of \$200 million, an increase of \$90 million from SFY 2021-22, in New York Works funding for state parks.
- **Olympic Regional Development Authority:** The Executive proposal includes \$105 million in capital funding for the Olympic Regional Development Authority, unchanged from SFY 2021-22. This funding includes \$92.5 million for projects in preparation of hosting the 2023 World University Games, \$10 million for critical maintenance and energy efficiency upgrades, and \$2.5 million from the Office of Parks, Recreation and Historic Preservation.

The People's Budget
CLIMATE ACTION, ENVIRONMENTAL JUSTICE and ENERGY

Communities of color and low-income communities throughout New York State experience systemic environmental segregation due to pollution, public health problems (including severe and fatal COVID-19) and increasingly common extreme weather events. The landmark Climate Leadership and Community Protection Act (CLCPA) mandates that New York prioritize investments in disadvantaged communities harmed by legacies of environmental racism as our state transitions away from fossil fuels. The 2022 state budget and legislative session is a critical opportunity to ensure that these urgently needed investments begin immediately. A \$15 billion annual investment in renewable energy, transportation, and infrastructure would create thousands of well-paid jobs across the state, with at least 40 percent of investments flowing to disadvantaged communities and workers most impacted by the pollution-intensive fossil fuel economy. The state's Climate Action Council and New York State Energy Research and Development Authority (NYSERDA) now estimate that this level of investment is necessary to comply with the CLCPA's zero-emissions electricity mandate by 2040 and economy-wide emissions reduction mandate by 2050. This spending would pay off massively with \$160 billion in improved public health outcomes and more than \$260 billion in avoided costs from catastrophic climate events.

Agriculture needs to be a key partner in the fight against climate change. As we look towards the future, and to truly meet the goals of the CLCPA, we need to not just be carbon neutral, but carbon negative. Agriculture is the only major industry with the ability to sequester carbon through healthy soil practices and become carbon negative. We must invest in these practices now and support our farmers with monetary benefits for stewarding the environment and building the capacity of land trusts and other entities.

Increased Staffing for Relevant Climate Action Agencies

For New York to meet the goals of the CLCPA, as well as protect clean water, clean air, and efficiently administer key programs that protect our environment and public health, there must be an increase in staffing in key New York State agencies. We urge an investment in our state environmental agencies by increasing staffing levels putting them on the path to restoration to their 2008 levels, including:

- Authorizing a total of 3,300 Full-time Employees (FTEs) at the Department of Environmental Conservation (DEC)
- Authorizing a total of 2,300 FTEs at Office of Parks, Recreation and Historic Preservation
- Authorizing the addition of 10 FTEs at the Department of Agriculture and Markets
- Authorizing an increase of several hundred FTEs in the Department of Health.



In addition, the Caucus calls for the inclusion of a Tribal Affairs Liaison in the Office of Renewable Energy Siting within the Department of Environmental Conservation (DEC) to ensure the state is working collaboratively with the sovereign tribal nations as we seek to increase our actions relating to the climate crisis.

Environmental Capital Funding

- Support the proposal to advance a \$4 billion Environmental Bond Act on the November 2022 ballot
- Grow the Environmental Protection Fund (EPF) to \$500 million
- Appropriate an additional \$1 billion for the Clean Water Infrastructure Improvement Act
- Appropriate \$330 million for State Parks Capital Programs
- Appropriate at least \$100 million in capital funds for the DEC. Please see attached letter for details.

Healthy School Buildings

School buildings are among the highest polluters in the state. Particularly in New York City, where schools are located near major highways, students and staff are exposed to high rates of pollution. Young New Yorkers deserve a safe and healthy environment when they go to school. New York needs to invest in all its public schools, including CUNY and SUNY, in order to upgrade the state's energy efficiency levels and meet the goals of the CLCPA. Moreover, school buildings need to be prepared to withstand the impact of the climate crisis, especially with the increasing frequency of natural disasters and extreme temperatures. Buildings need to start transitioning away from fossil fuels and upgrading their heating and cooling systems, which haven't been updated in decades. We need to create thousands of green union jobs in the process and prioritize young people for jobs and apprenticeships. We propose to create a job program across the state for young adults to acquire entry-level jobs in the energy and environment industry, retrofitting our schools and setting them up for a career. Most importantly, schools within marginalized and disadvantaged communities need to be prioritized for investments and upgrades, and young people from these communities must be prioritized for these job opportunities.

The Climate and Community Investment Act (CCIA)

New York State has one of the most ambitious laws in the country to slash greenhouse gas emissions and direct program benefits to historically disadvantaged communities. The Climate and Community Investment Act (CCIA) is critical to ensuring that CLCPA is fully and accurately realized, and it is expected to create more than 150,000 green jobs with gold-standard labor provisions that will prioritize communities directly impacted by environmental racism. However, the CCIA has no designated funding mechanism or "pay for it" plan, making its implementation uncertain.

The Caucus is advocating that the CCIA be passed, with \$15 billion in annual funding that would come from requiring corporate polluters to pay a fee on their greenhouse gas emissions and other co-pollutants. The CCIA revenue would be used to fund a just transition to a renewable economy; specifically, the money would help low and moderate-income families pay utility bills and allow for investments in large-scale local programs around community-owned solar, weatherization, energy-efficiency, and infrastructure resiliency.

All Electric Building Act

Electrification has been proven to be a vital and cost-effective tool in reducing greenhouse gas emissions. According to the U.S. Energy Information Administration buildings account for 28 percent of the United States' energy use and greenhouse gas emissions. In addition, corporations seeking approval for infrastructure to transport and distribute natural gas in New York have emphasized that the rationale for creating such infrastructure is based in part on projected increased demand for natural gas from customers in new buildings. Requiring all electric buildings for new construction will eliminate this rationale and help achieve the greenhouse gas emission reduction goals established in the New York State Climate Leadership and Community Protection Act (CLCPA) and further New York's record as a leader in combating climate change. To that end, the Caucus supports legislation requiring that municipalities deny permits for residential or commercial buildings applied for after December 31, 2023 that are not for all-electric buildings, unless all-electric is not feasible.

Fossil Fuel Subsidy Elimination Act

The Caucus is supporting legislation to repeal over \$330 million in tax exemptions provided by New York State to the fossil fuel industry. Specifically, this measure would eliminate many exemptions to the Sales and Use Tax and the Petroleum Business Tax and would limit fossil fuel companies' inclusion in several economic development programs.

Environmental Justice Law Implementation

At the end of 2019, former New York State Governor Andrew Cuomo signed the important Environmental Justice Law, which is part of the CLCPA. This law will create a permanent Environmental Justice Advisory Group in the Department of Environmental Conservation, giving impacted communities a seat at the table. This Advisory Group is critical to ensuring that CLCPA is fully and authentically realized, yet the deadline has passed for instating the Environmental Justice Advisory Group. The Caucus calls for the full establishment and functioning of this advisory group, which will gauge and assess compliance with environmental justice policies.

Cumulative Impacts Analysis and Public Participation Requirements

Communities of color and low-income communities often are exposed to multiple environmental hazards, as many polluting facilities are found in their neighborhoods, affecting multiple generations. Environmentalists refer to this impact as “cumulative impacts”.



The Caucus supports two New York State bills to combat this issue by revising the State Environmental Quality Review (SEQR) process. The first bill will require any agency seeking a facility permit to prove that its siting is not adding to existing public health or environmental burden. The second bill adds more emphasis to the public participation requirements for the SEQR process, mandating that permit-seekers listen and respond to the public as a condition of receiving a permit. Both bills note that permits can be denied if the applicant fails to meet the requirements.

New York Build Public Renewables Act (BPRA)

The New York Power Authority (NYPA), the largest public power utility in the country, is the lowest-cost electricity supplier in the state, and hydropower (a renewable resource) represents 70 percent of all its production. But there are major restrictions on what NYPA can do — for instance, NYPA legally is currently not allowed to own or build new utility-scale renewable energy projects, nor is it allowed to directly sell energy to individual households. This is a huge barrier to increasing renewable energy and keeping down energy costs. The Caucus supports the New York Build Public Renewables Act as a method of reaching the goals outlined in the Climate Leadership and Community Protection Act (CLCPA).

Public Power

Our utilities consistently fail us, this is no more apparent than during the increasingly frequent and aggressive tropical storms. New York State should incentivize, support, and help build municipal power for communities that wish to implement public power systems.

We must fully commit to a new paradigm of energy management in New York and oppose any efforts to further privatize energy services. Across the country, publicly owned utilities have proven more affordable and reliable for residential customers. They are more responsive to customer needs, yielding better customer satisfaction. Their shorter outage times safeguard households' food and medicine and improve the productivity of small businesses. And they can ensure that New York helps fulfill the legal and moral obligation we must prevent climate catastrophe by moving off fossil fuels and transitioning to 100 percent clean, renewable energy.

The Caucus calls on the Executive to realize the benefits of public power and full municipalization: real accountability, reliable service, affordable power, and a commitment to our transition off harmful fossil fuels.

Investing in the Low-Income Home Energy Assistance Program (LIHEAP)

Not having heat in the winter can be fatal. Not having air conditioning in extreme heat is also fatal. Many families are unable to afford their energy bills and are subject to dangerous conditions in extreme weather. Given its urban heat island design and attributes, New York City is a heat island and is particularly susceptible to the effects of rising temperatures. On average, extreme heat exposure in New York City has resulted in more than 100 heat-related deaths and approximately 450 hospitalizations or ER visits per year. Cool homes are the best defense against heat-related illness and death, yet low-income households struggle to access and afford the energy required to outfit their homes for extreme temperatures.

Furthermore, the increasingly inclement weather also results in harsh winters and extreme cold weather. The cost of heating a home can be an undue burden on families as they seek to safeguard their homes from the cold. Expanding access to LIHEAP is a lifesaving measure for tenants and homeowners alike. The Caucus advocates for increased funding to expand access to air conditioners, subsidize electricity bills, and equip cooling centers to function during heat crises.

The Cosmetics Right to Know Act

There are many toxic chemicals in personal care products (ex. soaps and cosmetics), and many of these chemical exposures have been linked to cancer, infertility, miscarriage, poor infant and maternal health outcomes, obesity, asthma, and many other serious health concerns. Due to heavy targeted marketing and the societal elevation of white beauty standards, young women of color have high rates of use of such harmful products. The Caucus supports the efforts to remove toxic chemicals from some personal care products and require ingredient disclosures for others.

The Timbuctoo Pipeline – A Summer Climate and Careers Institute

The Adirondack Park is a national treasure, one that will play a central role in New York's effort to combat climate change. The fight for climate and social justice demands that as we fight climate change, we better connect the Adirondack Park with communities disproportionately affected by climate change. We should celebrate that New York's Adirondack Park was a cradle of the early civil rights movement, dating back to the mid-1800s. Timbuctoo was the site of an early Black suffrage settlement, one of eight known settlements in the Adirondacks that enabled 3,000 Black men to meet the property requirements granting them the right to vote in New York. This history of opportunity at Timbuctoo should be uplifted, celebrated, and replicated in a modern Timbuctoo Pipeline. The Timbuctoo Pipeline will connect youth to opportunities at the intersection of climate science and green careers, preparing them for the threats and opportunities we face in the 21st century.



Create a systemic partnership between the SUNY College of Environmental Science and Forestry (ESF) and CUNY Medgar Evers College (MEC) with the goal of collaborating on the design, development and hosting of an annual Summer Climate and Careers Institute dedicated to introducing climate science. This will help to create an exploration of intersectional careers and addressing systemic issues of access to the Adirondack Park from an equity and justice perspective.

Survey of Climate Change and Adirondack Lake Ecosystems (SCALE)

The survey will address pressing scientific and management-oriented research needs to understand and protect Adirondack lakes, and serve as a national model for freshwater research and management. The survey will cost \$2 million per year, over three years for a total of \$6 million. It will support jobs, while also leveraging substantial infrastructure capacity in consortium partners. Consortium partners include scientists and water resource managers from universities, not-for-profits, and state and federal agencies.

Supporting Catskills Communities

Investing in the Catskill Region will result in direct community benefits, while addressing increasing visitor pressures and protecting one of our natural resources. The conservation and maintenance of these protected lands is a key component of our climate action. As we seek to reverse the effects of greenhouse gas emissions, we must ensure that we prioritize protecting our natural carbon sinks, we therefore call for:

- \$500,000 to develop a swimming area at the Kenneth Wilson State Campground;
- \$250,000 to implement and construct previously approved mountain biking trail system for the Shandaken Wild Forest; and
- Implementing the recommendations of the Governor’s New York Upstate Cellular Coverage Task Force to expand cellular service across the Catskill Park

Providing End of Life Alternatives for All New Yorkers

Unfortunately, the global pandemic has caused tragic loss of life, and has highlighted the significant expense of these conventional end of life options, often causing hardship for many middle and low-income communities. A traditional burial, plot, and headstone costs approximately \$15,000. On the other hand, the cost of spreading ashes in a forest can cost less than half of that amount.

The Caucus supports legislation to create a conservation memorial forest, which is an innovative, cost effective, and environmentally friendly solution for New Yorkers’ end of life needs. This legislation would codify the preservation of land and forests via conservation easement, where families spread the cremated remains of loved ones on that land. Forests provide a unique space for families to spread cremated remains and are critical to the health and well-being of New Yorkers and the world.

ESTELA R.
COVERAGE FOR ALL SUPPORTER

"If I could change one thing about the United State health care system, then I would make it so that free health care was accessible to all. I think that health is a human right and that our government should be ensuring this right. New York does not protect this right for us. I don't have health insurance and I've had to forego medical attention such as regular health screenings, surgery, prescription medicines, and dental and vision screenings because of the high costs they were charging me. I like the idea of universal health care financed by our taxes, which we already pay."



Executive Budget Highlights
HEALTH and MENTAL HYGIENE

- **Medicaid Global Cap:** The Executive proposes to modify the Medicaid Global Cap metric from the ten-year rolling average of the Consumer Price Index to the five-year rolling average of the Medicaid spending projections within the National Health Expenditure Accounts provided by the Office of the Actuary in the Centers for Medicare and Medicaid services, resulting in additional spending authority under the global cap.
- **Health Care Worker Retention Bonus:** The Executive proposes to invest \$861.3 million in state funds for healthcare worker bonuses that scale up to \$3,000 for full-time workers.
- **Across-the-Board Medicaid Reimbursement Increases:** The Executive proposes to restore \$141 million associated with the 1.5 percent reduction taken in the SFY 2020-21 Budget and provides \$318 million to increase Department of Health Medicaid rates an additional one percent.
- **Local Distressed Hospital Funding Pool:** The Executive proposes an additional \$100 million to support distressed hospitals.
- **Supporting Managed Care:** The Executive proposes to restore \$77 million to the Mainstream and Managed Long-Term Care quality pools and invest \$34.7 million in the Medicaid Managed Long Term Care program and HIV Special Needs Plans through an increase in plan premiums.
- **Essential Plan:** The Executive allocates \$60 million to expand income eligibility for the Essential Plan to 250 percent of the federal poverty level (FPL).
- **Medicaid Eligibility:** The Executive proposes to invest \$5 million to allow older New Yorkers with income up to 138 percent of the FPL to maintain Medicaid eligibility.
- **Child Health Plus:** The Executive proposes to eliminate the \$9 monthly premium contribution per child in the Child Health Plus insurance plan for families with income less than 223 percent of the FPL.

The People's Budget
HEALTH and MENTAL HYGIENE

HEALTH

The Constitution of the State of New York states, "The protection and promotion of the health of the inhabitants of the state are matters of public concern and provision therefor shall be made by the state and by such of its subdivisions and in such manner, and by such means as the legislature shall from time to time determine." The Caucus believes that every resident of this state has the right to healthcare. While the federal Affordable Care Act brought many improvements in healthcare and health coverage, it still leaves many New Yorkers with inadequate or zero coverage. New Yorkers—as individuals, employers, and taxpayers—have experienced a rise in the cost of healthcare and coverage in recent years, including rising premiums, deductibles and copays, restricted provider networks, and high out-of-network charges. Businesses have also experienced increases in the costs of healthcare benefits for their employees, and many employers are shifting a larger share of the cost of coverage to their employees or dropping coverage entirely.

Healthcare providers are also affected by inadequate health coverage in New York State. A large portion of voluntary and public hospitals, health centers and other providers now experience substantial losses due to the provision of care that is uncompensated. Individuals often find that they are deprived of affordable care and choice because of decisions by health plans guided by the plan's economic needs rather than their healthcare needs.

New York Health Act

The Caucus believes that healthcare is a human right and affordable and comprehensive health coverage must be provided. Pursuant to the state constitution's charge to the legislature to provide for the health of New Yorkers, the Caucus supports establishing a comprehensive universal single-payer health care coverage program and a healthcare cost-control system for the benefit of all residents of the State of New York. The Caucus supports the passage of the New York Health Act which would create a single-payer health care system for all New Yorkers regardless of age, income, employment, or documentation status.

Fair Pay for Home Care

Fair pay for home care invests heavily in home and community-based long-term support and care services to help resolve the home care workforce crisis, which has worsened over the past decade, and exacerbated by the COVID-19 pandemic. This legislation will respond to the home care workforce crisis by providing for much needed living wage increases for these essential workers. This piece of legislation establishes a minimum wage and provider reimbursement for home care workers based at 150 percent of the regional minimum wage.



Removing the Medicaid Global Cap

The 2011 state budget imposed a percentage cap on Medicaid spending growth, called for by Governor Andrew Cuomo as proposed by the Governor's Medicaid Redesign Team. The cap is calculated on an annual basis based upon the overall health care inflation rate seen over the past decade. For budgets, changes have been made, such as moving some expenditures out from under the cap and putting other expenditures back under it, and most recently allowing Executive actions under the COVID-19 emergency. However, the basic policy of a Medicaid Cap remains. The cap does not account for increased Medicaid enrollment caused by a bad economy, older adults living longer and needing more home care or nursing home care, or increased costs above the 10-year average inflation. This legislation would repeal the Medicaid Global Cap and the administrative powers that were adopted with it to ensure that our state Medicaid program is able to respond to the needs of the growing numbers of people who have and are expected to continue to enroll in this safety net program.

Expanding New York's Essential Plan

Since the enactment of the Affordable Care Act, millions of New Yorkers have gained health insurance coverage. Unfortunately, many Americans with immigrant status are not eligible for these benefits, leaving more than 400,000 immigrant New Yorkers to remain without coverage. This can create significant costs and challenges for the New York State Health Care System, as care is often only sought out and paid for in emergency settings and individuals are unable to seek care for potentially preventable conditions and diseases, which directly impacts them and the communities in which they live and work. We advocate for legislation to extend health benefits provided under the Essential Plan to New Yorkers regardless of their immigration status, which will make health care providers more financially sound and better equipped to provide high-quality care to anyone without insurance.

Patient Medical Debt Protection

A package of three bills aimed at addressing hospital billing practices, debt collection and financial assistance for New Yorkers. The first bill would require notice when a facility fee will be charged including whether the patient's insurance will cover the fee and removing facility fees for preventative care. The second bill would promote housing and income stability by not allowing hospitals to take liens on people's homes and prohibiting hospitals from garnishing wages from patients with medical debt. The third bill would ensure that hospitals provide a uniform financial assistance form that would be developed by the state. It would also significantly expand access to such assistance and establish protections for those with medical debt and those eligible for financial assistance.

Indigent Care Pool Funding

We advocate for the redistribution of indigent care pool funding to better target support to safety net hospitals which provide services to persons who are uninsured, under insured, or insured under Medicaid. It is essential that Medicaid reimbursement rates are increased to sustain hospitals like safety net and qualified safety net hospitals who cater to a largely marginalized population of New Yorkers. We also support the expansion of existing programs for financially distressed hospitals, to ensure no harm comes to these safety net medical institutions.

Funding to Support Uncompensated Care and Medicaid

The state and federal government provide resources to medical providers to support financial losses that may occur when these providers render services to uninsured individuals and those participating in Medicaid. One of the primary sources of this funding is the Indigent Care Pool, which provides significant reimbursement to hospitals for these services. Funding under the pool is distributed based on the respective financial losses incurred by these entities. However, the funding to offset these losses is limited, and it does not fully address the amount of losses a facility may incur. Because of this, hospitals with a higher percentage of patients that fall into this category can find themselves struggling financially. This is because many hospitals offset these losses on their billing to private insurers and payers, which typically provide more generous reimbursement than Medicaid. The hospitals that serve a high number of Medicaid and uninsured patients are sometimes known as enhanced safety net hospitals.

In order to ensure an adequate provider network for our communities, particularly those that are underserved, it is important that adequate funding be provided to make these facilities whole. There are different approaches to addressing this issue including reallocating Indigent Care Pool funds to focus the funding to these enhanced safety net providers, as well as enhancing Medicaid reimbursement rates. Ultimately, the issue comes down to ensuring that these providers receive the adequate financial support necessary to continue to serve individuals in New York that are financially struggling.

Maternal Mortality

New York State has high maternal mortality and morbidity rates with clear racial disparities. In 2016, New York ranked 30th for maternal mortality with Black women being three times more likely to die from maternal mortality than white women. Recognizing the importance of providing women health care coverage following a birth, the federal government provides Medicaid cost sharing and requires states to provide 60 days of coverage following a birth. To continue addressing maternal mortality in New York State. The Caucus calls for the expansion of Medicaid postpartum coverage for pregnant women from 60 days to 12 months after pregnancy.



Insurance Coverage for Doula Care Services

Investment in the prevention of maternal mortality and severe maternal morbidity is crucial, which is why the Caucus supports legislation to require all health insurance companies to provide coverage for doula care services. Every mother should have the opportunity to be cared for by a licensed doula. We must empower doulas in New York State to improve the physiological, social, emotional, and psychological health of women, newborns and families in birth and in the postpartum period.

Nurse Family Partnership

In New York State, the Nurse Family Partnership (NFP) is a proven approach to promoting the health and well-being of vulnerable families. As a result, NFP nurses have continued to deliver the program and meet clients' needs throughout the COVID-19 pandemic. As gaps in prenatal and postpartum care have emerged during the pandemic, NFP has played a crucial role in filling these gaps in care through regular telehealth visits and ongoing communication with clients. NFP nurses were able to identify medical issues and complications and assisted with getting the medical care that families needed.

NFP nurses develop a trusting relationship with low-income, first-time mothers, beginning early in pregnancy and continuing through the child's second birthday. This relationship positions the nurses to deliver services that can improve health, economic, and social outcomes for multiple generations. NFP shows consistent evidence that spans decades, based on replicated randomized, controlled trials with diverse populations living in different geographic contexts.

Chisholm Chance Act

As the maternal mortality crisis continues in New York State, New York continues to be among the bottom third of states in the country for the number of individuals dying from child-birthing related fatalities. We support addressing the serious threat to women and particularly women of color, by establishing a community led and operated administrative hub in Kings County and Bronx County to engage the highest need women and children in these counties and combat the maternal health crisis. In New York State, Kings County and Bronx County have the highest rates of pregnancy-related deaths so it is essential that these counties are evaluated for how we can better serve these pregnant individuals and children.

Insurance Coverage for Lactation Consultant Services

The health benefits of breastfeeding have been well established and supported by many professional associations including the American Academy of Pediatrics, American College of Nurse-Midwives, Association of Women’s Health, Obstetric and Neonatal Nurses, National Perinatal Association, La Leche League, UNICEF Infant and Young Child Feeding and Care, World Health Organization and many others. We must require insurance coverage for lactation consultant services by professionally certified counselors who evaluate and manage lactation and infant feeding problems and provide preventative clinical consulting to prevent or minimize the occurrence of potential problems.

The Caucus supports legislation to ensure that lactation consultant services are covered by insurance to provide mothers with the support they need when looking to breastfeed.

Child Health Plus Expansion

The Child Health Plus (CHP) program is a universal coverage model for New Yorkers through the age of 18. It is the main reason that New York has one of the lowest child uninsured rates in the country at just 3 percent. As such, CHP is an ideal platform for offering equal access to coverage to those who are ineligible for Medicaid or coverage under the New York State of Health Marketplace. The Caucus supports allocating additional funding to expand CHP coverage to all New Yorkers up to age 29 earning incomes up to 400 percent of the federal poverty level, regardless of immigration status. This would provide young adult immigrants with access to coverage that is equivalent to the coverage offered to other New Yorkers of the same age in the Essential Plan or through Qualified Health Plans in the Marketplace; ensuring additional health coverage for tens of thousands of New Yorkers and bringing us closer to establishing health coverage as a right in New York State.

Personal Protective Equipment for Essential Workers and Essential Workers’ Bill of Rights

Since the COVID-19 pandemic began in March of 2020, the need for personal protective equipment (PPE), such as face masks, has increased as new variants continue to emerge. Unfortunately, for those who need the steadiest supply of PPE, including direct care workers and care recipients, the recurring PPE expenses incurred have not been reimbursed, forcing them to pay for these necessary supplies out of pocket. This bill would provide for insurance reimbursement for expenses related to personal protective equipment for these workers to protect them from the virus and infection of their patients. Essential workers have been on the front-line during the pandemic and are continuing to face hardships related to the Omicron variant. It is essential that we ensure these workers are protected with adequate PPE, and that they do not have to bear the cost of PPE acquisition.



Home-and-Community-Based Services (Activities of Daily Living)

Activities of daily living (ADL) are categorized as eating, bathing, getting dressed, mobility, transferring from sitting to standing, and continence care. The enacted SFY 2020-2021 budget, limited access to Medicaid personnel to only those individuals who required assistance with three or more ADLs. Those who suffer from a traumatic brain injury or other disability that makes them eligible for the Nursing Home Transition and Diversion Waiver, have varied physical and behavioral disabilities that make them a particularly vulnerable population to institutionalization. Given the unique needs of this Medicaid population, transitions of this population hastily to managed long term care plans can cause disruptions in services.

We support legislation that provides that a person may receive Medicaid-funded personal care if the person requires limited assistance with three or more activities of daily living and two or more ADLs for persons with qualifying dementia or Alzheimer's diagnosis. We should extend these provisions to individuals with traumatic brain injury, cognitive impairments, developmental disabilities, blindness, or visual impairment.

Dakota's Law

As science continues to demonstrate that there is no safe level of exposure to lead, childhood lead poisoning continues to be an immediate threat to communities across the state, particularly within communities of color or low-income communities. It is essential that New York State work to eliminate childhood lead poisoning.

This legislation establishes Dakota's Law relating to elevated lead levels in children. This piece of Dakota's Law requires primary health care providers to provide a parent or guardian of each child in the state under 6-years old guidance on lead poisoning prevention as part of their routine care, and to conduct a lead exposure risk assessment questionnaire at each well-child visit or annually. Further, pre-kindergarten and kindergarten institutions shall have access to the statewide immunization information and the citywide immunization registry for the purpose of confirming an enrolling student has been screened for lead. This legislation is part of a package, which aims to reach the overarching goal of mitigating the source of lead exposure to protect children.

Diabetes

There are 2.1 million New Yorkers affected by diabetes. Individuals with Type 2 diabetes are dependent on insulin, which can present a financial hardship due to the increasing insulin costs. In 2016 it was reported that the average person with Type 1 diabetes incurred annual insulin costs of almost \$6,000. While some individuals may pay less, most individuals pay this amount, and more in some cases. High insulin costs can lead individuals to not take their insulin as prescribed so they can instead ration their medication to avoid spending thousands of dollars. It is extremely dangerous for individuals with diabetes to not take their insulin as prescribed, it can lead to extreme complications such as amputations, diabetic ketoacidosis, or even death in some cases.

We should institute a statewide \$30 cap on insulin, decreasing the cap on cost sharing from \$100 per month to \$30. This is in line with other states who are also addressing access to affordable insulin, including California and Connecticut. It is essential that New York State address the importance of affordable insulin so individuals can properly medicate themselves and avoid any unnecessary complications incurred due to exorbitant and unsustainable insulin costs.

Telehealth Services

Even prior to the COVID-19 pandemic, many New Yorkers, especially those in rural areas, did not have immediate access to a physician, dentist, or other healthcare provider. For many individuals, these services could be an hour or more away due to lack of transportation and public transportation. Unfortunately, the pandemic has underlined the shortcomings within our healthcare system and accessing quality care.

Since the pandemic, the use of telehealth services has become essential for New Yorkers to access necessary healthcare and behavioral health services. As we transition into an increasingly technology-based world, telehealth will remain a viable option for New Yorkers to access care. However, as New Yorkers remain at home and access their services via telehealth, we must also ensure that these services are reimbursed at the same rate that a typical doctor's visit would be. Telehealth services are not being reimbursed at the same rate as in person visits, and this has put physicians and other providers at a financial disadvantage, as they would like to continue to deliver their services via telehealth but are not being reimbursed for doing so.

This piece of legislation would require that a telehealth visit be reimbursed at the same rate as an in-person visit, as well as require protections for patients including consent for the use of telehealth.

Prescription Drug Prices

Pharmacy drug pricing has become both complicated and convoluted. That is why the Caucus supports legislation that provides for a reimbursement for high cost drugs using the federally recognized threshold, medications that cost over \$670 must be reimbursed at a rate of NADAC price + 2.5% + the \$10.08 dispensing fee.

It is unrealistic to ask independent pharmacies, which are also small businesses, to purchase these drugs from wholesalers, stock and provide them to patients, only to lose money. In order to ensure patient access to these needed medications, New Yorkers deserve a tiered pharmacy reimbursement system. Using the federally recognized threshold, medications that cost over \$670 must be reimbursed at a rate of NADAC price + 2.5% + the \$10.08 dispensing fee. Most importantly, the patients who need these medications will continue to have access.



Disease/Coverage for Asthma Treatment

Asthma is a chronic pulmonary obstructive disease that can significantly limit an individual's quality of life, and even result in death. In 2015, an estimated 1.5 million adults and 400,000 children had asthma in New York State. As disparities in asthma among those most marginalized in our society continue to grow, it is essential that New York State address ways to mitigate asthma and its harmful effects.

The legislature should update the statewide immunization information system to collect reports of asthma and other respiratory diseases for which a rescue inhaler treatment is prescribed by a provider to ensure that this information is available to schools, day care providers and camps. The statewide immunization information system is currently used to record immunizations and blood level analysis so schools, day cares, and camps have and are aware of this important information so these places are prepared to help manage any health-related problems that may arise. Streamlining the process so these places have access to this information in a centralized location will help ensure that a child's asthma conditions are known and better managed.

The legislature should establish a statewide asthma management and control program to coordinate the efforts of individuals, families, health care providers, schools, and community-based organizations to benefit New Yorkers. The purpose of this program would be to promote asthma disease management in the state and provide education to those who suffer from asthma, their families, providers, and the public. The Department of Health shall be tasked with studying the prevalence of asthma in the state, behavioral and environmental triggers of asthma, an assessment of case management to meet the needs of patients, among other factors that will assist officials in addressing and mitigating asthma. Unfortunately, current research and prevention efforts related to asthma are minimal in the state despite research showing that early education and treatment are lifesaving and cost-effective solutions to the increasing rates of asthma among adults and children. It is essential that New York State take steps to effectively track the disease and better understand its causes and triggers to give informed care to those families and individuals who need it the most.

Harm Reduction

Buprenorphine is an effective medication used to treat opioid use disorder (OUD). In 2000, the federal Drug Addiction Treatment Act allowed physicians to begin prescribing buprenorphine for treatment of OUD, which provided them with an option other than methadone for the treatment and management of OUD. Buprenorphine is classified as a controlled substance because its potential for abuse is markedly lower than methadone. Additionally, because patients can self-administer buprenorphine, it does not require patients to travel to doctors, offices or treatment facilities each day for their prescribed dose.

The Caucus supports legislation to decriminalize buprenorphine and allow pharmacists to provide buprenorphine without risk of arrest for providing a treatment that healthcare practitioners prescribe.

End Mandatory Minimums for Controlled Substances

Current drug sentencing laws have disproportionately impacted communities of color. While research indicates that people of all races use and sell drugs at approximately the same rate, people of color are significantly more likely to be arrested, convicted, and incarcerated for drug possession and sale than whites. For example, in New York, where African Americans make up 17.6 percent of the population, 26.5 percent of those arrested for misdemeanor possession of drugs are Black.

Furthermore, compared with whites, Black people arrested for misdemeanor drug possession are more likely to be convicted (72.4 percent v. 67.1 percent), more likely to have that conviction be for a misdemeanor, rather than a noncriminal violation (41.2 percent v. 30.8 percent), and more likely to be sentenced to jail (13.4 percent v 10.6 percent).

Policies criminalizing drug use have also failed to reduce the use of drugs. To end mandatory minimums for controlled substances, the Caucus recommends legislation to decriminalize possession of controlled substances and expunge the arrest and conviction records for unlawfully possessing a controlled substance.

Reproductive Health

As the rights of women come under attack from state houses across the country and the U.S. Supreme Court, New York State has an opportunity to lead and support women throughout our state.

The Caucus supports the inclusion of budget language or the enactment of legislation to establish a New York State Abortion Access Fund. The purpose of this fund would be to allow taxpayers to make tax-deductible donations to support the allocation of grants to health care providers that subsidize the cost of administering reproductive health care for low-income women. This policy and subsequent legislation were developed as a direct response to the Trump Administration's changes to Title X family planning rule change, which temporarily ended federal funding for clinics serving the low-income and uninsured that provide health care that provided abortions. Additionally, the Caucus supports language to be adopted in the budget or the enactment of legislation to codify that insurance plans be required to cover abortion where they already cover maternity care. This would improve upon and fill gaps in the current regulatory coverage requirement and create parity between types of pregnancy-related care.



MENTAL HYGIENE

Currently many of our communities are dealing with mental health incidents that are materializing themselves through violence. A major reason why the encounters persist is the lack of preventative care and identification of mental health illnesses. Instead of addressing the illnesses, the state relies on incarceration and institutionalization as a short-term solution. This expedient approach continues to wreak havoc in our health systems. To create a safer New York, we must remake our mental health apparatus to one that centers on the needs of the patients while enhancing public safety. Additionally, educational and personnel resources to schools are needed in order to have round-the-clock support for students who may be dealing with circumstances that require professional care. By increasing the number of social workers in our schools the Caucus believes that we would be able to improve not only the amount of care provided to our students, but also the quality of care. COVID-19 has exacerbated the mental health crises our communities are facing. The Caucus recommends making investments in mental health care and the supporting state agencies to enable New Yorkers to prioritize their mental care and hygiene.

Ensure Funding for 9-8-8 Crisis Line

As we come out of the pandemic and New Yorkers begin to process the collective traumas of the past few years, we must ensure that our crisis response apparatus is ready to provide the compassionate and medically sound mental health care our families deserve. Legislation created in 2021 to establish a three-digit, 9-8-8 Suicide Prevention and Mental Health Crisis Hotline System that will save lives by connecting people experiencing mental health crises with compassionate, lifesaving, and culturally conscious mental health care services.

The Caucus supports providing adequate funding for necessary infrastructure investments that are still needed to implement the 9-8-8 hotline system and to hire, train, and maintain the additional counselors necessary to handle the anticipated increase in call volume.

Daniel's Law

Daniel's Law was introduced in response to the death of Daniel Prude, who died in Rochester at the hands of police during a mental health crisis. This bill would ensure a public health-based response to anyone in New York State experiencing a mental health or substance abuse crisis by establishing statewide and regional councils to craft best-practices for the transport, de-escalation, and treatment of those in crisis regardless of being in a city, rural community, or anywhere in between. In taking crisis response out of the hands of law enforcement, who are often not trained to handle situations with people in crisis, we are both providing better mental healthcare to those in crisis and empowering law enforcement to focus on other pursuits.

5.4 percent COLA for Human Services Sector & \$500 Million Behavioral Health Workforce Fund

The Caucus supports across the board a permanent Cost of Living Adjustment (COLA) tied to the Consumer Price Index for the behavioral health and human services sector and an additional \$500 million behavioral workforce fund. It is estimated the system has lost well over \$500 million over the last 12 years by not fully implementing COLAs. 2021 was the first year that the sector received a COLA in over a decade, at just 1 percent. The human services workforce is 80 percent women, and over half are women of color; 60 percent of the workforce qualifies for some form of public assistance. We rely on this workforce to provide compassionate care to our most vulnerable family members, and in recognition of the worth and necessity of this work, we must not only provide living wages but thriving wages.

Mental Health Practitioners Scholarship

The pandemic has exacerbated the existing need for mental health practitioners in New York State, with more people seeking treatment for mood and behavioral disorders. This need is compounded for people of color, LGBTQ+ New Yorkers, and those who speak English as a second language. We must work to improve the diversity and cultural competency of our mental health workforce to adequately serve the needs of New York's diverse communities. As the state looks to meet the existing needs and expand the role of mental health practitioners (especially in relation to crisis response), we must ensure that there is an adequate workforce to meet our policy goals, including the mental health wellbeing of all New Yorkers.

The Caucus is supporting legislation that would provide conditional scholarships for students pursuing a masters in mental health, to encourage and support individuals seeking to enter this sector.

Expansion of School-Based Health Services

The COVID-19 pandemic has underscored the critical role that schools play in providing health and wellness services to students. All students in New York State should have equitable access to physical, mental, and behavioral health services for their wellness and success. Currently, New York State is able to bill the Centers for Medicare and Medicaid Services for school-based health and mental health services for Medicaid-enrolled students that have Individualized Education Plans (IEPs). This policy, which was reversed in 2014 is known as the Free Care Reversal Rule. This change now allows States to amend their Medicaid plans to expand billing of Medicaid for services provided to students without IEPs. This change in Medicaid policy will address devastated communities of color that are historically stigmatized when potentially identifying and addressing issues with mental health or disabilities, which negatively influenced how families of color approach securing IEPs for their children.



The Caucus advocates for the enacted budget to include language committing the Department of Health and the State Education Department to submit a Medicaid state plan amendment to CMS which will ensure that the state's policy extends coverage of school-based mental, physical, and behavioral health services to all underserved students in the State. Additionally, this plan should expand the services covered and provided to students. Lastly, this proposal should include an initial state investment of \$20 million for the program, which would be matched by the federal government, for a total of \$40 million to cover the expansion of coverage and the increase in the types of services and qualifying providers.

Student Health and Wellness Program

As parents and educators know—and the science shows—healthy, active children are better equipped to learn and thrive. Yet, 1 in 5 students face a serious mental illness each year, while 1 in 6 New York children struggle with hunger, and almost 1 in 3 is overweight or obese. COVID-19 has exacerbated these issues leading to increased isolation, stress, racial and health injustice, and economic hardship. School districts need adequate tools and resources to address the health and wellness of all students. Students are asking for increased mental health support as they adapt to a return to the classroom, and the state must ensure that young people have resources to ensure that they are adjusting in a safe and healthy way. In Rochester, like many other communities across the state and country, school violence is on the rise. Rather than rely on law enforcement as a reactive solution, we must address the causes of these issues with a more holistic and culturally relevant response.

Remysell Salas
CUNY Rising Alliance Campaign Director

“The New Deal for CUNY is beyond a budget request, it provides HOPE for all New Yorkers including immigrants and low-income communities. CUNY serves as a lifeline to many students and families, providing access to higher education and the opportunity to climb the social ladder and follow their dreams.”



Executive Budget Highlights
EDUCATION and HIGHER EDUCATION

- **General Support for Public Schools (GSPS):** The Executive proposes \$31.3 billion in GSPS for the 2022-23 School Year (SY); an increase of \$2.1 billion over SY 2021-22, or 7.1 percent. This includes a \$1.6 billion increase in Foundation Aid, and a \$464 million increase in expense-based aids.
- **RECOVS Learning and Mental Health Grants:** The Executive proposal includes \$100 million over two years to create a new matching fund called Recover from COVID Schools Program (RECOVS) to create or expand summer learning, after-school, or extended-day/year programs. It will also support the hiring of mental health professionals and the expansion of evidence-based mental health services for students and staff, including school-based services. School districts will be required to match this State grant funding with their federal pandemic relief funds.
- **Nonpublic Schools:** The Executive proposes funding Nonpublic School Aid at \$193 million, which is consistent with SY 2021-22. Additionally, the Executive provides \$55 million for Nonpublic STEM teachers, which is a \$15 million increase from SY 2021-22. The Executive also provides \$45 million in capital for health and safety projects, an increase of \$30 million from the previous year.
- **Zero-Emission School Buses:** The Executive proposes that all new school bus purchases be zero emissions by 2027 and all school buses on the road be zero-emissions by 2035. Transportation Aid would be provided for zero-emission bus infrastructure, including charging stations, and purchasing or leasing electric buses.
- **Building/Transportation Aid Penalty Forgiveness:** The Executive proposes authorizing the State Education Department (SED) to forgive any Building or Transportation Aid penalties that result from inadvertent clerical errors.
- **Mayoral Control:** The Executive proposes a four-year extension of mayoral control of the New York City school system.

The People’s Budget
EDUCATION and HIGHER EDUCATION

Education has long been a pathway for social mobility and financial security for people of color in America. It is imperative that New York State fully realizes that sentiment by ensuring a high quality and comprehensive education that provides for intellectual and social growth for all students. Creating a healthy learning environment requires the hiring and retention of qualified professionals who are culturally competent and invested in engaging with students that reflect the diversity of the state.

The Caucus supports strategic investments in the education sector to support better health outcomes and childhood development for children. That is why New York State must ensure that the full promise of the Campaign for Fiscal Equity is realized and establish a statewide universal pre-K Program.

EDUCATION

Campaign for Fiscal Equity

It has been over a decade since the Court of Appeals, New York State’s highest court, ruled that the state is violating students’ constitutional right to a “sound, basic education.” This lawsuit, brought by parents, is the Campaign for Fiscal Equity (CFE). The New York State Constitution guarantees students a “sound, basic education”; yet for over 12 years, New York has been in violation of the Court’s decision in CFE by failing to adequately fund schools in high need communities. While the CFE ruling was specific to New York City, in 2007 the Governor and the Legislature enacted a statewide solution that promised a \$5.5 billion increase in basic operating aid (also known as Foundation Aid) phased in over four years. In 2021, that promise was finally realized, and now we must ensure that the second year of funding is allocated to the schools as promised.

The Caucus supports full funding of Foundation Aid with a phase-in plan. New York’s students have been shortchanged for decades. Ensuring a sound, basic education is not a choice for the state government, it is a moral responsibility and, as the courts have said, also a constitutional requirement. New York State must continue to fulfill the promise of CFE and fully fund the Foundation Aid for schools.



Increase Teacher Diversity

Research suggests students from all ethnic backgrounds benefit from exposure to minority professionals, and that minority students benefit from minority role models in their classrooms. Many suburban areas in Long Island and across the state are becoming increasingly diverse, yet educators and community members are concerned that our school districts are not hiring enough minority teachers to educate students of all races, including the soaring numbers of Black and Hispanic children.

It is imperative that we actively recruit and support teachers of different races and cultural backgrounds. Thus, the Caucus supports an additional \$1 million to help fund the New York State Education Department's (NYSED) Diversity, Equity, and Inclusion (DEI) Initiatives.

According to the 2019 NYSED report titled "Educator Diversity Report", New York's students of color population is 50 percent. The racial and ethnic composition of the teacher workforce does not reflect the diversity of the student population. Teachers of color are underrepresented statewide. Access to a racially and culturally diverse teacher workforce is beneficial for all students, particularly for students of color, who often thrive in classrooms led by teachers who share their racial and cultural backgrounds.

The Caucus is advocating for legislation to encourage educational institutions to signal and embrace the importance of teacher and school leader diversity as well as change the recruitment practices to identify qualified applicants.

School-to-Prison Pipeline/ Solutions Not Suspensions

In New York State, Black students are twice as likely to be suspended for minor misbehavior than their white peers. All students deserve a safe and supportive environment free from discrimination, harassment, and bullying on school property, a school bus and/or at a school function. Educators need anti-bias and anti-racism training. We support increased investment in restorative justice practices as an effective alternative to punitive responses to wrongdoing. School-based restorative justice offers a more sustainable, equitable, and respectful alternative to dealing with misbehavior, from minor infractions to violence. It can also be used as a proactive strategy to create a culture of connectivity and care where all members of the school community can thrive.

For far too long, schools across the country and New York turned to zero-tolerance school discipline policies using harsh and punitive discipline and policing for young people, especially Black and Brown youth. Criminalizing normal youthful behavior has created a school-to-prison pipeline pushing students in front of police officers, prosecutors, and judges instead of guidance counselors, social workers and principals. The racial disparities in suspensions, expulsions, and arrests in schools have created two very different learning experiences for Black and Latino youth, LGBTQ youth, and students with disabilities and their white peers.

In New York City, Black students are close to four times more likely to receive a short-term suspension and seven times more likely to receive a long-term suspension. Black girls are eight times more likely to be suspended more than once, and students with learning disabilities are more than three times as likely to be suspended.

The Caucus calls for the passage of the Solutions not Suspension Act to help end the school to prison pipeline.

Enhancing Communication with Multilingual Parents, Students, and Professionals

New York State public schools should offer a variety of classes, curricula, projects, books and resources that are grounded in the rich diversity of the New York State student population. Students should be learning about the histories and cultures of African, Latino, Asian, Middle Eastern, and Native heritage people in New York schools, and the intersections with gender, LGBTQIA+, and religious diversity. Every child and educator should have access to anti-racism and anti-bias education. Accordingly, the Caucus supports legislation to require school districts and charter schools to include instruction on the political, economic, and social contributions, and lifeways of lesbian, gay, bisexual, and transgender people, in an appropriate place in the curriculum of middle school and high school students.

The Caucus is requesting \$1.64 million for NYSED to support the translation of documents into languages other than English, in support of the Department’s goal of making available culturally responsive-sustaining and linguistically accessible resources for the field and public.

Early Childhood Education

Early care and learning programs, beginning from birth to Kindergarten, provide the foundation children need to be successful both as students and as adults. Decades of research has established that children in low-income communities and at-risk children benefit the most from high-quality child-care programs and pre-Kindergarten. In New York State, we have made progress in several areas at a very slow pace. Outside of New York City there are still almost 80,000 children without access to full day pre-K.

Quality pre-kindergarten for every child is a strategy that is proven to work from decades of research. Pre-K programs are critical in helping to close the achievement gap as well as to arm children with the skills and tools necessary to succeed as adults. In Long Island, for example, the vast majority of high-needs children lack access to full day pre-K programs. Long Island is an area with stark socioeconomic differences, with school districts that are racially segregated and overwhelmingly low income. Investing at least \$150 million in expanding quality full day pre-K across New York State would benefit the high-need districts in Long Island and across the state.

The Caucus supports additional funding for youth programs such as Healthy Steps which provide pediatric, well-being, and school readiness services for babies and toddlers.



Enhancing Oversight of Pre-K Programs

The Office of Early Learning oversees \$970 million in the State's investment into pre-K as well as the registration and renewals of Voluntary Registered Nursery Schools and Kindergartens. This currently includes 626 districts, 12 agencies, and three BOCES. Since 2019, the Office has received an additional \$120 million in pre-K funding to administer 143 new districts to oversee, with no additional staff to get this important work completed. This has caused a delay in getting funds to the district in a timely manner and prevents important pre-K oversight work and program visits from occurring. As the Caucus advocates for a universal pre-K system statewide, it is crucial that NYSED offices have the financial support needed for quality assurance.

We support a \$1.9 million allocation to help address the staffing needs in the Office of Early Learning.

Increasing State Aid for Library Construction

Libraries are community institutions that provide wrap-around services that go beyond their mission statements. We must fully recognize their role in working class communities, and provide the structural support needed for libraries to continue providing vital services and resources to New Yorkers. The Caucus supports an increase of \$11 million in funding to better ensure that all New Yorkers continue to have access to state-of-the-art libraries.

HIGHER EDUCATION

A New Deal for CUNY

A \$1.7 billion investment, over 5 years, for the SUNY and CUNY systems will fund free tuition for the public university systems, the hiring of more full time faculty, the establishment of a faculty to student ratio, the hiring of more counselors and mental health professionals, and the creation of a capital plan for the public university systems. The Caucus is advocating for a New Deal for CUNY, in order to establish new pathways for social mobility

Supporting NYS Access and Opportunity Programs

The Caucus is calling for a \$10.19 million increase for the state’s higher education opportunity programs, which are available to students attending college and provide access to higher education to students who might not otherwise can attend college. Those programs include, the Arthur O. Eve Higher Education Opportunity Program (HEOP), the Science and Technology Entry Program (STEP), the Collegiate Science and Technology Entry Program (CSTEP), and the Liberty Partnerships Program (LPP)

Improving the Educator Certification Process

The State Education Department has made noted efforts to improve the current teacher and school building leader certification review process time frames including, but not limited to: a technology modernization project to maximize automation of the certification process, improving self-service conveniences for applicants, increasing staffing levels in the Office of Teaching Initiatives (OTI). The Caucus urges the Executive to provide access to the entire \$8 million prior year balance to fund and support NYSED’s goal of improving the educator certification process.

Enhancing Supports and Services for Postsecondary Success of Students with Disabilities

The Caucus supports funding a \$13.09 million grant program to support the reasonable accommodation needs and services for individuals with disabilities enrolled at degree granting institutions of higher education.



Mimi Pierre Johnson
President/CEO of the Elmont Cultural Center

“These days it is so difficult to keep up with the demands of families’ needs. Whether it’s new immigrant families in need of a home, families needing food, or people just trying to navigate the system but don’t know the available resources until it is too late. More and more, we see the mental health aspect of families who just can’t manage. This is a silent crisis on Long Island that we must join together before it gets out of hand. There must be resources for the anticipation of needs so that families can survive and continue building strong communities.”

Executive Budget Highlights
HUMAN SERVICES and HOUSING

- **Child Care:** The Executive proposal includes language to increase income eligibility for subsidized child care to 300 percent of the federal poverty level over a period of three years.
- **Five-Year Comprehensive Housing Plan:** The Executive includes \$4.5 billion for a new five-year housing plan that would support the construction or rehabilitation of 100,000 units of affordable housing including 10,000 units of supportive housing.
- **Supportive Housing:** The Executive Budget includes \$110 million for the Empire State Supportive Housing Initiative to support operational costs for the sixth year of the supportive housing plan.
- **Public Assistance Eligibility:** The Executive Budget includes policy proposals to modify income and resource limits of the public assistance program.
- **Foster Care Reimbursement Rate Setting:** The Executive proposal includes language to modify the calculation for the Maximum State Aid Rates for foster care reimbursement and adoption subsidies.
- **Nonprofit Investment Capital Infrastructure Program:** The Executive Budget includes \$50 million in capital for not-for-profits.
- **Home Visiting:** The Executive proposes to invest \$11 million for Home Visiting Programs.
- **Veterans' Support:** The Executive Budget includes \$4 million to establish the first State Veterans' cemetery and increases minimum annual State funding to Veterans' Service Agencies from \$10,000 to \$25,000.



The People's Budget
HUMAN SERVICES and HOUSING

Nonprofit human services providers began the pandemic already in crisis. The sector was in dire financial shape due to years of chronic underfunding. Over the past several decades, the state has transferred most legally mandated social services to the nonprofit sector to save on costs. Although the state is a meaningful funder for many nonprofits, the investment simply isn't enough. Nonprofits report that an average of 77 percent of revenues came from government contracts in 2020 and what they do pay often comes late. Government savings are borne on the backs of low-income neighborhoods and Black, Indigenous, and people of color (BIPOC) communities who get reduced services and a workforce that is predominantly made up of women and people of color who are paid poverty-level wages. These workers were sent to the frontlines of the pandemic with inadequate supplies and were asked to meet growing community needs with fewer resources. They were sent to help Black and Brown New Yorkers who were dying at disproportionate rates due to economic insecurity, a lack of health-care access and affordable housing, and their overrepresentation in low-wage essential jobs that prevented them from staying at home. The state is most effective when it is working in tandem with community-based organizations and service providers to ensure a strong and sustainable human services delivery system.

A Livable Wage for Human Services Workers

New York must establish a living wage for all City and State government contracted human services workers at a rate no less than \$21 an hour, providing pay comparable with government employees holding similar nonprofessional job titles in the human services agencies.

The Caucus also supports establishing a wage and benefit schedule for all government-contracted human services workers to put them on an equal footing with comparable City and State employees. Once established, these compensation benchmarks would be incorporated into all contracts, along with funding to support career advancement and promotion opportunities. The City and State should phase in funding increases to achieve full compensation parity, and immediately establish a reserve for recruitment and retention to stabilize the contracted human services workforce. Moreover, an automatic annual COLA should be incorporated into all human services contracts, not as a substitute for comparable pay but to ensure that pay parity is maintained on a continuing basis. A three percent COLA for workers on New York City contracts would cost \$48 million. For workers on State contracts, the cost would be \$120 million statewide.

Procurement Commission

The state must commit to transformative human services programs, which mean those services that are designed in partnership with providers and communities to get at the root cause of the issues and state provable and achievable outcomes that demonstrate individual and community

value. To do so, New York must undertake a rethinking of the entire procurement system. A start of such an effort would be creating a Procurement Commission that redesigns the procurement system.

The Caucus supports the creation of a Procurement Commission to: focus on clients and outcomes as the well-being of communities that nonprofits serve in how programs are designed and implemented, encourage continuity and competition so that nonprofits of all sizes have access to government contracts, guarantee timely payments that cover the full cost of services so that the sector can focus on delivering high quality programs without the threat to sustainability, create consistency and transparency in processes across all contracting agencies which are currently not aligned in their expectations, communication, and procurement protocols with providers, and support racial and social equity and leverage funding as a direct response to community needs and conditions that produce injustice.

Home Care Worker Protections

Many home care workers are required to work mandatory 24-hour shifts. This is a tremendous injustice resulting from a 2019 Court of Appeals decision upholding a NYS Department of Labor (DOL) regulation that allows home health care workers to be paid for only 13 hours of a 24-hour shift, so long as they are afforded an eight-hour sleep break and three hours of meal break time. With this rule in place, home health care aides are compelled to work through those breaks, and the state's rule has allowed their employers to avoid paying home care workers for every hour worked. New York must ban mandatory home care aide overtime and prohibiting employers from punishing workers who refuse to work overtime, eliminating involuntary 24-hour workdays in a sector composed mostly of women of color.

The Caucus supports legislation designed to protect home care workers from involuntary 24-hour shifts to safeguard the health, safety and general well-being of home care workers, care recipients, consumers and the public.

Child Welfare Funding

The Caucus calls for this year's budget to reauthorize child welfare funding (Social Service Law §153-k), which sunsets on June 30, 2022, and to restore funding for children and family preventative services at the statutorily required 65 percent/35 percent reimbursement rate to counties.

Social Welfare Funding

The former Governor's adherence to a two percent spending cap has had a chilling effect on social welfare agency spending in New York. In the last fiscal year, the Office of Children and Family Services (OCFS) and the Division of Human Rights (DHR) saw the largest decreases in state



operating funds. Since 2011, all agencies have seen significant decreases, but OCFS, DHR, and the Division of Homes and Community Renewal (DHCR) have seen the largest decreases at 38 percent, 51 percent, and 36 percent, respectively. Funding reported for social welfare agencies has fluctuated since 2011 with some financing and some accounting changes, but overall funding is decreasing for these agencies.

The Caucus acknowledges the need to increase the breadth and depth of these much-needed services, and to match that need with increased funding.

Kinship Support Funding

The Caucus supports funding KinGap outside the Foster Care Block Grant, so that overburdened and budget-constrained counties are not forced to choose between spending limited funds on foster care or kinship care, and further supports substantially increasing financial supports that help children leave foster care to live with family. Moreover, New York can increase funding for the NYS Unified Kinship Navigator system of care, expanding access to services and support for children in kinship families who are not in foster care.

Fair Futures

The Caucus supports an increase in the age of eligibility for the Child Welfare Services reimbursement for New York City from age 21 to 26. This would allow New York City to provide more resources to foster youth, using the Fair Futures model, who currently age out of the system and have high rates of poverty and lower career prospects than their peers.

Nutrition Assistance Programs

No child or vulnerable adult experiencing hunger should lack access to sustenance, particularly fresh and healthy food. Accordingly, it is critical to strengthen food access and security programs by continuing and increasing funding for programs including, but not necessarily limited to Nourish New York, Wellness in Nutrition (WIN), the Hunger Prevention and Nutrition Assistance Program (HPNAP), SNAP Outreach Program, and the Nutrition Outreach and Education Program (NOEP).

Automatic Enrollment for SCRIE

Currently, several counties in New York State have established Senior Citizen Rent Increase Exemption (SCRIE) programs. These programs help many low to moderate income seniors remain in their apartments, by assisting them in paying their yearly rent increase, if they are spending more than a third of their monthly income on rent. This is done through providing the renter's landlord with a property tax abatement for the cost of the increase. Programs like SCRIE serve a vital purpose for all seniors who qualify, but many eligible seniors do not know about the program and are unable to reap its benefits, due to lack of outreach. Also, seniors may not remember to re-enroll in these programs.

The Caucus requests the inclusion of language authorizing localities and municipalities that have these programs to auto-enroll eligible seniors. Additionally, this language should direct the commissioners of the New York State Department of Taxation and Finance to furnish the necessary tax information to identify the income of potential auto-enrollees and the New York state Division of Housing and Community Renewal to provide lists of rent-regulated units and their tenants in the jurisdiction that has a SCRIE program, seeking to auto-enroll seniors. The information should only be used for determining the person’s eligibility and establishing auto-enrollment for the program.

Violence Interrupters

The Community Violence Intervention Act that was adopted as part of the 2021-22 state budget included \$10 million to hospital-based violence intervention programs and community-based violence interruption programs and dedicates 10 percent of New York’s federally funded Victims of Crime Act funding to these groups in future years. These programs provide a credible, non-police response to gun violence, and have a remarkable track record of success in the communities most vulnerable to gun violence.

The Caucus supports the continuation of funding this program in the current year’s budget.

Families First Transition Fund

The Family First Prevention Services Act (FFPSA), signed into law in early 2018, represents a fundamental shift in the national approach to child welfare. Recognizing the importance of family in child development, federal law now emphasizes the importance of both keeping children safely with their families whenever possible and ensuring that children are in family-based care when foster care becomes necessary.

In addition to allowing federal foster care funding to be used to support preventive services that keep families together, the new law also reforms federal financing to prioritize family-based foster care over residential care by limiting federal reimbursement for certain residential placements. In order to ensure that FFPSA implementation is effective, New York State and its counties must be proactive: the state should prepare now by improving policies and practices to recruit, retain, and strengthen foster and kinship families, and evaluate its current use of residential care.

The Caucus supports an allocation of \$7.5 million over the next three years to adequately fund this effort.



Pilot Program for Child Support Orders

Currently, all child support orders, whether simple or complex, are adjudicated through the New York Family Courts. The court system, even though it has the resources to fairly address matters of support, can lead to the deployment of legal tactics to conceal or under-report the income of parties in a case. This can lead to prolonged cases that contribute to backlogs in the court system, as seen during the COVID-19 Pandemic's closure of the court system. Policymakers must reckon with the backlog of cases and create a pathway for families that seek to amicably settle child support amounts.

The Caucus supports the development and funding of a one-year Child Support Pilot Program, which would allow for the establishment and expedition of child support orders consistent with the state's guidelines for parents who agree on child support and seek to voluntarily engage in an administrative conference.

Opportunities for a Better Tomorrow

Founded in 1983, Opportunities for a Better Tomorrow (OBT) has served New York City residents by empowering youth and adults from low-income communities through job training, education, employment, and immigration services. The organization exists to break the cycle of poverty and inequality through education, job training, and employment.

The Caucus supports allocating \$500,000 to expand resources for OBT alumni so that they can build wealth, confront NYC's affordability crisis, and secure jobs with higher pay and benefits. By building out their alumni network, providing ongoing career and college counseling and support, and incorporating financial empowerment programming into alumni meetings, OBT can better address structural economic injustice across New York.

Citizens Committee for New York City

The Citizens Committee for New York City provides community and school improvement grants for volunteer group projects. The Caucus advocates for funding from the Legislature in the amount of \$600,000 for this worthwhile initiative.

Mitigating the Benefits Cliff

The Caucus supports amending the Social Services Law 131-a to grant a six-month 100 percent earned income disregard to individuals who, due to securing work as the result of participating in a post-secondary educational or training program, would otherwise become ineligible for benefits. The resulting loss of Medicaid and subsidized childcare at the very moment that someone is re-entering the workforce is ill timed.

Workplace Schedules

The Caucus supports legislation that aims to aid the lives of low- to mid-wage workers by providing them with at least seven days advance notice of work schedules. This advance notice allows workers to plan for childcare, healthcare and other important family matters in a way that they may not currently be able to under New York State law. At hiring, workers would also be provided with a statement as to the minimum monthly hours for which they would be scheduled to better plan for the financial aspects of their lives. Employers would face penalties from DOL and private causes of action for their failure to adhere to these provisions.



HOUSING

New York is in an official housing crisis, with the population growing faster than the housing stock and rents rising every year. This lack of affordable housing contributes to the gap between rich and poor New Yorkers and prevents growth of our state's middle class. Partially due to this affordable housing crisis, the homeless population in New York City is hitting record levels. Quality and affordable housing is necessary to protect people and families across the state. Studies have shown that safe, clean and properly maintained housing not only benefits children socially and emotionally but can have positive impacts on their health. For adults, secure housing makes it easier to find job opportunities and create a foundation for positive community change and subsequent growth.

Homeless individuals and families, by contrast, are at a high risk of illness, criminal exploitation and victimization. People who live on the streets suffer injury and death from exposure to the elements, and children and adults alike experience chronic hunger. In New York City alone, 1.4 million residents rely on soup kitchens and food pantries, and one in five children are food insecure, and do not know where their next meal is coming from. This hurts our communities, and the economy of our state. The average cost to shelter a family in a New York City homeless shelter is close to \$38,000 per year but creating supportive permanent housing saves taxpayers \$10,000 to \$12,000 per person annually. We must look towards long-term solutions, which will save our state money and create untold positive effects across the state. The Executive must continue to support and expand affordable housing activities and increase housing opportunities for families across the State.

COVID-19 Housing Relief and Recovery for All Act

In the wake of COVID-19, millions of families are suffering every single day. It is crucial for the state to provide immediate rent relief for residents, homeowners, and small property owners. Countless households are now in severe debt to their landlords and mortgage owners. Without true relief, these households will face years of devastating financial loss, through no fault of their own.

It is in the public interest to maintain safe, affordable housing by securing and providing emergency funding to ensure individuals and families are not rendered homeless and that public housing entities, not-for-profits, residential cooperatives, and landlords unable to afford necessary expenses will not be encumbered with severe financial burden. This legislation would limit cases of homelessness as a result of eviction and help to ensure that the human right to housing is given meaning in New York State.

To support our small landlords, we support the establishment of a critical "landlord relief fund", which will provide critical relief to small property owners who have been impacted by non-payment of rent.

Good Cause Eviction

Today, many residential tenants from across New York State are being evicted for unjustifiable reasons. Residential renter-tenants, the biggest constituency in our state, lack basic rights that will allow them to renew their expiring lease and to not be priced out of their homes.

Landlords across our state are displacing tenants in order to gain higher profits. The de facto evictions happen via non-renewal of their leases. These non-renewals are displacing individuals and families for owners to rent out their units to higher income tenants. The Caucus supports Good Cause Eviction, which will prohibit landlords from evicting tenants without a good cause.

Housing Our Neighbors with Dignity Program

The Caucus acknowledges the need for building more affordable and supportive housing in the state. We must ensure that communities of color who experience higher rates of rent burden, homelessness and reside in neighborhoods that have lower vacancy rates are accommodated. That is why the Legislature allocated \$100 million in last year's budget to fund the conversion of distressed hotels and commercial properties to create more housing for those in need. The Housing Our Neighbors with Dignity Act was enacted in 2021 in order to provide a mechanism for the state to finance the acquisition of distressed hotels and commercial office properties by the appropriate nonprofit organizations for the purpose of maintaining or increasing affordable housing.

The Caucus supports a \$1 billion allocation to continue supporting the program's work of bringing more housing justice to New Yorkers.

Stabilizing Rent Costs

New York's rent stabilized units offer stable and affordable housing to millions. According to the latest Housing Vacancy Survey, the median 2016 income of rent-stabilized households was \$44,560, with a median gross rent to income ratio of 36 percent, meeting the definition of rent burdened. Rent-stabilized tenants are particularly susceptible to the economic shocks caused by public health crises such as the COVID-19 outbreak, which is causing a significant increase in unemployment claims and other severe economic stresses.

Access to stable and affordable shelter during a disaster, especially one that requires New Yorkers to stay indoors, is critical to ensuring our state can recover from the major economic and health impacts caused by these disasters. With many rent-stabilized tenants facing unemployment or other unexpected expenses, including medical bills during a state disaster emergency, tenants should not be subject to the additional burden of rising rents. The Caucus supports legislation that would stabilize rent costs throughout the duration of state disasters, and one year thereafter.



WiFi Access for Homeless Shelters

As the scarcity of housing and lack of affordability continue with little abatement, we have seen rates of homelessness increase in recent years. The added burden of the COVID-19 Pandemic forcing students to remote learning, showed the elevated difficulty faced by homeless families due to the lack of WiFi access at homeless shelters.

According to the New York City Department of Social Services, most of the 450 homeless shelters in the City do not provide WiFi for residents. For the estimated 114,000 children who live in shelters in New York City, being unable to access the internet has made remote learning inaccessible. There are countless accounts of students who received laptops from the New York City Department of Education but had no access to WiFi. In some cases, students received WiFi enabled devices, but still could not access the internet for school because of spotty cell phone reception in their shelter. Most were either unable to access the internet regularly or had to spend their limited resources on phone plans with data.

The Caucus supports the inclusion of a state program requiring funding for all local social service districts to provide internet access for all individuals residing in temporary housing in their district. That includes, but is not limited to, family shelters, adult shelters, domestic violence shelters, runaway and homeless youth shelters, and safe houses for refugees.

Fair Representation in Court

Every year, at least 80 percent of the civil legal needs of low-income New Yorkers go unmet. According to the Brennan Center, fewer than 20 percent of low-income families with civil legal needs can obtain the services of counsel to help them gain access to the courts. As we continue to experience a foreclosure crisis and an affordable housing crisis in New York, we must ensure that our most vulnerable populations are receiving proper representation when they cannot afford to obtain such representation on their own.

Reversing Freedom Mortgage Corp. v. Engel

There is an urgent need to pass legislation to overrule the 2021 Court of Appeals decision in *Freedom Mortgage Corp. v. Engel*. As a direct result of this decision, a flurry of motions have been filed by mortgage lenders and servicing institutions to reopen time-barred cases that were dismissed years ago on the ground there is a new change in the law that essentially exempts foreclosing plaintiffs from having the statute of limitation applied to it in foreclosure actions. Without reversing this decision, scores of homeowners will unlawfully and unjustly lose their homes. The Caucus supports leveling the field for all homeowners and ensures the statute of limitation applies to all parties equally without exemption.

Tenant Opportunity to Purchase Act

Giving residents an opportunity to gain a stake in the buildings in which they are tenants will stabilize the housing market in New York at prices that are affordable to working people. Affordable housing and price stabilization provisions will help address our worsening homelessness crisis, reduce housing inflation and address the worst aspects of gentrification while allowing sellers to get a fair price for their property if they wish to sell as well as permitting purchasers to enjoy a reasonable profit from their investment.

The Caucus supports legislation that would give tenants the opportunity to own or remain renters in the properties in which they reside.

Repeal 421-A

New York, including but not limited to New York City, has experienced high levels of gentrification. Many New Yorkers who were born and raised in these neighborhoods are no longer able to afford the cost of living. Much of this gentrification is a by-product of the 421-A program.

Overall, 421-A costs New York City around \$1.4 billion per year in forgone taxes. Of the roughly 185,000 housing units covered by 421-A, nearly 50 percent of those units are market-rate condos while only about a quarter of units are rent-regulated “affordable” units. Again, of these regulated units, the vast majority are income-targeted at 130 percent of AMI, which is over twice the median household income for New York City (\$58,000). Given the 421-A program’s inability to generate housing units affordable to low or even middle-income New York City households, the billions of dollars of foregone taxes would be better invested in truly affordable housing rather than padding profits for private developers.

These tax breaks do not spur affordable housing but, instead, accelerate gentrification by eliminating real, actual working-class affordable housing units. Our last rent reform package gave everyday New Yorkers a fighting chance by giving them the tools they needed to keep their housing. We must continue to fight for the working-class tenants all over this state by ending the 421-A tax break which does nothing to create and sustain real affordable housing.

Reduction in the Homeless Population

Homelessness does not represent the failures of individuals and can often find its origins in the absence and inaccessibility of social and economic support. The Caucus will continue to work aggressively to reduce homelessness across New York. Communities throughout the state have seen significant increases in homelessness, and the Caucus intends to help develop resources and initiatives that, in their diversity, provide multi-layered solutions to the problem.



In New York State, the New York City Housing Authority (NYCHA) along with other public housing authorities must work proactively to target their local homeless populations. While there was a strong commitment of funds in previous fiscal years to be put towards homeless housing, more work needs to be done. The state must fund current homeless housing programs at higher levels.

Public Housing Support

Public housing developments are home to some of New York's most vulnerable populations including seniors and families with young children. Across New York State, our public housing is in disrepair, putting over 600,000 people at risk of lead paint exposure, mold, and other environmental toxins. Public housing developments are regularly without heat and hot water. Residents suffer from non-working elevators, leaks, and infestations. Prior to the administration of Governor George Pataki, New York State provided funding for public housing. It should do so once again to remedy the damage caused by years of disinvestment.

The Caucus supports including \$10 billion in the budget for emergency capital improvements and operating expenses at NYCHA developments, including at least \$3.4 billion in capital funds for SFY 2023 (baselined annually thereafter) and at least \$2.8 billion in operating funds to increase the size of its Capital Projects Division (to allow NYCHA to commit 100 percent of currently allocated capital funds as well as additional capital funds included here), and an additional \$1 billion for public housing outside of New York City in the state of New York. We also request the state allocate these funds to public housing authorities directly for emergency repair projects identified in consultation with the legislators whose districts include public housing developments rather than through the Dormitory Authority of the State of New York.

Rental Reduction for NYCHA Utility Outages

NYCHA has a long and troubling history failing to promptly resolve utility outages for which they must face repercussions. Throughout several cold months from 2017-2018, many NYCHA residents were without heat service. As a result, in 2020, *Diamond v. New York City Housing Authority (NYCHA)* held that a class action lawsuit against NYCHA for rent abatements for the tenants that experienced loss of heating in their residences could proceed. It is clear from the repeated deprivation of essential utility services that NYCHA cannot be held accountable to correct such outages in a timely manner. While without service, tenants deserve to have their rent, which includes payment for utilities, reduced in a manner that reflects that loss.

The Caucus supports legislation to provide NYCHA tenants a prorated rental reduction for utility outages, to alleviate the utility issues of NYCHA residents.

Naturally Occurring Retirement Communities

Naturally Occurring Retirement Communities (NORCs) and Neighborhood Naturally Occurring Retirement Communities (NNORCs) coordinate a broad range of health and social services to help older residents remain in their homes.

Preserving and expanding the NORC program across New York State is essential to keeping our aging population healthy, active, and social beyond the medical programs that support seniors in our communities. In 2017, NYSOFA pledged to fund three new NORC programs in an RFP they later withdrew. We cannot allow this to happen again, and we must ensure that NORC programs receive funding in the coming year. We must also introduce ongoing stable funding for this program and other older adult services.

Our state has a rapidly aging population. N/NORC programs afford older adults a sense of independence and familiarity associated with community-based programs that are irreplaceable. N/NORCs are vital to New York's aging population and act as preventative care, keeping our seniors at home and in their communities and helping the state maintain its designation as an age-friendly state.

The Caucus supports the continued support for N/NORCs and their services by further investing an additional \$1 million in the budget, for a total of \$9.055 million for the program.

Settlement Housing Funding

The Settlement House Program (SHP) provides funding for 48 settlement houses across New York State via the Office of Children and Family Services and the Office of Temporary and Disability Assistance. The settlement houses funded through SHP provide a wide array of services, including treatment and counseling services for sexually abused children, pre-teen youth programming, culturally competent domestic violence and prevention services, parent engagement, and family literacy programs.

New York State must continue to provide critical support to the SHP to ensure that vulnerable and aging populations and families have adequate access to the services they need right within their neighborhoods. Every day, local service providers work with our constituents to resolve challenging situations.

The Caucus supports \$8.4 million for SHP to ensure each settlement house will be able to more readily respond to the unique and ever-changing needs of our communities.



Communities First

New York's housing affordability crisis is putting working families, seniors, and their communities at risk. Vital federal programs to assist homeowners have ended and key financial regulations are being threatened. Meanwhile, reverse mortgage foreclosures are on the rise, foreclosure rescue scams targeting seniors and communities of color proliferate, and the stability of immigrant homeowners is being threatened, exacerbating New York's affordable housing crisis and stripping neighborhoods of wealth. In fact, there were an estimated 25,000 new foreclosure cases filed in New York State in 2018 according to the NYS Office of Court Administration, and an 8 percent increase in state-wide 90-day delinquency notices—a signal of mortgages going into foreclosure. That number is expected to continue to grow.

Communities First leverages New York State's existing network of housing counselors and legal services providers to revitalize neighborhoods and keep New Yorkers from homelessness, crushing debt, and displacement. Since the creation of the Homeowner Protection Program (HOPP) in 2012, Communities First has prevented over 22,500 foreclosures and served more than 95,000 New Yorkers statewide. The Caucus supports a funding allocation of \$20 million.

Condo/Co-op Abatement

More than 320,000 cooperative and condominium homeowners received an average tax break of \$1,890 in FY2019 but benefits to luxury homeowners far exceed this average. The top 10 percent of the abatement, going to 32,000 luxury homeowners, represents \$172 million in tax breaks. The top 10 tax abatements range in value from \$35,000-45,000 per unit. The cost of this tax break has increased at an annual rate of 7 percent until last year when it grew by 16 percent, driven by luxury condos previously developed under 421-a. This trend is expected to continue in upcoming years. Reforming the abatement now will contain growing costs for New York City, while making investments necessary to preserve public housing.

The bill would reinstate the New York City condominium and cooperative tax abatement, excluding dwelling units whose billable assessed value is \$200,000 or greater (\$200,000 = \$1.8 million). The bill then redirects these property tax funds to the New York City Housing Development Corporation to be used exclusively to help the dire needs of our NYCHA community, which are currently estimated to need at least \$32 billion to create safe and decent living conditions.

United Neighborhood Houses

The Caucus advocates for an allocation of \$8.4 million to UNH's Settlement House Program. The Settlement House Program provides flexible funding for innovations in community-based child, youth, immigrant, and older adult services in settlement houses. The funds will be used to, among other things, support culturally and linguistically-appropriate case management efforts to connect

clients with services that help them stay engaged, such as referrals for housing, legal services, child care, and workforce opportunities; create outreach materials that are compelling and culturally appropriate; and provide workforce training, educational opportunities, adult education programming, and linguistically-appropriate outreach.

An additional allocation of \$25 million for UNH’s Adult Literacy Education (ALE) program would support English for Speakers of Other Languages, Adult Basic Education, and High School Equivalency preparation classes. Adult literacy programs help New Yorkers compete in the job market, support their children in school, experience positive health outcomes, and more fully engage in civic and social life. Lastly, \$50 million should be dedicated to addressing UNH’s ongoing capital improvements for human services providers and allow these funds to support projects in publicly owned facilities where human services providers operate programs.

Neighborhood Preservation Coalition of New York State (NPCNYS)

Neighborhood Preservation Coalition of New York State (NPCNYS) provides capacity-building technical assistance, training, and timely information about housing and community development resources to 140 NPCs. NPCNYS assists with preparing HCR applications, annual reports, and Grants Gateway compliance.

NPCNYS provides proposal development and submissions for the following state agencies HCR, OTDA, and DEC. They also recommend best practices for tracking and reporting all housing activities by incorporating public health practices into their housing work. Other strategies include enhancing their technical assistance programming to include targeted training seminars to better support the nonprofit business model through succession planning, outreach, and fundraising. The Caucus supports a budget allocation of \$200,000 for NPCNYS.

Housing Development Fund Corporations (HDFCs)’s Payment of Arrears for Real Estate Taxes

We support legislation to subordinate any real estate tax arrears to a loan obtained by the HDFC. To allow such eligibility, the company is required to increase maintenance by a minimum of 2 percent per year or impose assessments that ensure that the company can pay its financial obligations. We support assisting HDFC cooperatives that have fallen behind in paying their real estate taxes.



Anthony Castellena
Member of Teamsters Local 295

“My name is Anthony Castellena and I am a driver at DHL and an alternate shop steward and member of Teamsters Local 295. I have worked in the delivery industry since 1993. I have a good union job that provides for my family. I don't have to worry about how we will put food on the table tonight or how we will pay the bills next month. Because I have a union, I don't have to worry about whether taking my kid to the hospital will be a financial calamity for my family. But our security is in jeopardy. Amazon and other abusive corporations are growing by cheapening delivery jobs. They want to pay workers near-minimum wages with few benefits to do the job that provides for my family. If New York does nothing, we all might be working for Amazon one day. But New York can do something and protect good jobs. The Teamsters are proud to be part of New Yorkers for a Fair Economy.”

Executive Budget Highlights

LABOR, ECONOMIC DEVELOPMENT and JOB CREATION

- **Small Business Plan:** The Executive proposal provides a new \$250 million COVID-19 Capital Investment Tax Credit for small businesses impacted by COVID-19; \$200 million for a flexible grant program for early-stage small businesses; and \$75 million for innovation venture debt awards to emerging small businesses.
- **Connect ALL Initiative:** The Executive provides \$1.4 billion for affordable broadband access to New Yorkers in rural and urban areas statewide, consisting of \$300 million in State support and \$1.15 billion in federal funds.
- **Regional Economic and Community Assistance Program:** The Executive provides \$800 million to support economic and workforce development, community revitalization, and tourism promotion in downtowns and waterfronts across the State.
- **Regional Economic Development Council (REDC):** The Executive proposes \$225 million to support a new round of REDC awards.
- **Workforce Development:** The Executive provides up to \$350 million to support new workforce development efforts. This includes the creation of the Office of Workforce and Economic Development within the Empire State Development Corporation (ESD), which will coordinate workforce development through the REDCs and in conjunction with State agencies.
- **Downtown Revitalization Initiative (DRI):** The Executive provides \$100 million for a new round of DRI grant awards.
- **NY Forward Program:** The Executive proposes up to \$100 million to support the equitable recovery of rural and smaller communities, with a focus on developing shovel-ready implementable projects.



The People's Budget
LABOR, ECONOMIC DEVELOPMENT and JOB CREATION

Essential workers continue to keep New York State running. The COVID-19 Pandemic has underscored our state's dependence on essential and low-wage workers, many of whom are people of color. It is crucial that New York State guarantees these employees the quality wages and benefits that are commensurate with the vital functions that they serve. Fair compensation is sorely needed to help workers provide for their families and propel them into the middle-class. Investments in workers, especially through training and support for small businesses and enterprises in our communities, are important components to developing healthy communities. These values ensure that we can build an equitable and just economy for all New Yorkers

The Caucus supports several initiatives to increase incomes for the overworked and undercompensated, such as increased investment in the Excluded Workers Fund, eliminating the tipped minimum wage, establishing the prevailing wage for roadway workers and others. Further, the Caucus supports protections meant to empower and organize workers, such as enforcing the NY HERO Act workplace safety mandates, preventing wage theft and mandatory 24-hour shifts for home care workers and so much more. Labor Unions have long signified entry to the middle class for communities of color, and it is vital that we continue to bolster worker protection to help balance the power dynamic between laborer and corporation.

Social Welfare Funding

New York's adherence to a two percent spending cap has had a chilling effect on social welfare agency spending in New York. Last fiscal year, the Office of Children and Family Services (OCFS) and Division of Human Rights (DHR) saw the largest decreases in state operating funds. Since 2011, all agencies have seen significant decreases, but OCFS, DHR, and the Division of Homes and Community Renewal (DHCR) have seen the largest decreases at 38 percent, 51 percent, and 36 percent, respectively. Funding reported for social welfare agencies has fluctuated since 2011 with some financing and some accounting changes, but overall funding is clearly decreasing for these agencies.

The Caucus acknowledges the need to increase the breadth and depth of these much-needed services, and to match that need with increased funding.

Eliminating Asset Limits for Public Assistance Programs

Many public assistance programs limit eligibility through calculations based on asset limits. Under these conditions, asset limits for public assistance programs incentivize households to spend down, which is counterproductive to helping households achieve economic self-sufficiency. Eliminating asset limits encourages households to save up, instead of spending down. Other states have taken measures to increase asset limits or completely remove them all together. Eliminating asset limits from public assistance programs would help save administrative costs on burdensome, eligibility tests on households.

The Consumer Small Business Protection Act

New York's business law is outdated and incapable of providing the protections needed for modern commerce and service. Although New York is a leader in many areas of consumer protections, it lacks the proper protections against unfair, deceptive or abusive acts; consequently, our state lags general business statutes in at least 39 other states.

The Consumer and Small Business Protection Act seeks to protect consumers and small businesses against actions that are likely to cause substantial injury, take advantage of vulnerable consumers and small businesses, and defends them against practices that are likely to mislead under reasonable circumstances. The Caucus advocates for legislation to allow persons to recover statutory damages of one thousand dollars in addition to actual and punitive damages.

Individual consumers and consumer attorneys are often reluctant to bring actions against violators due to the prohibitive costs and time required to bring litigation against perpetrators; essentially creating an environment where, in practice, bad actors are free to engage in disreputable conduct. Making attorneys' fees mandatory will increase access to justice for persons seeking legal action against violators. We support efforts to bring New York's GBL in line with most other state statutes by expanding consumer protections to protect against unfair, deceptive, or abusive acts while providing a significant deterrent to dishonest and deceitful business entities that seek to take advantage of consumers.

Prohibition of Confessions of Judgment

A confession of judgment is a legal document that allows a party to obtain a judgment without the need to bring a lawsuit. Confessions of judgment are frequently abused by lenders to circumvent legal court proceedings and claim, often without proof, that a debtor has failed to meet their payment obligations. This allowed creditors to legally seize assets of borrowers without a court proceeding, financially ruining tens of thousands of small businesses, including some of whom did not default on their loans.



The Caucus supports legislation that will protect small businesses from predatory lenders that often offer loans and cash advances on the precondition that they sign a confession of judgment.

Reclassification of Asset-Based Lending Transactions

Currently, under state law, cash advances or asset-based lending transactions are not subjected to state usury laws. This allowed predatory lenders to loan large sums of capital to small businesses and individuals at uncontrollable interest rates. This, in tandem with "confessions of judgments", allows lenders to abuse the state's lack of usury laws to entice small businesses into an uncontrollable cycle of debt.

The Caucus supports legislation which seeks to apply the regulatory standards to "asset-based cash advances" in order to protect unsuspecting small businesses and individuals.

Small Business and Nonprofit Rent Relief and Support

For many small businesses and nonprofits, rent payments, even in a favorable economic climate, present a burden. During the unprecedented economic downturn caused by the COVID-19 pandemic, these tenants are suffering as a result of state mandates, forcing them to close and/or curtail their operations. With reduced revenues, meeting rent demands in full has become impossible for many small businesses and nonprofits, posing an existential threat. The Caucus supports legislation that would offer a framework for sharing the burden of this crisis among tenants, landlords, and government.

The Caucus supports tax credits to local and small businesses and a federal and state legal services program to support small businesses and nonprofits.

NY HERO Act Funding and Enforcement

COVID-19 and its numerous variants have devastated our workers, communities, and small businesses, particularly those in our Black, Brown, and AAPI communities. Black and Brown New Yorkers were twice as likely to die from COVID-19 as white New Yorkers. During the first wave, workplace transmissions were a key driver of COVID-19 spread, particularly in communities where essential workers never stopped working.

Preventing workplace spread is critical for a speedy economic and social recovery in New York. Thus, the Caucus supported and won the passage of the New York Health and Essential Rights Act or the "New York HERO Act" in 2021, which requires all businesses and industries to adopt enforceable safety and health standards to protect workers from airborne infectious diseases.

While this law exists in statute, we need to ensure that all eligible businesses are receiving the necessary information to implement these regulations and for state agencies to enforce these standards. The Caucus supports a \$50 million budget allocation to help the NYS Department of

Labor hire more inspectors and conduct the necessary outreach to businesses about implementing these regulations to make workplaces safer.

BIPOC Artist Funding

New York's working artists and performers are uniquely vulnerable during the COVID-19 pandemic. This is especially true for artists of color, who are underpaid and often expected to build their career on the promise of exposure instead of remuneration. These recent hardships, combined with structural and economic inequality, prevent artists of color from contributing their talents to our communities.

The Caucus recommends additional investment to the New York Council of the Arts for a new grant program focused on commissioning BIPOC artists and institutions across the state for public art projects.

Home Care Worker Protections

Home care workers in New York are essential to maintaining the daily well-being and long-term care of older adults and people living with chronic health conditions or disabilities. Home care workers and personal care aides are among the fastest-growing occupations in the state. New York State employs more than 210,000 home care workers and they rank as NYC's single largest occupational group. The demand for home care workers will only accelerate with a growing aging population. The statistics also show that these workers are predominantly women of color.

It is increasingly apparent that many employers require their home care workers to work mandatory 24-hour shifts to care for people approved for around-the-clock care. Home care workers report that they are often required to work 24-hour shifts consecutively in a week. The growth in mandatory 24-hour shifts can endanger the health and safety of both home care workers and care recipients. Studies have shown that prolonged periods of wakefulness (17 hours without sleep) can significantly impair hand-eye coordination, decision-making skills, and memory. Workers' sleep is shorter, lighter, more fragmented and less restorative than normal sleep at night. 24-hour shifts are equally detrimental to care recipients.

The Caucus supports protecting home care workers from 24-hour shifts in order to safeguard the health, safety and general well-being of home care workers and their families, as well as care recipients, consumers and the public.

Empire State Licensing Act

Access to professional licensing for our undocumented immigrants is vital to a speedy economic recovery for New York. State and City fees and taxable revenue will provide crucial cash flow to



our fiscally struggling governments. Similar bills passed in Nevada and New Jersey provided undocumented immigrants a feasible pathway toward sustainable jobs and careers.

Community Hiring State Legislation

Community hiring will be crucial in driving economic recovery in economically disadvantaged communities that are predominantly communities of color. The City and State of New York have enormous purchasing potential that it should leverage to prioritize residents from historically underserved communities for job opportunities, like how New York City has expanded opportunities for M/WBEs. However, the state generally prohibits local governments from requiring that entities benefiting from procurements and other transactions hire low-income individuals or residents of economically disadvantaged communities.

Thus, we urge the creation of the Office of Community Hiring and Workforce Development and recommend the authorization for the office to establish a community hiring program to provide employment opportunities for low-income New Yorkers and New Yorkers residing in economically disadvantaged regions. Additionally, we advocate for increased access to middle-class construction and building service jobs for low-income communities and NYCHA residents, an authorization to allow New York City to establish a requirement that entities use a minimum ratio of apprentices when performing work on procurement contracts, and enable the City to connect contractors with workforce development programs. This legislation would provide approximately 1,300 construction jobs to residents of low-income communities for every \$1 billion in City capital construction. It is estimated that, in the first year of the program, roughly \$1 billion in wages and benefits would go to the target communities in capital construction investments alone.

Liability for Unpaid Unemployment Insurance

Under current law, the Department of Labor can hold corporations, sole proprietors, and some partners liable for unpaid UI contributions, but does not have authority to hold officers of such corporations or members of LLCs individually liable. Based on historical patterns, approximately \$35 million per year in unpaid UI contributions is assigned inactive collection status due to the inability to collect from out-of-business corporations, LLCs, and partnerships who abandon their debt. The ability to collect against corporate officers, members or managers of limited liability companies, and certain partners would significantly decrease this amount and have a positive effect on the UI Trust Fund. Extending this liability would serve as a deterrent against unscrupulous employers who evade paying their fair share of UI contributions by closing a business and setting up a new corporation, limited liability company, or partnership.

Establishing Peer-to-Peer Car Sharing Program Act

The Caucus supports legislation to provide insurance coverage for participants in a peer-to-peer car-sharing program and third parties and to require consumer protections for participants in a

peer-to-peer car sharing program. Additionally, it requires that these companies pay appropriate taxation for car-sharing transactions. Revenues generated from these taxes will help fund mass transit and public transportation. The legislation would further amend the law to impose appropriate consumer protections and safety regulations on sharing programs for the benefit of participants in peer-to-peer car sharing.

Human Service Agency Wages

New York’s \$15 minimum wage was an important step toward fair wages for New York workers, but it created a challenge for nonprofit agencies providing human services. Unless the state increases their funding, they have no way to both increase wages and provide the services needed. Last year’s enacted state budget included the investment of \$15 million to fund the minimum wage increase for contracted nonprofit human services organizations, but that was only the first step. Without funding the minimum wage in subsequent years, nonprofits are forced to stretch already limited funds to an unsustainable degree. Human services are the foundation of our communities, providing critical services through after-school programs, supportive housing, job training, senior care, community centers, and food assistance, just to name a few. The human services workforce is predominately made up of women (81 percent) and almost half (46 percent) are women of color.

Additionally, recent funding cuts and outdated contracting policies and processes undermine the sector’s ability to meet current community needs and plan. Underfunding the sector ultimately devalues the crucial work that this workforce does. Thus, increased overall state investment in the sector’s workforce and infrastructure would vastly help stabilizing the sector, beyond simply raising wages up to the minimum level.

The Universal Child Care Act

New York’s childcare infrastructure is in crisis: many parents have no access to affordable or quality care and many childcare providers earn below the minimum wage. Decades of treating and funding childcare as a private service rather than vital public infrastructure has left the system on the verge of collapse. Although some piecemeal approaches and temporary solutions have kept New York’s childcare system on life support, many childcare centers have already been forced to close, and parents are struggling to access the childcare they need. Today, where childcare is still available, it is largely due to a dramatically underpaid workforce overwhelmingly made up of women—especially Black women and women of color—who are paid wages that leave the majority in or near poverty. The COVID-19 pandemic has only made matters worse, making plain the many weaknesses of our childcare system

The demands of parents and providers for meaningful action on childcare have been ignored for far too long. We saw the extraordinary damage this has caused, and we know that the industry is on the verge of collapse. New York cannot afford to continue to ignore this or to meet it with

another band-aid solution. In order to address the crisis on the scale it requires, we need to pass the Universal Child Care Act and move towards a childcare system that is universal, like our public-school system, and which pays our childcare workers at parity with our public-school educators. This will require \$5 billion in this year's budget, including \$3 billion to guarantee child care subsidies for high-quality and culturally responsive child care, \$1 billion towards child care workforce stabilization, \$600 million for a transitional reimbursement rate while we transition towards a system that compensates for the actual cost of child care, and \$400 million for child care infrastructure development.

Employment and Training Opportunities

The Consortium for Worker Education (CWE) provides essential training and workforce development programs that have had a positive impact on 43,000 workers throughout New York City. With training programs providing industry-recognized credentialing that leads to living-wage jobs in the fields of transportation, A/C refrigeration, systems maintenance, health care, advanced computer programming and the building trades, CWE is an essential resource and needs continued funding to increase credentials.

One Fair Wage

The signature New York State accomplishment of the \$15 minimum wage was a big win for working families across New York State. While the Caucus is proud of our leading role in enacting this policy, we understand that some of New York's most vulnerable and low-wage workers will not benefit from the improved policy. The sub-minimum wage for tipped workers is an unjust subsidy afforded to restaurants, hospitality, nail salons, and car washes on the backs of working people, allowing these employers to pay wages far lower than the minimum when customers voluntarily leave tips. This system makes workers more vulnerable to wage theft and sexual harassment that is pervasive in these industries. The Caucus supports eliminating the sub-minimum wage for tipped workers.

Excluded Workers Fund

COVID-19 has wreaked havoc on our economy. New York faces a \$60 billion deficit while, at the same time, New York State's 120 billionaires saw their combined wealth rise by over \$77 billion in the first months of the pandemic. The Caucus succeeded in creating a \$2.1 billion fund to ensure excluded workers receive the relief they need to survive by providing flat-rate monthly cash payments, retroactively to the start of the COVID-impacted unemployment crisis, and provide for an accessible application process with expansive proof requirements—including self-attestation and information undocumented workers are able to provide, and have relief funds sent directly to families. Even with the initial investment in the fund, roughly 140,000 New Yorkers receiving Tier 1 benefits from the fund exhausted the initial allotment, leaving thousands still in need of financial assistance.

The Caucus supports putting an additional \$3 billion into the fund to serve an additional 160,000 workers who would qualify to receive financial support and the development of a permanent alternative to unemployment insurance for excluded workers.

Wage Theft

This year's budget should implement a well-resourced effort to eliminate wage theft in our state. We can support and protect workers who report wage theft by substantially increasing penalties for retaliation, including revoking the right of exploitative employers to do business, and by adequately staffing the NYS Department of Labor (DOL). Moreover, the agency should be resourced to allow it to investigate the full 6-year statute of limitations period for all workers.

Workplace Schedules

The Caucus supports legislation that aims to aid the lives of low- to mid-wage workers by providing them with at least seven days advance notice of work schedules. This advance notice allows workers to plan for childcare, healthcare and other important family matters in a way that they may not currently be able to under New York State law. At hiring, workers would also be provided with a statement as to the minimum monthly hours for which they would be scheduled to better plan for the financial aspects of their lives. Employers would face penalties from DOL and private causes of action for their failure to adhere to these provisions.

Citizens Committee for New York City

The Citizens Committee for New York City provides community and school improvement grants for volunteer group projects. The Caucus advocates for funding from the Legislature in the amount of \$600,000 for this worthwhile initiative.

Gig Worker Protections

This bill addresses one of the largest dichotomies in America today: the power of corporations versus the most basic human rights of American workers to a voice on their jobs and a role in shaping their futures. It is a David vs Goliath battle that New York State has a responsibility to address. Large corporate entities, such as Uber, Lyft, and Amazon, benefit from the current rules that classify workers as independent contractors rather than employees. These corporations rely on a steady pool of low-wage, no-rights workers to increase their bottom line at the expense of these workers who make them so profitable.

By classifying them as independent contractors, they strip these workers of an avenue to have basic benefits - like vacation, sick pay, retirement, and health care for them and their families - addressed in any coherent fashion. In addition, they are stripped of liability coverage in case something happens while in the scope of employment. This has led to the disturbing trend in which these workers have to rely on public assistance and benefits, as well as working two or three jobs, to



make ends meet while many of these corporate giants that employ them offer these workers no benefits and pay nothing in taxes.

To address this imbalance, the Caucus advocates for legislation to give these workers, who endure the misfortune of not having control of any workplace issues, an ability to be recognized as employees and to work together with their peers to improve their rights and working conditions. New York has always been a leader in protecting the rights of workers. This bill will help millions of New Yorkers currently stuck in the swamp of employer dominance of their working lives.

Street Vendor License Program

Street vendors are small business owners, often people of color and immigrants, who work in public spaces to provide food and other goods to the greater community. Over the past 30 years, New York City has made it increasingly difficult for vendors to make a living, through the denial of vendor permits and the criminalization of the workers in the industry. To help alleviate the struggles of vendors, the Caucus recommends legislation to require New York City to create a fair and equitable street vending license program. The city will be forbidden from restricting or capping the amount of street vendor licenses. Moreover, the local legislature would be limited in their ability to ban vendors from parks and to deny vendors' chosen location of operation. This legislation will also vacate street vendors' records from past citations and misdemeanors related to sidewalk vending while lowering fines and limiting street vending violations to citations (not allowing for misdemeanors).

Minority and Women Business Enterprises

In the State of New York, we continue to make impressive strides to increase economic opportunity and equality for women and diverse communities of color. With a population where nearly 18 percent identify as African American, more than 18 percent identify as Latino, and over 51 percent identify as women, New York has an incredible opportunity to diversify representation and increase access when it comes to doing business in the state. Moreover, there are tremendous opportunities to increase the number of contracts, capital, and resources to our minority and women owned businesses. We are excited by the progress that began in 2011 when the Governor established a statewide team to eliminate barriers and expand participation of Minority and Women Business Enterprises (MWBEs). However, more is needed in order to ensure equity in our communities.

Community Development Financial Institutions

In order to respond to dangerous federal attacks on people's economic livelihoods and the COVID-19 pandemic, the Caucus supports a commitment of at least \$25 million for a first-in-the-nation state Community Development Financial Institutions (CDFI) Fund. The CDFI Fund would invest in low- and moderate-income neighborhoods not adequately served by mainstream banks

CDFIs will be essential in supporting our low-income New Yorkers and small businesses as we recover from the economic devastation caused by COVID-19. For example, a large percentage of the funds for relief programs meant for small businesses like the Paycheck Protection Program (PPP) and Economic Injury Disaster Loans (EIDL) were given only to large banking institutions.

While small business owners were able to apply independently to these institutions, most who did not have an existing relationship were rejected from the programs or unable to apply due to language barriers. As a result, many small business owners in communities of color who do not have access to traditional large banking institutions have been locked out of these relief funds.

Data has shown that CDFIs are powerful tools and better equipped to serve communities of color and other underserved communities than traditional large banking institutions. In a two-month period, eligible PPP CDFIs providers (303 CDFIs) made 106,113 PPP loans. This amounted to \$7.4 billion in loans. By comparison, the largest PPP lender, JPMorgan Chase, with \$2 trillion in total assets and approximately nine times the size of the entire CDFI industry, made only four times the amount of PPP loans that CDFIs did. With appropriate funding and supportive policy, CDFIs can successfully create an accessible bridge to recovery for small businesses in underserved communities that traditional banking institutions cannot reach with their current services and business models.

New York State Public Bank

This bill would establish a State of New York Public Bank to use public funds for the public funds and increase access to credit and capital in underbanked and/or economically disadvantaged communities. A public bank is a financial institution created by the state for a "public benefit" of the community. The Bank of North Dakota, founded in 1919, is currently the only public bank that exists in the United States. Since 2010, 28 states have passed legislation to establish a public banking taskforce or to create a public bank in their state. The State of California enacted a law in 2019 allowing municipalities to form a public bank.

The Caucus advocates for a New York Public Bank for the purpose of achieving cost savings, strengthening local economies, supporting community economic development, and addressing infrastructure and housing needs for localities.

New York Public Banking Act

The Caucus advocates for the creation of a safe and appropriate regulatory framework for municipalities seeking to establish public banks. This would allow the Department of Financial Services (DFS) to issue special-purpose public bank charters. A public bank is a financial institution created by a city, county, town or village for a "public benefit" of the community. The public bank could exist in communities that have little to no access to banking services. The public



bank could fund local projects at a reduced cost, generate profits for local government, and create low-cost credit/loans to small businesses, MWBEs and/or student loans to low-income families.

Increasing Reimbursement Rates for Highway Repair

Over the last 50 years, the state has delegated responsibility to municipalities to maintain state highways within city borders. The current reimbursement rate covers only 55 percent of the actual costs that municipalities throughout the state bear for the cost of highway maintenance, which includes, among other items, guide rail and fence repair, impact attenuator repair, and pothole maintenance. This maintenance is essential for a safe ride on our highways. Since 1987, the state has reimbursed cities at a rate of 85 cents per square yard of pavement, with no adjustments for inflation. Cities throughout the state would benefit from raising this rate to one dollar and 77 cents per square yard, a rate reflecting the Consumer Price Index (CPI) increase. The Caucus supports increasing the reimbursement rate to keep it in line with inflation and indexing the rate annually to CPI.

Cultural Sustainability Fund

During a time of continuous threats to our local cultural organizations from the federal government, the Caucus deems it important to find ways to strengthen these much-needed institutions. The Caucus supports a statewide sustainability fund for cultural organizations.

Reclassifying Certain Claimants in the Workers' Compensation Law

Workers' Compensation boards are currently mandated to provide extreme hardship benefits to recipients whose household incomes are less than 75 percent of an average weekly wage upon termination of the disability benefits. Extreme hardship can be applied for within a year of workers' compensation recipient's benefits being extinguished. The workers' compensation board currently defines extreme hardship as the inability to meet household bills considering the injured worker's income as well as that of other household members. The Caucus supports legislation that makes it easier for a worker to earn extreme hardship by redefining lost wage-earning capacity at 50 percent instead of 75 percent. This will be especially helpful to workers who are older who might opt into their social security benefits earlier without a larger worker compensation benefit package.

Increasing Transparency Between Workers and the Workers' Compensation Board

Currently the workers' compensation board is not required to hold a hearing announcing a final decision before closing a case or to keep stenographic records of all hearings held. This leads to a lack of transparency within workers' compensation cases.

The Caucus supports legislation requiring a final hearing that announces a case decision and requires a stenographic record of all hearings and providing meeting minutes to injured workers in their native language.

The Electronic Notarization Act

Every year, hundreds of millions of documents are notarized in the United states. Despite the increasing number of notarizations that occur annually, the industry has not adapted to societal changes and technological advances.

The Caucus supports legislation that allows for notarization to be done electronically with the use of video conference technology, not only making it a more convenient process, but also a more accessible one for homebound citizens and working people who would be able to have their documents notarized without losing wages for lost working hours spent in visiting an in-person notary public.

The Roadway Excavation and Quality Assurance Act

The Caucus supports legislation that provides prevailing wages to construction workers providing repairs to roadways in New York. This bill also requires that utility companies only hire competent skilled workers as an effort to extend protections to the public and workers throughout New York whenever public contracts require the use of dangerous excavation work. Currently, utility companies and their contractors are required to use skilled, competent workers paid at wages associated with local prevailing wage laws. This bill will ensure that legislation is implemented statewide.



Peggy Herrera
Center for Community Alternatives

"My son has been challenged with mental health issues and was criminalized by the police. He was charged over \$200 for the three cases processed against him when he was under 18 yrs. old. I am know working overtime to pay his debt."

Executive Budget Highlights
CIVIL RIGHTS and CRIMINAL JUSTICE

- **Youth Justice and Gang Prevention Programs:** The Executive provides \$28.6 million for youth justice and gang prevention programs, an increase of \$18.6 million from SFY 2021-22.
- **SNUG Program:** The Executive provides \$20.9 million for SNUG, an increase of \$16.1 million from SFY 2021-22, which maintains additional funding provided during the Gun Violence State of Emergency that was declared in July 2021.
- **GIVE Program:** The Executive proposal includes \$18.2 million for the Gun Involved Violence Elimination Initiative (GIVE), an increase of \$3.8 million from SFY 2021-22.
- **Regional Gun Violence Response:** The Executive proposal includes \$20 million for partnerships between government and community-based organizations to help communities recover in the aftermath of gun violence.
- **Pre-Trial Services:** The Executive provides \$10 million to probation and community-based services that provide pretrial services in upstate counties.
- **Crime Analysis Center Network:** The Executive includes \$14.9 million for new Crime Analysis Centers and Gun Crime Analysis Centers throughout the State.
- **Pilot Transitional Housing Program for Post-Incarceration Individuals:** The Executive proposal includes \$2.5 million for the creation of a pilot program to provide parolees with stable housing for 90 days while they pursue employment and permanent housing.
- **Capital Investments in Gun Crime Reduction:** The Executive proposal includes \$50 million in capital grants for communities impacted by gun violence.



The People's Budget
CIVIL RIGHTS and CRIMINAL JUSTICE

The 2019-2020 Legislative Session was filled with historic legislative gains that were intended to redress systemic harms against BIPOC New Yorkers. The Caucus continues to stand firmly by the reforms the legislature has enacted on bail, discovery, parole, solitary confinement, and more. It is imperative that we protect these criminal justice reforms aimed at rooting out the inequities of our systems. If our goal is to create a judicial process that centers a reparative approach and community reintegration, these policies remain integral to effectuating the changes necessary to fully realize justice in New York State.

One of the important measures supported by the Caucus was the passage of the Marijuana Regulation and Taxation Act (MRTA). As the law continues to be implemented, the Caucus stands firm in ensuring that the enactment of the legislation is consistent with the intent. The communities most affected by cannabis prohibition must be centered in every aspect of the creation of this new industry.

Racial and Ethnic Impact Statements

Historically, minorities are overrepresented in New York's correctional population, as racial disparities occur at every stage of the criminal justice system. While the state of New York has effectively reduced the total prison population through the adoption of alternative-to-incarceration programs and other forms of diversion, the racial disparities in the correctional population remain an indefatigable aspect of the justice system.

A plausible cause of the continued racial disparities is the enactment of sentencing laws without review of the potential impact on minority populations. Race-neutral legislation can disparately and negatively affect minority groups in practice, regardless of intent. New York State can remedy this through requiring racial and ethnic impact statements.

COVID-19 has magnified disparities in healthcare, employment, housing, and food security throughout New York State. Due to the disproportionate impacts policies may have on people of color, the Caucus supports the inclusion of racial impact statements in New York's legislative and rule-making process. Several states, like Connecticut, New Jersey, Colorado, Iowa, and Oregon all require racial impact statements for certain subject matters or circumstances, but New York should lead the nation by requiring impact statements for all legislation and rulemaking to avoid doing more harm to communities of color and promote equity.

The Caucus supports a model that would require all bills, amendments, and rules to be accompanied by a racial impact statement which includes an estimate of the impact of the bill on racial and ethnic minorities, the basis for the estimate, and a prohibition against passing bills that increase racial or ethnic violations.

Clean Slate

Once an individual's "debt to society" is paid, justice demands that the individual not be punished further in connection with employment, housing, obtaining credit, and many additional areas essential for successful participation in one's community.

This Act will provide such individuals with a Clean Slate to move on with their lives and not be punished in perpetuity. It aims to end perpetual punishment by requiring the expungement of certain records subject to a variety of conditions and exceptions, making it illegal and a violation of Human Rights to unlawfully disseminate any information that has been expunged.

Parole Reform

Reentry reform must address how people accused of violating parole are adjudicated. The fact remains that people accused of violating conditions of their parole are contributing to mass incarceration in New York prisons and local jails. Many people under parole supervision in New York are returned to prison, and most of those people are re-incarcerated on technical violations, not rearrests. People accused of violating parole are the only population seeing a growth in numbers in New York City jails.

True reentry reform must, at the very least, include: shortening parole terms overall, incentivizing good behavior by allowing people to earn accelerated discharge, creating a high legal threshold for jailing people on parole for minor offenses and expedite their hearings, and not jailing people for technical violations. For this reason, the Caucus supports the passage of the Fair and Timely Parole Act, which would require the Board of Parole to release people to community supervision when their period of incarceration has finished unless they pose a clear threat to public safety. The Caucus supports eliminating the \$30 parole fee parolees are required to pay once a month.



Elder Parole

After decades of harsh sentencing practices, New York State holds the shameful distinction of having the third-largest population of people serving terms of life imprisonment in the country. Hundreds of incarcerated New Yorkers – parents, grandparents and great-grandparents – may never live to have an individualized release assessment, no matter how much they have changed in the years and decades since their conviction. People serving life sentences are disproportionately Black and Latino, and they are aging rapidly behind bars. The perpetual confinement of aging and elderly people is particularly immoral as studies show that re-arrest rates for older adults released from prison are vanishingly small, particularly for those originally convicted of serious crimes.

However, even as New York's prison population declined in the last two decades, the number of elders behind bars grew substantially. New York has the second-largest prison budget in the nation, spending between \$100,000 and \$240,000 annually for each incarcerated older adult, which the New York State Department of Correction and Community Supervision (DOCCS) defines as adults 55 years of age or older, due to the accelerated aging people experience while in prison.

Emergency Medical Parole

COVID-19 has threatened public health safety in correctional facilities due to their inability to practice safety protocols to keep inmates and correctional officers safe from contracting the virus. Hundreds of inmates have already died from COVID-19 in prison. The Caucus supports legislation that would help incarcerated individuals with disabilities or are at serious risk for death or disease to be released from prison based on emergency medical parole. Such relief will reduce overcrowding in prison and ensure that inmates are housed safely while under the government's supervision.

Charitable Bail

The Caucus stands by the strong reforms we have enacted on bail. Further, we support passage of legislation which seeks to enable charitable bail organizations to post bail assistance for any offense, up to \$10,000, by removing the geographical restriction organizations face to more than one county, and by reducing the certification fee required for non-profit organizations to become certified to post bail.

Certificates of Relief

Criminal records result in a host of unintended consequences, including barriers to reentry so that even when the sentence is served and the parole supervision has been completed successfully, the barriers remain. These barriers include legal discrimination from employment, licensure, housing, voting rights, and other aspects of everyday life. Some post-conviction disabilities can be relieved by obtaining a "Certificate of Relief from Disabilities" or a "Certificate of Good Conduct" issued by the Department of Corrections and Community Supervision.

These certificates can demonstrate to prospective employers and landlords that a formerly incarcerated person has lived crime free since being released from prison. They can also be offered as proof to local boards of election that the right to vote has been restored. Unfortunately, we have a costly and cumbersome process to issue one of two different kinds of certificates with different requirements and waiting periods for differently situated offenders. Under current law, a person must wait until three years or five years after release from incarceration before being allowed to apply for a certificate.

At that point, such a person has often completed supervision and is no longer reporting regularly to his or her parole officer, thus requiring an investigation to be commenced to determine if such person meets the criteria for receiving a certificate. This bill improves the process for obtaining these certificates for people who have been granted early or discretionary discharge from community supervision, which may only occur when the board of parole is satisfied that absolute discharge is in the best interests of society and consistent with public safety.

By granting such certificates at the time of early discharge from supervision for good behavior, the Department saved the human and financial resources of a subsequent investigation. This bill does not increase the number of individuals eligible for either certificate but should increase the number of certificates issued. This bill sensibly grants the certificate at the time of discretionary discharge for those individuals whose extraordinary performance earned them early discharge from supervision.

Fair Chance Act

A statewide “Fair Chance Act,” which prohibits employers from making any inquiry into or mention of an applicant’s criminal record until after a conditional offer of employment has been made, would ensure applicants with criminal records are not shut out of the job market or driven into the underground economy.

The Second Chance Act

The Caucus supports legislation that would promote forgiveness and redemption of those convicted of crimes where additional consequences may include loss of employment or being discharged from a trade or professional organization. This bill would allow a person to explain relevant circumstances relating to being convicted of a crime and, rather than being automatically dismissed from their job, there would be a process for reasonable review and consideration, potentially allowing them to retain their position of employment.

The adoption of policy that embraces and provides opportunities for forgiveness and redemption is in the state’s best interest.



Reducing Arrests for Non-Criminal Offenses

By passing legislation that ends harmful and needless arrests for low-level, ticketable offenses, we can reduce unnecessary arrests and clogs in the criminal justice system. These arrests can carry significant social and public costs to taxpayers, and can jeopardize employment opportunities, immigration status, and access to health, housing, and other programs for those subjected to these unnecessary arrests. By making the law enforcement action commensurate with the offense, this legislation can help reduce financial resources spent on minor infractions and increase resources available for meaningful safety measures for all New Yorkers.

Resentencing

Currently in the New York State criminal justice system, there are few courses of action for individuals to have their sentence evaluated after they are incarcerated, regardless of evidence of rehabilitation, their age, and their risk to public safety. New York currently incarcerates 249 people out of every 100,000, and the incarceration rate remains 2.5x what it was in 1980. Some 9,000 people currently incarcerated are serving life sentences, or sentences of 50 years or more. Allowing resentencing motions by District Attorney's represent a vital step in the pursuit for justice.

District Attorneys would be able to present a motion for resentencing after 20 years for class A felonies, and after 15 years for all other felonies. The District Attorneys presenting the motion and judges would then consider several factors before deciding if resentencing is appropriate, including whether the inmate continues to present a safety risk, their disciplinary record in prison, their age, and evidence that they have been rehabilitated. A motion for resentencing would allow for individuals who are no longer a threat to public safety to be released, as well as reevaluating sentences that are not compatible with modern day views on criminal justice. The careful consideration of factors by both DAs and judges in resentencing motions would lower the high incarceration rate in New York without jeopardizing public safety and would allow rehabilitated individuals to reenter society without serving extensive and superfluous prison sentences.

Inadmissible Statements

Our justice system should be based on basic principles of fairness and transparency. When defendants are under interrogation, however, our current law allows law enforcement to use deceptive practices in unrecorded interactions. While many interactions between law enforcement and the accused may not involve such deception, the consequences for instances where it does occur are dire. These practices have led to coerced confessions which can wrongfully imprison innocent citizens or provide the improper basis for additional charges. The ability of the government to deny an individual their liberty is one of its most sobering powers and the exercise of that power should not be based on deception.

In 1989, five teenage men were wrongly convicted of raping a woman in New York City's Central Park. Their guilt was largely based on false confessions coerced by law enforcement. It took 13 years in prison and the DNA evidence of the real perpetrator to overturn their wrongful convictions. Had the law, in 1989, prevented deceptive practices by law enforcement, they may have never been incarcerated.

New York consistently ranks near the top of the country in false convictions. According to the National Registry of Exonerations, from 1989-2015, there were 1600 exonerations, and over that period, New York ranked second only to Texas with 189 exonerations. Of the top 10 counties with exonerations, New York accounted for three; Kings County, Bronx County, and New York County had the 5th, 6th, and 7th most exonerations, respectively. In 2018 alone, New York tied Texas for the second most false convictions.

Defendants are presumed innocent until proven guilty and that proof should not include evidence tainted by a false confession. Recording interrogations and prohibiting deceptive practices in the process is a step in the right direction that will put New York at the forefront of fairness and transparency in the justice system.

Challenging Wrongful Convictions Act

The Caucus supports legislation to increase protections for people who are actually innocent, including ensuring that they are permitted under law to submit various types of evidence of their innocence to the court and requiring courts to order hearings in those cases with colorable claims of actual innocence. Post-conviction review of claims will be permitted in cases that went to trial or whose case was resolved in a plea. The bill also removes procedural bars for people to challenge convictions based on false or faulty evidence. In short, if there is evidence of a person's innocence, courts will now have a legal mechanism to review the case and vacate the conviction where appropriate.

Grand Jury Reform

This legislation is designed to increase transparency in grand jury proceedings when the court determines it is in the public interest. Specifically, the bill would allow a court to release the grand jury record in cases where a felony indictment is dismissed and the public is already likely aware of both the existence of the grand jury proceedings, and the identity of the named defendant.



The record would be subject to redaction of personal identifying information before release. The court would be required to provide the prosecutor and any other relevant agency an opportunity to be heard on the issue of disclosure. Further, the bill would require the court to consider a variety of factors in determining whether disclosure is appropriate, including the impact on current or future criminal investigations, the privacy rights of the jurors, and any threats to public safety. Additionally, it would allow the judge to be present in the grand jury room, and to assign an interpreter to interpret testimony for grand jury witnesses who are not proficient in the English language.

The Caucus also supports legislation that requires grand jury proceedings for police officers or peace officers involved in a shooting or excessive use of force to be conducted in open, contemporaneous public hearings. It also requires a district attorney who declines to pursue an indictment of police or peace officers to provide a report explaining his or her decision.

Youth Justice and Opportunities Act

In 2017, New York State “raised the age” of criminal responsibility, sending most 16- and 17-year olds who are arrested to Family Court rather than treating them as adults. Yet, far too many young people who are 18 years and older still face harsh prison sentences and the devastating consequences of a criminal conviction.

The barriers created by a criminal conviction undermine young people’s futures and destabilize our communities. They limit educational and employment opportunities, substantially reduce lifetime earnings, and create housing instability and a higher likelihood of rearrests. Given the enormous racial disparity in arrests, prosecution, and incarceration, these consequences are particularly devastating for Black, Latino, and other communities of color.

With the enactment of this legislation, New York has the chance to lead the nation by expanding its laws to protect the futures of young people under the age of 26, enhance community well-being, and provide emerging adults the opportunity to move forward in their lives without the barrier of a criminal conviction. The Act would also reduce state and local spending on youth incarceration—money that should be invested in communities to alleviate poverty and homelessness, ensure quality education, and fund other needed resources. This bill would help stabilize communities, promote community health, and increase public safety for all.

Legal Services Funding

The Caucus supports the allocation of \$15.3 million, from its current \$10 million for immigration legal services and \$9.1 million to the Office for New Americans to ensure New Yorkers who face complex immigration issues have access to proper legal help and support.

New York for All Act

The state must protect immigrant New Yorkers by placing strict limits on how law enforcement officers, probation officers, and government employees share confidential information about New Yorkers with immigration enforcement authorities. The Caucus supports the New York for All Act to provide these critical protections and ensure immigrant New Yorkers are given the opportunity and protection they need to lead a fair and comfortable life, without the threat of deportation when seeking government assistance.

New York Immigrant Family Unity Project (NYIFUP)

Since 2017, NYIFUP has made New York the first and only state in the nation to guarantee legal representation for every detained person facing deportation in a New York immigration court who is unable to afford an attorney. Unlike people facing criminal charges, people facing deportation are not guaranteed a public defender although deportation can result in permanent separation from one's family or community and the forced return to dangerous or deadly conditions in another country. Nationwide, most people fighting to stay with their families must navigate immigration court alone – including 81 percent of people in detention across the country, up from 70 percent in the past few years.

Thanks to New York's leadership in establishing NYIFUP, people in detention in New York can count on an attorney standing with them through the complexities of immigration court. Immigrants who are represented are 3.5 times more likely to be released and up to 10 times more likely to prove their right to remain in the U.S. An evaluation of the NYIFUP pilot in NYC found that the odds of success increased by 1,100 percent with NYIFUP representation.

Now more than ever, New York must continue its leadership in standing up to federal attacks on our communities. To sustain NYIFUP, the Caucus supports budgetary funding in the amount of \$6.5 million.

Expand Language Access

Executive Order 26, which directed executive branch state agencies to provide language assistance services (translation and interpretation) to people of Limited English Proficiency (LEP), has greatly expanded language accessibility to New Yorkers, providing crucial access to critical government services and social programs.

The Caucus supports the codification and expansion of E.O. 26 to ensure all residents can receive and understand the crucial support programs and policies implemented to support their communities.



Access to Representation Act

The Caucus supports the Access to Representation Act which ensures a right to counsel for all immigrants facing deportation in New York and provides stable funding for immigration legal services. No individual in our country should have to defend themselves against trained attorneys without proper counsel to protect themselves, and their families, against deportation.

Foreign Language Proficiency Compensation

The Caucus supports legislation that establishes a pay differential for job titles that require specialized skill, ability, training, or knowledge including proficiency in a language other than English. The purpose of this bill is to provide appropriate compensation to individuals employed in positions requiring the use of specialized skills including proficiency in a language other than English. For decades, these employees are not only inappropriately compensated, but also lack opportunities for promotion within the workplace. This legislation would end this flawed policy and provide compensation that is fitting of their skill sets.

John Lewis Voting Rights Act

The John Lewis Voting Rights Act provides an opportunity for this state to provide strong protections for the franchise at a time when voter suppression is on the rise, vote dilution remains prevalent, and the future of the federal Voting Rights Act is uncertain due to a federal judiciary that is increasingly hostile to the protection of the franchise.

Although its record on voting has improved recently, New York has an extensive history of discrimination against racial, ethnic, and language minority groups in voting. The result is a persistent gap between white and non-white New Yorkers in political participation and elected representation. According to data from the U.S. Census Bureau, registration and turnout rates for non-Hispanic white New Yorkers led Asian, Black, and Hispanic New Yorkers — the latter two groups by particularly wide margins.

New York will not be the first state to pass its own voting rights act. California has had a state voting rights act since 2001 and over the past two decades, the CVRA has been highly effective at increasing opportunities for minority voters to elect their candidates of choice to local government bodies and to elect more minority candidates to local offices. In 2018, Washington State also passed its own voting rights act. But both the Washington and California state voting rights acts are limited to addressing vote dilution in at-large elections. The John Lewis Voting Rights Act builds upon the demonstrated track record of success in California and Washington, as well as the historic success of the federal Voting Rights Act by offering the most comprehensive state law protections for the right to vote in the United States.

The John Lewis Voting Rights Act will address both a wide variety of long, overlooked infringements on the right to vote and make New York a robust national leader in voting rights at a time when too many other states are trying to restrict access to the franchise.

Voting Accessibility for College Students

The Caucus supports legislation that would provide college and university campuses (with large concentrations of voters) with their own election districts and their own poll sites. This bill recognizes that requiring residents of colleges and universities to vote at remote sites can present unnecessary obstacles to voting. The bill would provide that election districts shouldn't be drawn in a way that they are partly on and partly off a college or university campus, and would require that the poll sites for election districts serving such considerations of college or university voters shall be on the campus or college or university property, or some other site approved by the college or university.

Inmate Voting Rights

The Caucus supports voting by inmates in correctional facilities; requires the Department of Corrections and Community Supervision, in collaboration with the State and County Boards of Election, to establish a program to facilitate inmate voter registration and voting. The purpose of the bill is to extend certain inmates the ability to vote. Preventing inmates with felony convictions from voting systematically disenfranchises and suppresses Black votes. All New Yorkers should be able to exercise their foundational American right of voting, and this bill aims to help fight felony disenfranchisement in New York State.

Same Day Voter Registration

The Caucus supports legislation which would authorize individuals qualified to register to vote, and who have missed the deadlines for voter registration prior to an election, to complete a conditional voter registration and cast an affidavit ballot which would then be canvassed when such registration was deemed eligible and valid by the board of elections. This would give thousands of individuals who would otherwise be ineligible to vote on election day, or during early voting, the opportunity to vote.

Enfranchisement

Under current New York law, individuals who are on parole are prohibited from voting. There are about 30,000 people on parole at any given time in New York; and both here and across the country, the criminal disenfranchisement laws disproportionately impact people of color. Nearly three-quarters of New Yorkers on parole are Black or Latino. One out of every 24 Black voters in New York is disenfranchised; and this policy is firmly rooted in historical racism, dating back to a 19th century statute.



Additionally, New York law does allow individuals on probation to vote. There is no reason for this distinction between probation and parole. This distinction has caused widespread confusion among formerly incarcerated people and elected officials, leading to de facto disenfranchisement when individuals who are permitted to vote think that they are not. The Governor recently took a big step towards fixing this problem by using his pardon power to restore voting rights to thousands. But that process is an administrative burden, incomplete, and subject to change at the discretion of future governors. It is time to simplify the process by codifying the Governor's order, and to remove the racist vestiges of Reconstruction and Jim Crow era policies.

Protecting the Trans Community

The Caucus supports several legislations aimed at protecting the trans community. This includes two bills that establish programs offering peer support for transgender and non-binary individuals. Additional bills include legislation requiring state agencies to study public health impacts on the trans community, in particular: requiring the NYS Office for the Prevention of Domestic Violence (OPDV) to study domestic violence in the transgender community, the Office of Minority Health and Health Disparities Prevention (OMH-HDP) to conduct a study on the health impacts of COVID-19 on transgender and non-binary racial and ethnic minorities in NYS, and the Department of Labor to conduct a study on the employment rate of the Black and Latinx transgender persons in NYS.

Gender Identity Respect, Dignity and Safety Act

The Caucus supports legislation to amend the correction law with respect to the treatment and placement of incarcerated people based upon their gender identity. This bill would allow for the placement and appropriate treatment of transgender individuals in state and local correctional facilities in a manner that aligns with their gender identities. For example, to allow transgender individuals to access commissary items and other materials that are consistent with their gender identity and not their assigned sex at birth. Irrespective of people's criminal justice involvement, we must ensure that transgender people are housed safely according to their gender identity. This bill would ensure that we are not turning our backs on protecting the rights and safety of transgender individuals while under correctional facilities' supervision.

Preserving Parental Custody Rights for Parent Undergoing Gender Reassignment

The Caucus supports legislation that prevents a judge from prohibiting a parent from undergoing a gender reassignment when deciding in a child custody case. A parent's sex, sexual orientation, gender identity or gender expression is not relevant when determining the best interest of the child. This legislation will help to ensure that no parents are at risk of losing their custody rights due to their decision to undergo surgical procedures to change their physical appearance and existing sexual characteristics.

Increasing Prisoner Wages and Providing Free Services

Although some inmates receive money from their families, many others are entirely dependent upon the money they earn from their prison work assignments. The money that they earn goes in part to pay restitution and court fees and in part to buy commissary purchases or catalog purchases like ethnic food supplies, books, personal hygiene items and other necessities or small luxuries or gifts for their children or other family members. Even though wages are low, they act as a real incentive for the inmate population to engage in productive activities.

The Caucus supports raising the base wage for inmates to \$1.20 - \$10 a day and ensuring prisoners get biannual raises for adequate performance, in addition to providing those not participating in a work or program assignment due to age or frailty be paid \$1.00 per day, adjusted every 5 years for cost of living. In addition to increasing worker wages, the Caucus supports legislation that would allow incarcerated individuals to send up to 10 electronic mail letters a day, at no charge. Today, the service provider for inmate email systems in the state charges 33 cents per email sent. Sending five emails a day would cost prisoners \$49.50 per month, which is quite expensive. Inmates should have the right to contact their families, at no personal cost.

Involuntary Prisoner Employment

The 13th Amendment of the U.S. Constitution ended slavery and involuntary servitude except as punishment for a crime. Thus, while forced labor is outlawed in free society in the United States, it can proliferate in our prisons and jails. Incarcerated individuals should not be compelled to work against their will. They should be able to freely accept or deny work.

Prisoners' Legal Services

Since 1976, PLS has played a vital role in making New York prisons safer and more humane. Their work has resulted in positive changes in prisoners' attitudes and behavior and has promoted constructive policy and programmatic modifications within DOCCS. PLS' work has also benefited the state Attorney General's Office and state and federal court judges by providing professional legal representation. The Caucus recommends that PLS be allocated a combined \$4 million from the legislature in the SFY 2022-23 budget. With a commitment from the Assembly and the Senate, PLS will be able to continue their vital services, maintain current core work at their Newburgh, Albany, Plattsburgh, Buffalo, and Ithaca offices, and be able to re-open their New York City office.

The Caucus maintains strong financial support for Prisoners' Legal Services as it furthers New York State's legal responsibility to provide meaningful access to the courts for individuals confined in our State's prisons.



Protecting Incarcerated Pregnant Women

The consequences of separating children from their mothers in the first year of their lives are far too great and long lasting. This separation prohibits the necessary bond and attachment to take place between a mother and their child and ends up negatively impacting the mother, the child, the family, and our community. That is why the Caucus proposes legislation to allow the commissioner of corrections to place women who are pregnant or postpartum into community alternatives such as halfway houses, supervise them in compliance with current statute, and provide them with the necessary treatment and programming for the duration of their pregnancy and for up to one year post-birth to prevent the child and mother from being separated from each other during the first year of the child's life.

Ending the Defense of Qualified Immunity for Certain Defendants

The Caucus supports an act to amend the civil rights law to end the defense of qualified immunity for certain defendants acting under color of law. The purpose of this legislation is to end the defense of qualified immunity for law enforcement when they deprive the rights of New Yorkers as well as provide a state cause of action that may be brought by injured individuals and the Attorney General. For too long, police officers have had extraordinary leeway in how they performed their jobs. As we see across America today, qualified immunity has far too often given the police the ability to brutalize and harm our communities, particularly communities of color, even during the most routine encounters. We must act now to end police misconduct by ending qualified immunity for certain law enforcement officers.

Special Prosecutor

The Caucus supports legislation that would enshrine in law the office of the special prosecutor within the Department of Law (the Attorney General) to investigate and prosecute criminal cases against police and peace officers where a person dies as a result of an encounter with a police or peace officer. In such cases, the bill would also require the court to disclose the charges and the legal instructions submitted to the grand jury. The court would provide the prosecutor an opportunity to be heard on the matter and the court would be required to redact any identifying information before disclosure.

Ban Racial Profiling by Law Enforcement

This legislation would prohibit law enforcement officers from using racial and ethnic profiling during the performance of their duties. Specifically, it would require law enforcement agencies to adopt written policies prohibiting racial profiling, to develop procedures for complaints and corrective action, and to collect and report data about the agency's motor vehicle and pedestrian stops. It would also establish a mechanism for either an individual or the Attorney General to seek injunctive relief and/or an action for damages against any law enforcement agency that engages in racial profiling.

Reporting Police Misconduct

Incidents of police misconduct is a systemic problem. Although many police misconduct complaints are lodged by civilians, the well-known "code of silence" among police officers, which implies an informal rule among them to not report on their fellow officers' mistakes, misconducts, or crimes, leads to fewer police officers reporting incidents of peer misconduct. The Caucus supports legislation that would require police officers to report incidents of wrongdoing by another police officer, and that would require DCJ to institute practices to be followed by police agencies when managing and logging such mandated reports of misconduct by a police officer. Failing to do so could result in employment termination and/or criminal charges brought against the officer who failed to report the misconduct.

Establishes that State and Local Law Enforcement Officers to Identify Themselves to the Public During Law Enforcement Activities

The Caucus supports legislation that requires state and local police officers to identify themselves to the public during law enforcement activities such as pedestrian stops, frisks, noncustodial questioning of individuals, traffic stops, and home searches. Police officers should be able to develop a sense of rapport with members of the public. The goal of the legislation is to increase transparency and promote trust between law enforcement officers and the communities they serve.

Granting Immunity to Law Enforcement Employees Who Intervene Against Police Misconduct

The Caucus supports legislation to amend the executive law in relation to law enforcement intervention against police misconduct. Specifically, the legislation enumerates protections by granting immunity from liability and professional retaliation for law enforcement officers who intervene in situations of police misconduct. There is a culture in the law enforcement community that limits and, in some instances, actively discourages accountability for wrongdoing.

Officers who may wish to intervene in situations of police misconduct may be reluctant to do so due to fear of professional repercussions and a lack of protection from liability. This bill would promote accountability by encouraging fellow officers to speak up.

