



NEW YORK STATE BLACK, PUERTO RICAN, HISPANIC, AND ASIAN LEGISLATIVE CAUCUS
Assemblywoman Tremaine Wright, Chairperson

THE PEOPLE'S BUDGET BUDGET EQUITY XXVIII

2020 VISION: AN ANTI-POVERTY AGENDA



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Message from the Chair
Assemblywoman Tremaine Wright
SFY 2020-2021

As Chair of the New York State Black, Puerto Rican, Hispanic, and Asian Legislative Caucus, it is once again my honor to present to communities across New York State, *The People's Budget: Budget Equity XXVIII*. We are privileged to have the opportunity to advance the public policy priorities that will move our neighborhoods forward; and we are grateful to the communities we represent for their engagement in the legislative process.

From upstate, New York City, downstate, and everywhere in between, the sixty-two members of the Caucus organize around a set of common values and the unyielding conviction that our power lies in our ability to stand together to fight on behalf of our communities. And in 2020, our vision must be clear: New York must endeavor to eradicate poverty in every corner of our State. This requires significant investments in anti-poverty measures through budget and policy. Our Members have long been champions of these efforts to seek equity, thus it is incumbent on the Caucus to lift up all of our communities to provide them with the economic stability, personal well-being, and justice that we all deserve.

We cannot lead these efforts alone. We are grateful to the leaders in our respective communities, as well as our peers in government who join us to keep New York families moving forward. It is crucial that as we continue to legislate throughout 2020, residents throughout the state continue to let their voices be heard in this shared exercise in democracy.

To keep that dialogue going, we present The People's Budget in order to articulate the legislative and budgetary priorities that will best enable us to support our mission of eradicating poverty, rehabilitating our communities, strengthening family life, and making the legislative process responsive to the needs of all New Yorkers.

The New York State Black, Puerto Rican, Hispanic, and Asian Legislative Caucus thanks you for taking the time to review this year's publication. As always, residents should take the opportunity to reach out to their local Member of the legislature in order to voice their support and share their concerns.



ACKNOWLEDGEMENTS

We would like to express special appreciation to all of the Legislators, staff and community groups who have contributed to this publication. Without their talents and commitment, Budget Equity XXVIII 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.

BUDGET HIGHLIGHTS

- **All Funds Spending:** The Executive Budget estimates All Funds spending for State Fiscal Year (SFY) 2020-21 at \$178.0 billion, an annual growth of 1.2 percent.
- **State Operating Funds Spending:** The Executive’s estimate of 1.9 percent growth in State Operating Funds remains below its 2.0 percent spending benchmark with total disbursements reaching \$105.8 billion.
- **General Fund Spending:** The Executive estimates General Fund disbursements in SFY2020-21 of \$81.9 billion, for an annual growth of \$2.9 billion or 3.7 percent.
- **Closing the SFY2020-21 Budget Gap:** The Executive budget closes a projected budget gap of \$6.1 billion. The gap-closing plan includes a combination of spending actions (\$4.5 billion) and revenue actions (\$2.6 billion), which include \$2.5 billion in cost-containment measures to be determined by the Medicaid Redesign Team (MRT II) as well as recurring saving of \$851 million from the Medicaid Savings Plan. The reported gap assumes \$890 million in Medicaid savings actions are achieved.
- **Out-year Budget Gaps:** After gap-closing actions, the Executive projects gaps of \$1.9 billion in SFY2021-22 and \$3.3 billion in SFY2022-23 and SFY2023-24, respectively.
- **Monetary Settlements:** The State has received a total of \$12.8 billion in settlement funds from financial institutions since SFY2014-15 including \$896 million in SFY2019-20. The Executive Budget proposal allocates \$890 million for economic uncertainties and \$6 million to the Department of Law.
- **General Fund Reserves:** The Executive estimates a SFY2020-21 General Fund closing balance of \$5.9 billion, a decrease of \$623 million from last year. Excluding monetary settlements, the General Fund balance is estimated at \$3.9 billion, unchanged from SFY2019-20.



BUDGET HIGHLIGHTS

Revenue

- **School Tax Relief (STAR) Program Changes:** The Executive proposal would lower the basic STAR exemption income eligibility limit from the current \$250,000 to \$200,000, and require these taxpayers to transfer into the STAR credit program; make exceptions for certain late Enhanced STAR filers to ensure they continue to receive the benefit; deny STAR benefit to property owners who are delinquent on their property taxes; and remove outdated references to the STAR Offset program, which is no longer in effect.
- **Cannabis Regulation and Taxation Act:** The Executive proposes language to regulate and control the manufacture, wholesale, and retail production of cannabis. The bill would establish three taxes on the adult use of marijuana.
- **Extend and Modify the Film Production Tax Credit:** The Executive proposes to extend the film production tax credit for an additional year through 2025; reduce the credit rate from 30 to 25 percent; require minimum project amounts of \$1 million in the downstate region and \$250,000 for the rest of the State; and exclude variety shows from the credit.
- **Reduce Taxes on Small Businesses and Farms:** The Executive proposes to reduce the business tax rate for businesses with under 100 employees; increase the existing deduction for certain small business income from 5 percent to 15 percent; make the investment tax credit refundable for farmers; and repeal the penalty on small businesses for the underpayment of estimated taxes.
- **Expand the Empire State Child Credit:** The Executive proposes to expand the Empire State Child Credit to include children under the age of four for families with incomes up to \$50,000 per year. The existing credit is limited to qualifying children from ages four to 16.
- **Extend Excelsior Tax Credit Program and Enhance Tax Credits for Green Projects:** The Executive proposes to extend the Excelsior Jobs Program for fifteen (15) additional years, from 2024 to 2039, and to provide enhanced tax benefits for the creation of green jobs and green technologies.
- **Other Tax Proposals:** The Executive proposes to modify tobacco products tax reporting and enforcement provisions; authorize the Tax Department to provide unclaimed tax benefits for taxpayers that are eligible but fail to claim them; limit eligibility for the long-term care insurance credit; and make technical amendments related to alcoholic beverage taxes.

The People's Budget
BUDGET & REVENUE

New York State is one of great wealth and opportunity. However, wealth- and income-inequality remains an issue for far too many New Yorkers; and the disparities are exponentially worse for communities of color. While legislative and budget policies seek to provide balance and opportunity, the Caucus recognizes that funding is necessary to achieve the societal gains we need in order to keep New Yorkers moving forward. Thus, we support the following measures that individually and collectively—to the total of \$35 billion per year—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/yr)

- Wealth tax to attack inequality
- Yearly assessment on the speculative wealth of billionaires
- Tax wealth-in-speculation, including unrealized capital gains
- Ten-year lookback period with new, stronger definitions of personal and corporate residency

Ultra-Millionaires Income Tax (\$2.2 Billion/yr)

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

Pied-à-Terre Tax (\$650 Million/yr)

- Assessment on the mostly-vacant extra homes of the rich

Stock Buyback “Corporate Greed” Tax (\$3.2 Billion/yr)

- 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/yr)

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

Corporate Tax Reform (\$1.5 Billion/yr)

- Sliding-scale LLC filing fee and progressive adjustments to corporate tax
- Increase in state corporate tax for biggest companies that received a 40% federal tax cut, matched with decrease in state corporate tax for small business

Luxury Land Tax

- Special assessment on highest-value land tracts in Manhattan



CEO Pay Gap Tax

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

Ending Subsidies (\$4 Billion/yr)

- End certain real estate subsidies and redirect the funds to public and affordable housing
- 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 eliminated in 2015

Digital Advertising Data Tax (\$700 Million/yr)

- Targeted tax on digital advertising by the largest ad platforms
- 2.5% - 10% tax rate depending on the size of corporation

Stock Transfer Tax (\$13 Billion/yr)

- S.6203/A.7791 keeps 100% of the tax and directs an estimated \$13 billion per year to the MTA, NYCHA, public transportation, roads & bridges, clean energy, water infrastructure and aid to municipalities
- S.3315 reduces rebate to 60% and raises \$6.4 billion per year for infrastructure

Foundation Aid Funding

The Caucus is supportive of instituting a progressive tax structure on individuals that have incomes at \$1 million or more and will yield approximately \$4.5 billion in state revenue that will be dedicated to fully fund Foundation Aid. New York State can no longer afford to deprive our students, our children of a sound and basic education that they are constitutionally entitled to. For too long, New York has failed to follow through on its constitutional obligation to fully fund the Foundation Aid formula that was established in the Court of Appeals decision in the Campaign for Fiscal Equity v. New York. We must fully fund Foundation Aid with a dedicated revenue stream to ensure that our children will receive the quality education they deserve. By enacting S.7378, we will ensure that Foundation Aid will be fully funded by asking the wealthiest New Yorkers—those with incomes of \$1 million or more—to pay a little more in taxes and be part of the solution.



BUDGET HIGHLIGHTS
Economic Development & Job Creation

- Consolidation of the Centers of Excellence and Centers of Advance Technology Programs: The Executive proposal would consolidate funding for the Centers of Excellence (CoE) and Centers of Advance Technology (CAT) programs into a \$19.5 million competitive program. In addition, a new \$1.5 million Statewide Innovation Hub Center would be established to facilitate competitive grants for CoEs and CATs that work on specific State designated initiatives.
- New York Works Economic Development Fund: The Executive provides \$220 million to support projects that create, expand, retain or attract new jobs and businesses.
- Support for Economic Development Initiatives: The Executive proposes \$42.5 million to support various efforts to promote New York State as a tourism destination.
- Enhanced Support for 2020 Census: The Executive provides an additional \$10 million for various efforts to obtain a complete count during the 2020 census. This amount would supplement the \$20 million that was contained within the SFY2019-20 Enacted Budget for these efforts.
- Empire State Entertainment Diversity Job Training Development Fund: The Executive proposes to create a new \$2 million Entertainment Diversity Job Training Development Fund, which would support diversity efforts within New York State's motion picture and television industry.

The People's Budget
ECONOMIC DEVELOPMENT & JOB CREATION

Social Welfare Funding

The 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 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.

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. Making sure these groups can pay them the minimum wage is the very least the state can do to respect their work.

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.

Fair Futures

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



Child Care

The Caucus supports an increased investment in New York State's child care subsidy program by \$100 million to expand access to more working families, with a focus on making eligibility levels and copays fairer and uniform across the state. New York's underinvestment in child care subsidies limits the number of families who get help paying for care, and also leads to higher co-pays for families seeking child care. This year's FY2020-21 Executive Budget proposal reflects a net decrease in child care funding from the previous fiscal year, in addition to \$4.3 million in cuts for professional development for child care employees. The high cost of child care creates significant economic hardships for New York's working families with young children, especially in communities of color, and New York State needs to increase investments in this area in order to address the critical needs of the child care industry.

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 carwashes 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.

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 advanced 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 current 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.

Secure Choice (A.5978-A)

The Secure Choice Program, passed in the FY2018/19 budget created a state administered retirement savings plan to give working New Yorkers of all ages the option to save for retirement via payroll deduction if their employer does not offer a plan. This bill aims to increase access and participation rates in the program by establishing automatic enrollment. The bill would ensure that employees are automatically enrolled into the secure choice savings program and if they do not want to participate in the program, they must opt out.

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.

Healthy Terminals Act

Employer-provided health care for workers at major transportation hubs is often unaffordable, so many workers go without healthcare or rely on taxpayer-funded programs to survive. When this happens, the turnover soars. A stable, trained, experienced workforce that knows the facilities, protocols, and chain of communication is essential to the safe and secure operation of New York's major transportation centers, which are some of the most heavily trafficked in the world. By establishing minimum wage rates with a benefits supplement to help with the expenses of healthcare, the we could reduce turnover and improve retention rates of experienced workers.

The Healthy Terminals Act would give workers who are employed at a “Covered Transportation Center” a path to earning \$19 per hour plus \$4.54 in compensation that can be used to acquire healthcare. This bill applies to thousands of workers employed in security, baggage handling, cleaning/janitorial, and wheelchair agent industries at John F. Kennedy International Airport (JFK), LaGuardia Airport (LGA), New York Stewart International Airport, the Port Authority Bus Terminal, Pennsylvania Station and Grand Central Station.



Many of the workers work for subcontracted companies. Over the past several decades, companies that provide transportation or travel services to the public have subcontracted out many of these vital functions to private contractors. The subcontractors compete for contracts in a low bid system without oversight, incentivizing cost-cutting wherever feasible. It applies to those who work at least 50% of the work week at a covered transportation center, and to employers who have more than 50 employees.

Statewide Mass Transportation Operating Assistance (STOA)

The Caucus supports an increase in Suffolk County's STOA funding to the same percentage level at which it funds Nassau County, for a total of \$16 million. Public transportation contributes to both the economic and physical health of individuals, bringing financial benefits to communities, providing jobs to the industry and increasing mobility options for both job commuters and customers alike. At a time when we are making investments in affordable housing projects, it is critically important that we provide transportation services that connect new and existing affordable units to schools' medical facilities, employment centers and public spaces. Suffolk's STOA shortfall has disproportionately impacted some of the most vulnerable members of our community who rely on public transportation to get to work, take their children to doctor appointments, pick up groceries and more.

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.

In the FY2020-2021 budget, 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.

Minority and Women Business Enterprises

In our great 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 comprised of nearly 18% African American, more than 18% Hispanic, and over 51% 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, 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. Public investment in mission-driven CDFIs is a sure-fire strategy for building the wealth of individual New Yorkers and communities, as CDFIs are in the business of providing an array of savings accounts and products, as well as responsible loans and financial counseling to support homeownership and small business development.

Census 2020

The Federal Administration has made attempts to undermine census efforts by proposing the addition of a citizenship question, which the Caucus joined the effort to successfully block. However, this proposal has spurred fear and distrust among immigrants to share their personal information. In New York State, where 4.5 million immigrants represent 23 percent of the population, reducing participation in the census by a few percentage points could mean loss of a congressional seat, loss of federal funding, and more.

This is hardly just an issue for immigrants, but it is of concern that immigrants and other hard-to-count populations get fully included in the count. Thus, the Caucus strongly advocates for adequate funding to execute the count across New York State, especially in communities that are often undercounted.

Reparations (A.3080A)

The Caucus supports the establishment of the New York State community commission on reparations with an appropriation of \$250,000 in order to study the means in which our State can act to remedy the generational atrocity of slavery in America.

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. Thus, we are calling for a statewide sustainability fund for cultural organizations.



BUDGET HIGHLIGHTS
Education & Higher Education

- General Support for Public Schools (GSPS) (\$826 million): The Executive proposes an increase in General Support for Public Schools of \$826 million or 2.98 percent, increasing aid from \$27.7 billion to \$28.5 billion for School Year (SY) 2020-21. This increase consists of \$778 million for School Aid and \$50 million for competitive grants, and is offset by a \$2.8 million decrease in spending for other grant programs.
- School Aid (\$778 million): The Executive proposes a school aid increase of \$778 million. This allotment is made up of: \$503.8 million for Foundation Aid including a \$50 million set-aside for Community Schools; \$74.7 million for the reimbursement of expense-based aids; and \$200 million for a Fiscal Stabilization fund.
 - The Executive proposes to consolidate ten expense-based aids into Foundation Aid. In addition, the Executive proposal would cap future growth of Transportation Aid and modify the reimbursement of Building Aid for projects approved on or after July 1, 2020.
- Competitive Grants: The Executive proposal includes \$50 million for the following initiatives: Prekindergarten (\$15 million); After School Programs (\$10 million); Early College High Schools (\$6 million); Master Teacher Awards (\$1.5 million); Curriculum on Diversity and Tolerance (\$1 million); a STEM Entrepreneur pilot program (\$500,000); and \$16 million intended for student and teacher achievement.
- Nonpublic Schools: The Executive proposes a Nonpublic School Aid increase of \$5.8 million, or three percent from SFY2019-20, for a total funding of \$199 million. Additionally, the Executive provides \$35 million for nonpublic STEM teachers, which is a \$5 million increase from SFY2019-20. The Executive also provides \$15 million in capital for nonpublic school health and safety.
- Modify Fiscal Responsibility for Committee on Special Education (CSE) Placements: The Executive proposes eliminating the existing 18.42 percent State share for CSE placements, and instead would shift these costs to school districts outside New York City.
- Excelsior Scholarship: The Executive proposal would increase the income eligibility threshold for the Excelsior Scholarship program and the Enhanced Tuition Assistance Program from \$125,000 to \$150,000. Under this proposal, the income threshold would increase to \$135,000 in Academic Year (AY) 2020-21 and to \$150,000 in AY 2021-22.
- SUNY/CUNY Tuition: The Executive proposal would authorize a tuition rate increase of no more than \$200 per year through AY 2024-25.

- SUNY and CUNY Capital Funding: The Executive proposal includes \$1.9 billion in capital funding to support capital projects on the SUNY and CUNY campuses.
 - Expansion Capital Matching Program: The Executive proposal includes a total \$400 million for a 2:1 strategic needs capital matching program at SUNY and CUNY that would require that campuses contribute \$1 for every \$2 invested by the State.

- Opportunity Programs: The Executive proposal maintains prior year funding for various opportunity programs.



The People's Budget

EDUCATION

Racial justice is education justice. For decades many Black and Brown students are educated in schools that are overcrowded and underfunded. New York State must adequately and equitably fund our public schools; anything less would mean denying opportunity and justice. Black, Brown and low-income students have been denied equitable opportunity for far too long. This budget must prioritize our children and their future by ensuring that every child has access to:

- engaging and challenging curricula, programming, and services through sustainable community schools;
- a safe and supportive school climate free from harassment, bullying, and discrimination;
- a strong foundation for our youngest learners through high-quality child care and full-day pre-K programs;
- culturally responsive education where students' diversity of history, culture and race is reflected in their education;
- access to educators from diverse backgrounds.

It is the position of the Caucus that a state budget that is based on equity must ensure that Black, Brown and low-income students have the resources that will close the opportunity gap and end the school-to-prison pipeline. New York State owes public schools \$3.8 billion in Foundation Aid, the state's own school funding formula. This is a racial justice issues, 60% of the remaining Foundation Aid is owed to school districts with 40% or more Black and Brown students.

Campaign for Fiscal Equity

It has been over a decade since New York State's highest court, the Court of Appeals, 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 twelve years, New York has been in violation of the court order 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. After over a decade, \$3.8 billion in Foundation Aid is yet to be delivered and there is still no commitment to a timely phase in.

The Board of Regents has calculated that without any further inflationary adjustments, \$3.8 billion more is owed to school districts statewide since the implementation of the formula. Assuming a three-year phase-in schedule, and adjusting for inflation, the phase-in amount is \$4.8 billion. The Board of Regents has requested a three-year phase-in amount of \$1.88 billion in year one to fully fund foundation aid obligations.

The Caucus supports fully 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 fulfill the promise of CFE and fully fund the Foundation Aid for schools.

The Executive Budget proposes a school aid budget of \$28.1 billion, an increase of \$826 million in school aid or 3 percent increase over last year. The increase to school aid is comprised of: foundation aid at \$704 million, \$200 million of which is unallocated on the school aid runs; expense-based aids at \$72 million; and grants at \$50 million, which include \$15 million for full day pre-K for three- and four-year olds. In addition, the Executive Budget adds \$50 million to the community schools fund, which the Executive Budget considers part of foundation aid, and thus gives its own total of the foundation aid increase as \$504. The community schools initiative is one that the Caucus strongly supports, and the funding for it is well deserved. However, it is not Foundation Aid, but is an additional program.

The education increase in the Executive Budget is woefully inadequate. The Board of Regents recommended a \$1.88 billion increase to school aid in order to maintain and improve the quality of education across New York State. The Executive Budget does not address the immediate needs of New York students who are experiencing record numbers of homelessness and poverty. Our children need access to high quality schools in every neighborhood. Our kids need access to academic rigor. Our kids need access sports, music, art and updated technology. In order to ensure a high-quality education for all of our children, we need a robust investment in Foundation Aid for our schools.

Community Schools

The community schools approach is a research-based model that provides for the needs of the students and the community by making the school a central hub. Today, many of our schools are not equipped to address the social and emotional needs of students and their families. As long as these needs go unmet, students are less likely to succeed at school. The community school strategy provides solutions to the aforementioned problem and establishes a pathway to success for our students and communities.

Community schools are also cost-effective. They conveniently bring existing services and private entities to the schools where students are already located, leveraging local, state, federal and private dollars to better meet student and community needs.

As a unified body, we support dedicated funding towards Community Schools Aid that is not tied to any other school funding requirements, namely Foundation Aid.



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-K.

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 prekindergarten 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. On 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 on Long Island and across the state immensely.

School-to-Prison Pipeline

In New York State, Black students are twice as likely to be suspended for minor misbehaviors 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 trainings. 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 right here in 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 Latinx 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.

In 2017, Black and Latino students account for 90% of all students who are arrested in NYC schools and 91% of all students who receive a summons. Black students account for only 27% of all students but 60% of all students who are arrested and 58% of all students who receive a summons. These alarmingly high racial disparities are mirrored throughout the state.

Mental Health Support in Schools (S.4217/A.5373)

This bill will ensure that all elementary, intermediate, middle, junior and senior high schools throughout New York State have a full-time licensed social worker and a full-time licensed psychologist on staff to meet the needs of their students. The stresses students face from school shootings, bullying over social media, personal and home situations is best addressed with a convenient, informed support system in their school who can quickly react to situations as they arise.

Culturally Responsive Education

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.

Funding Science, Technology, Engineering & Math (STEM) Education

To keep communities growing, it is essential for our workforce to be prepared for the 21st century economy, which increasingly calls for more workers to have exposure to Science, Technology, Engineering, and Math (STEM) fields. Nearly 20 percent of all current U.S. jobs require STEM skills and/or training. Workers in STEM jobs out-earn those in non-STEM fields by almost \$8.50 an hour, which spells great opportunity for well-paying jobs across a variety of positions. Our students, especially those in minority/underserved communities, need the tools and resources required to enter the 21st century job market, pursue homeownership, and raise a family. To help adhere to these goals, funding is needed to develop a competitive grant program that will support school districts to develop or expand educational programs and teacher training related to STEM.

Increase Teacher Diversity

Research suggests that white students in white districts 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 Latino children.



It is imperative that we actively recruit and support teachers of different races and cultural backgrounds. Thus, the Caucus supports the funding of a study to collect data and provide analysis in order to determine the needs of various communities in addressing the disparities in the ratio of white to Black and Latino teachers, and the ratio of minority teachers to minority and white students.

College and Career Readiness

Currently, only half of New York adults hold a postsecondary certificate or degree (New York is 11th in the nation on this indicator), and it is projected that 69 percent of jobs in the state will require post-secondary education this year. While the state has taken steps to address access to higher education through the Excelsior Scholarship Program, more can be done to address student readiness and completion.

In an effort to ensure that a family's ZIP code does not determine whether they have access to challenging college credit-bearing coursework in high school, an investment must be made to increase access to Advanced Placement (AP) courses and to remove financial barriers to AP exams for low-income students. Data show less than half of students who take the SAT meet its college and career readiness benchmark. Students who are not prepared for college either don't attend college at all, or often end up in remedial courses that do not count toward graduation and increase college costs and the time it takes to complete a degree. Thus, the Caucus supports investments towards making AP exams free for low-income students, and providing grants to ensure all students have access to AP courses at their schools.

Comprehensive Sexual Health Education

Research demonstrates that ensuring access to medically accurate, age-appropriate comprehensive sexual health education (CSE) in schools by using an evidence-based curriculum will reduce socio-demographic disparities and improve the overall health and well-being of New York's children and young adults.

CSE, guided by the national standards, includes core content and skills to help young people acquire what is often called social and emotional learning (SEL). These skills include: self-awareness (the ability to recognize one's emotions and thoughts and their influence on behavior); self-management (the ability to regulate one's emotions, thoughts, and behaviors); social awareness (the ability to take the perspective of and empathize with others); relationship skills (communication, cooperation, active listening, and conflict negotiation); and responsible decision-making.

The lack of consistent comprehensive sexual health education in New York State is costing billions in other healthcare costs.

Consider that the current cost of treating STIs in the U.S. is approximately \$16 billion annually and New York State has the 12th highest rate of reported cases of chlamydia. Among counties, Kings County alone had the sixth highest number of reported cases of chlamydia nationwide, and the Bronx, Manhattan, and Queens were also each among the fifteen highest reported counties in 2015. If current rates continue, the cost on New York will increase significantly. Because carriers of STIs like syphilis and gonorrhea are often asymptomatic and go untreated, transmission can occur unabated, unless there are meaningful efforts towards prevention, education and treatment.

The Caucus joins public health experts and educators in their understanding that comprehensive age-appropriate sexuality education in grades k-12 empowers and protects our young people in crucial ways that will foster healthy development and behaviors. We believe that depriving youth of the consistent and systematic delivery of this information and the opportunity for social emotional skill building will result in devastating and unacceptable consequences for our children. The Caucus proposes to require this instruction in New York’s schools to ensure that all children have the information they need to make healthy and informed decisions.

My Brother’s Keeper Teacher Opportunity Corps II

The Caucus maintains pride over the enactment of the first statewide My Brother’s Keeper program. In order to ensure continued success, we advocate for \$6 million to fund the NYSED My Brother's Keeper Teacher Opportunity Corps II (the “Corps”). The Corps helps to train and recruit individuals in teaching careers who are historically underrepresented and economically disadvantaged. New York’s inability to recruit and train educators of color deprives students the benefits of having a teacher who shares their background. Studies show that students of color and students from low-income households who have at least one teacher of color, are significantly more likely to graduate, attend college, and less likely to be suspended. The \$6 million will aid the expansion of the Teacher Opportunity Corps II program, which provides grants to higher education institutions that prioritize increasing the participation rates of individuals from historically underrepresented populations in teaching careers.

Student Health & Wellness

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 in a given year, while 1 in 6 New York children struggle with hunger, and almost 1 in 3 is overweight or obese. School districts need adequate tools and resources to address the health and wellness of all students. At a time when federal policies to support children’s health are being rolled back, taking action has never been more important. Thus, the Caucus supports the implementation of a New York State model wellness policy through the investment of \$21 million in funding and technical assistance to support school districts—particularly high-needs districts—in order to improve school district wellness policies.



HIGHER EDUCATION

Investments in CUNY & SUNY

Educating students, contributing to ground-breaking academic research, enriching the state's cultural environment, and robustly contributing to the state's economy are all reasons for New York to take immense pride in the State University of New York (SUNY) and the City University of New York (CUNY). SUNY is composed of 64 campuses with over 424,000 enrolled students and CUNY is composed of 24 campuses with 274,000 full-time and part-time students. Unfortunately for these institutions, the state has starved them of resources, forcing them to make do with less and pass along burdens to the students, faculty, and staff.

The twin needs of SUNY and CUNY are quality and affordability. Investment in New York's higher education system make it possible for colleges and universities to maintain and expand on a high level of quality. Funding must make it possible to hire and retain great professors, keep student-faculty ratios at a reasonable level, and provide for the buildings and equipment that make for good learning environments. At the same time, higher education must be affordable to students, irrespective of their family income or life circumstances. The Caucus understands that TAP serves as a resource for the students of our communities to achieve the education they need to be career-ready.

The SUNY TAP gap is \$2,070 per student resulting in an approximate total gap of \$70 million. Similarly, the CUNY TAP gap is \$1,930 per student resulting in an approximate total gap of \$79 million. We must close these gaps to ensure that students receive a quality education at SUNY and CUNY institutions. If these TAP gaps are not closed, SUNY and CUNY will be forced to make draconian cuts to their institutions that will negatively affect students at those institutions. Thus, we propose an additional \$150 million in funding to close the TAP gap.

TAP for Students in Prison

College-in-prison is one of the most reliably rehabilitative activities that can be offered. Restoring college financial aid to help low-income people in prison prepare to re-enter society is a moral imperative. Therefore, the Caucus supports TAP funding for students who are incarcerated with a budget allocation of \$16 million.

Arthur O. Eve Higher Educational Opportunity Program (HEOP)

The Caucus offers strong support for a funding growth rate that increases our support of educational opportunity programs throughout New York State. Specifically, we must increase HEOP to \$42.43 million (from 2019 level of \$35.53) to allow per student funding to increase to \$8,400 (from \$7,000) for students outside New York City and \$9,000 (from \$7,500) for students within New York City. Additionally, any unused HEOP funds must be reinvested in current HEOP students.

New York Legal Education Opportunity Program

Beginning with adoption of the FY2015-16 budget, our State committed to reinvigorating NYLEO with the infusion of \$500,000 resulting from an Assembly add. A vital aspect of any successful strategy to diversify the ranks of the legal profession in New York, NYLEO needs a recurring funding stream of support and the Caucus is strongly supportive of a \$500,000 per year annual state appropriation for this purpose.

New York State Martin Luther King, Jr. Scholarship

While commendable, the Governor's Excelsior Scholarship is limited in its scope. It does not address the pressing needs of lower-income students, and it does not adequately address the issue of education inequality. In response, the Caucus calls for the creation of a fund that will aid lower-income students with paying for non-tuition costs such as school fees, books, room and board, and childcare. This scholarship would go far in providing more students with access to education by lifting the financial hurdles that far too many lower-income and working students face. Thus, we strongly urge adoption of this initiative and funding in the amount of \$20 million.

Barbara Clark Scholarship

With the growing cost of student debt averaging at \$30,000 reflecting the growing cost of higher education, we can see that our high school graduates are in need of financial assistance. Today more than ever it is vital to minimize the cost of education, so that tomorrow's New York State workforce are using their hard-earned dollars to participate in the economy, as opposed to paying back large amounts of student debt.

Originally the New York State Lottery was established in order to fund our state's education. As reflected in the New York State Gaming Commission's lottery division year-end reviewed for Fiscal Year 2014-2015, we can see that as sales and net wins increase, the amount of school aid does not increase at a proportional rate. This distribution of lottery funds is unacceptable for several reasons: (1) the purpose of the lottery fund is first and primarily to fund education, not to promote gambling; and (2) our New York State higher education students need funding. Thus, the Caucus supports a \$4 million allocation establishing the Barbara Clark Scholarship to provide awards to valedictorians who graduate from public high schools in New York State and are enrolled in public or private not-for-profit colleges and universities in New York State.

Fostering Youth College Success Initiative (FYCSI)

Over the past five years, the Fostering Youth College Success Initiative (FYCSI) has helped approximately 1,500 students attend more than 100 different public and private colleges in New York State. Through an allocation of \$7.5 million in the FY2020-2021 budget, FCYSI will assist foster youth, orphans, and wards of the court to apply, attend, and graduate from higher education institutions in the State. These funds make achieving a higher education obtainable for our students.



CHAMPS New York

CHAMPS New York is a coalition of more than 15 organizations—providers and advocates representing children and families with foster care experience—from across New York State. CHAMPS is grounded in research that shows that loving, supportive families—whether birth, kin, foster or adoptive—are critical to the healthy development of all children. Given their dedication to advancing policy and practice change that helps to ensure that when children are unable to remain safely with their parents, they are placed in a family-based setting whenever possible, the Caucus supports a FY2020-2021 budget allocation of \$4.5 million.

The People's Budget

HOUSING

Affordable Housing

421-A was created to incentivize the construction of multi-family buildings by alleviating the property tax burden both during the construction period and beyond. One of the main reasons this rationale had legs was because of the manner in which property tax is determined in New York City. Specifically, housing units in larger, multi-family buildings have both received higher assessments and, based on their classification, higher property tax rates. Unfortunately, 421-A has overcompensated in addressing the broken property tax system by allowing developers who utilize this program to avoid paying any property taxes for large periods of time. Despite having provisions to require affordable housing units (currently 25-30% of units), the depth of affordability is so low, most New Yorkers are not eligible for these “affordable” units.

421-A has multiple options for the mix of affordable units the developer can offer to be eligible, with income levels reaching as high as 130% of AMI (or \$124,900 for a family of 3). While there are options that provide slightly more depth of affordability, the vast majority of developers select the options (Options C & G) that only target at the 130% of AMI level. Based on a review of affordable housing lotteries open in mid-January, 83% of 421-A projects available at that time only had affordable units that were income targeted at 130% of AMI.

Overall, 421-A is costing New York City around \$1.4 billion per year in forgone taxes. Of the 5, roughly 185,000 housing units covered by 421-A, nearly 50% 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% 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.

Reduction in the Homeless Population

Homelessness does not represent the failures of individual, and can often find its origins in the absence and inaccessibility of social and economic supports. 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 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.

This current federal administration has proposed cuts to public housing, and it is up to New York State to create a backstop for this federal divestment. Thus, the Caucus supports including \$2 billion in the FY2020-2021 budget for emergency capital improvements at New York City Housing Authority (NYCHA) developments and an additional \$1 billion for public housing outside of New York City in the State of New York. We also request for these funds to be allocated 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.

Naturally Occurring Retirement Communities

Naturally Occurring Retirement Communities (NORCs) and Neighborhood Naturally Occurring Retirement Communities (NNORCs) are age-integrated living environments not originally designated for seniors but are now home to a significant older population.

Preserving and expanding the NORC program across New York State is essential in terms of keeping our aging population healthy, active, and social beyond medical programs that support seniors in our communities. Furthermore, in 2017, NYSOFA had pledged funding to three new NORC programs in an RFP that was later withdrawn. We cannot allow this to happen again, and we must ensure that these NORC programs are funded in the coming year. We must also introduce ongoing stable funding for this program.

We have a rapidly aging population across our state. N/NORC programs afford older adults a sense of independence and familiarity associated with community-based programs that are irreplaceable. N/NORCs 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. N/NORCs and their services are vital to New York's aging population, and we urge you to support these communities by further investing an additional \$1 million in the N/NORC program for FY 2020-2021, 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.

It is critical that New York State continues to support 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. With \$5 million support for SHP, 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% 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. Thus, the Caucus supports a funding allocation of \$20 million.

Condo/Co-op Abatement (A.7092-A)

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% of the abatement, going to 32,000 luxury homeowners, represents \$172 million in tax breaks. The top ten 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% until last year when it grew by 16%, 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 dollars or greater (200K = \$1.8M). The bill then redirects these property tax funds to the New York City Housing Development Corporation and 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 \$5 million UNH's Settlement House Program. The Settlement House Program provides flexible funding for innovative community-based child, youth, immigrant, and older adult services in settlement houses. The funds will be used to, among other things, support 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 for \$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 address 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 the preparation of HCR applications, annual reports, and Grants Gateway compliance.

NPCNYS aims to achieve this by providing the most up-to-date information and resources to support state agency (HCR, OTDA, DEC) proposal development and submissions; recommending best practices for tracking and reporting all housing activities, and for incorporating public health practice into their housing work; and enhancing their technical assistance programming to include targeted training seminars to better support the nonprofit business model through succession planning, outreach, and fundraising. Thus, the Caucus supports a FY2020-2021 budget allocation of \$200,000.

Homeownership Funding

The Affordable Housing Corporation is the primary New York State program that provides capital subsidies to build, rehabilitate, and repair homes for low- and moderate-income first-time homebuyers. In 1985, the program was established at a budget of \$25 million/year with unit subsidy caps of \$25,000. However, funding levels and unit allocation amounts have not kept up with increased construction and rehabilitation costs over the last 30 years. According to the New York State Homes & Community Renewal construction unit, construction costs have routinely seen a 2.5 - 4% increase year to year.

The Caucus supports the Affordable Housing Corporation Reform bill (S.1824/A.6277) and a \$18 million increase in the SFY2020-2021 budget, which will result in a total program budget of \$44 million. This bill would correct a portion of this oversight by giving NYS Homes and Community Renewal the ability to provide up to \$75,000 in capital funding to certain projects that meet a high standard of deep and long-lasting affordability, and further our commitment to affordable homeownership for our communities throughout New York State.

Increasing Home Access

The Caucus also supports the following endeavors:

- Implementing an anti-discrimination law that prevents source-of-income discrimination in all localities of New York.
- Expanding the Disability Rent Increase Exemption program (DRIE) to include households with a family member with a disability who is a child or an adult who is not the head of household. Expanding DRIE would help families retain their rent-stabilized housing, prevent their displacement to a system ill-equipped to meet their needs, and at the same time, prevent deregulation of their apartments.
- Accelerating the pace of production for the 20,000 supportive housing units proposed by the Governor by scheduling their completion within 10 rather than 15 years.
- Adequately funding community-based housing programs for individuals living with mental illnesses.
- Implementing effective discharge planning for individuals being released from state prisons to identify viable housing options prior to every individual's scheduled date of release.



- Reversing harmful cuts to New York City's emergency shelter system that have resulted in the state short-changing the city by \$257 million over the past six years and have the state fund their share of the non-federal cost of sheltering families and individuals.
- Implementing a less onerous shelter intake process for homeless families in which 1) applicants are assisted in obtaining necessary documents, 2) the housing history documentation requirement is limited to a list of prior residences for six months, and 3) recommended housing alternatives are verified as actually available and pose no risks to the health and safety of applicants or to the continued tenancy of a potential host households.

BUDGET HIGHLIGHTS
Health & Environmental Justice

- Extension of the Medicaid Global Cap: The Executive proposal continues the cap on Medicaid spending through the Department of Health (DOH) and limits these expenditures to \$23.09 billion in State Fiscal Year (SFY) 2020-21.
- Medicaid Redesign Team (MRT) II: The Executive proposes to reconstitute the MRT to enact a plan to deliver \$2.5 billion in recurring Medicaid savings.
- State Takeover of Local Medicaid Costs: The Executive proposal would limit the State takeover of local Medicaid spending growth to three percent for those local governments that adhere to the two percent property tax cap. All growth above three percent would be paid by the local governments.
- Women’s Agenda: The Executive proposes several initiatives related to women’s health, including \$14.2 million to support reproductive health services, the expansion of the Sexual Assault Forensic Examiner (SAFE) program and the legalization of gestational surrogacy.
- Discontinuation of Public Health Programs: The Executive proposal would discontinue various state and local programs, for a total savings of \$20.5 million.
- Drug Accountability Board: The Executive proposes to establish a drug accountability board and to provide the Department of Financial Services with additional authority over increases of prescription drug prices.
- Tobacco Control: The Executive proposes to address youth nicotine vaping and smoking by banning the sale of flavored nicotine products and increasing penalties for illegal cigarette sales.
- Physician Accountability: The Executive proposes to expand the role of the Office of Professional Medical Conduct to respond to consumer concerns and to provide consumers with additional information about physicians licensed in New York State.
- Direct Care Worker Wages: The Executive Budget includes \$96.4 million to support a cumulative 4.0 percent wage increase for direct care professionals and a 2.0 percent increase for clinical staff funded through the Office for People with Developmental Disabilities (OPWDD), the Office of Mental Hygiene (OMH), and the Office of Addiction Services and Supports (OASAS).



- **Minimum Wage:** The Executive includes funding to support direct care provider costs associated with the increase in the State's minimum wage, including \$23.7 million in Office for People with Developmental Disabilities, \$1.4 million in OASAS and \$4 million in OMH.
- **Office for People with Developmental Disabilities Service Expansions:** The Executive proposes an increase of \$45 million for service slots for individuals with disabilities, including an expansion of certified housing supports, rental subsidies to individuals living in an apartment, day programs, employment options, and respite services.
- **Residential Programs:** The Executive provides an additional \$20 million to support existing community-based residential programs.
- **Adult Home Transition:** The Executive provides \$12.5 million to establish up to 500 new supported housing beds for individuals transitioning out of adult homes and into the community.
- **Behavioral Health Parity:** The Executive proposal would create a new fund to collect penalties from insurers that violate State or federal parity laws. Up to \$1.5 million of these funds would be used to increase support for the Substance Use Disorder and Mental Health Ombudsman Program, which helps individuals and their families navigate the behavioral healthcare system.
- **Suicide Prevention Program for Veterans and First Responders:** The Executive proposes \$1 million to create a program for suicide prevention services for veterans, first responders, law enforcement, and correction officers.
- **Environmental Bond Act of 2020:** The Executive proposes a \$3 billion Environmental Bond Act, to be submitted for voter approval in November 2020, for projects to restore habitat and reduce flood risk, improve water quality by reducing stormwater impacts, protect open space and invest in associated recreational infrastructure, and expand the use of renewable energy.
- **Environmental Protection Fund (EPF):** The Executive proposal maintains funding for the EPF at \$300 million comprised of: \$39 million for solid waste programs; \$89.2 million for parks and recreation; \$152.1 million for open space programs; and \$19.7 million for climate change programs. The Executive proposal would divert a portion of these funds to personal service expenses.
- **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 proposes \$500 million for water infrastructure programs for a total of \$3.5 billion in appropriations. This appropriation is part of a \$5 billion commitment over five years.
- **Polystyrene Ban:** The Executive proposes to prohibit the sale, use, or distribution of disposable Styrofoam food containers and loose fill packaging (packing peanuts) by food service providers, manufacturers, and stores to take effect by January 1, 2022.
- **State Parks:** The Executive proposal maintains capital funding of \$110 million in New York Works funding for state parks in SFY2020-21.
- **Olympic Regional Development Authority:** The Executive proposal includes \$147 million in capital funding for the Olympic Regional Development Authority, an increase of \$64.5 million from SFY2019-20. This funding includes \$110 million for projects in preparation of hosting the 2023 World University Games, \$14 million to replace the new mid-station lodge at Whiteface Mountain, and ongoing funding for a strategic upgrade and modernization plan.



The People's Budget
HEALTH & ENVIRONMENTAL JUSTICE

New York Health Act

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 all residents of the state have 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 co-pays, 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. To address the fiscal crisis facing the healthcare system and the state and to assure New Yorkers can exercise their right to healthcare, 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 encourages the passage of the New York Health Plan (S.3577/A.5428), which would create a single-payer health care system for all New Yorkers regardless of age, income, employment, or documentation status.

Diversity in Medicine

The Caucus understands that diversity in the medical field equates to shared understandings and higher quality care for our communities. Thus, we advocate for increased funding for the Department of Health Diversity in Medicine program. This funding will allow Associated Medical Schools of New York (AMSNY) to once again support seven Diversity in Medicine programs. A 22.5% funding cut in 2017-2018 resulted in the elimination of one program altogether, and massive cuts for the 6 remaining programs; and the Governor's recent proposal included an additional 20% cut. We cannot afford cuts to this vital program.

We also urge the expansion of the Diversity in Medicine Scholarship Program, which has received past funding. This program currently provides several students in NYS medical schools with an award equivalent to SUNY medical school tuition. In return, the students must work in an underserved area in NYS for 2-4 years when they complete their medical education. In 2017, the Assembly provided \$500,000 for this successful program. We support an allocation of \$1 million in 2020-2021—thus allowing 20 students to participate in the program. Health workforce diversity is recognized as an important strategy to reduce health disparities by improving cultural competence in health care. However, some racial and ethnic groups, including Blacks/African Americans, Hispanics/Latinos, American Indians/Alaska Natives and Native Hawaiians/Pacific Islanders, are substantially underrepresented in health professions compared to their presence in the general population. This is particularly true in New York State according to recent studies by the Center for Health Workforce Studies (CHWS) at the University at Albany, and the Caucus is committed to increasing equity in this area.

Caregiving

Increasing numbers of people of color went into nursing homes while the corresponding number of white Americans declined, according to a national study, suggesting unequal access to services that help people age in their own homes. Family caregivers of color who help their loved ones remain at home spend the highest percentage of their income on out-of-pocket costs. While white American family caregivers spent about 14% of their income on average out of pocket on caregiving, African Americans spent 34% and Hispanics 44%, according to a national 2016 AARP survey. Given this data, the Caucus supports a final state budget that includes:

- \$25 million to end waiting lists of older New Yorkers seeking programs and services to help keep them in their homes.
- Family caregiver tax credit to help family caregivers offset out-of-pocket expenses.

Maternal Mortality

The Caucus supports a budget allocation of \$1.65 million for a pilot program for Maternal Health Pathways community-based organizations to address the maternal morbidity crisis affecting Black and Latina women.

Disease

The Caucus calls for increased funding for Sickle Cell research, outreach, and services to our communities. Additionally, consistent with plans previously supported by the Caucus, we seek increased funding to care for those battling Lupus, Hepatitis, HIV/AIDS, and other infectious disease.



Hospital Investments

We must increase our investment in hospitals. In the last five years, several hospitals in New York have closed. Community-based ambulatory care facilities, such as Jamaica Hospital Medical Center, provide critically necessary services for ethnically diverse, predominantly low-income populations all across the state. One problem caused by the closings of these hospitals is the shrinkage of emergency room services, resulting in a serious impact on critical and other care for the people in our communities. Additionally, as a result of these closures, the hospitals lack enough beds to serve an increasing patient population. In addition to the lack of services which resulted from these closures, existing hospitals are in desperate need of upgrades to their aging facilities to fully serve the expanded needs of the community. Therefore, the Caucus advocates for a FY2020-2021 state budget that increases our investment in hospitals all across the state.

School Based Health Centers

On the federal level, healthcare is being dismantled brick by brick, which—for several months—included a lapse in funding for the Children's Health Insurance Program (CHIP) and community health centers. As a Caucus, we must advocate for our youth. It is our responsibility to provide a voice for them in the legislature and to make sure they are prioritized, not put on the chopping block year after year.

The Caucus advocates to increase funding levels for school-based health centers, and to pass legislation that would create a permanent Medicaid carve-out for these centers.

Community Health Advocates

Designated in 2010 as New York's health consumer assistance program, CHA provides one-stop shopping for health insurance consumers and uninsured people who need help understanding and using their coverage and accessing health care—no matter the type of coverage they have (e.g. Medicare, commercial, union). Every year, CHA serves approximately 40,000 consumers throughout the state. Since 2010, CHA has assisted over 301,977 New Yorkers, more than 37,000 through their helpline, and saved approximately \$27 million for New Yorkers in health insurance and health care costs.

At its height, CHA was funded at \$7 million (federal grants under the ACA) and provided services through 27 community-based organizations and 34 small business serving groups. In 2015, federal funding for consumer assistance programs ended. Since then, CHA has been funded by the legislature and the Executive, with the Governor providing \$2.5 million and the legislature providing additional resources. In the 2016-17 State Budget, CHA was funded at \$3.25 million, which, despite an increased investment from the legislature, represented an 18 percent funding cut across the network. Two agencies were forced to drop out of the network as they were unable to operate their programs in a financially sustainable manner.

To ensure that the CHA network is there to assist our constituents as they face fear and uncertainty, as well as potential dramatic changes to health insurance programs from Washington, the Caucus supports \$2.5 million to CHA in addition to the Executive’s \$2.5 million in the FY2020-21 State Budget and a codification of the program so that they secure indefinite funding.

National Black Leadership Commission on Health (NBLCH)

The National Black Leadership Commission on Health (NBLCH) is an advocacy group that provides advocacy, policy, and action to reduce disparities and achieve equity within the Black and African-American communities. NBLCH focuses on eight key disparities in Black health that include HIV/AIDS, Hepatitis C, cardiovascular disease, breast cancer, prostate cancer, sickle cell, diabetes and mental health. Each of these disparities affect Black/African Americans at vastly disproportionate levels in comparison to other racial/ethnic groups. Through an allocation of \$225,000, NBLCH will be able to provide: (1) advocacy and policy; (2) community mobilization and engagement; (3) health and wellness education; (4) health promotion and disease prevention; (5) leadership training and development; and (6) organizational capacity building and technical assistance.

Healthcare in the Immigrant Population

The Caucus is passionately committed to protecting and supporting immigrant communities under attack from Washington, D.C. More than 400,000 New Yorkers cannot enroll in health insurance because of their immigration status. However, by allocating \$532 million, we can make them eligible for quality, affordable coverage through expanding the state-funded Essential Plan, which would be codified by S.3900/A.5974. It is estimated that 110,000 of them would enroll. This measure would shore up New York’s historic commitment to immigrants and support the vital economic engine of health care by limiting providers’ and payers’ exposure to uncompensated care costs.

Further, when the Federal Administration announced the cancelation of Deferred Action for Childhood Arrivals (DACA) in 2017, the Governor said “New York State believes it has a legal and moral obligation to exhaust every available avenue to protect immigrants and their families by providing comprehensive access to health care, regardless of circumstance.” The state then continued to provide state-funded Medicaid for immigrants even after their DACA expired.

New York should do the same for Temporary Protected Status (TPS) holders now that the Federal Administration is eliminating it for most countries as they come up for renewal. TPS allows people living in the U.S to work with authorization, and to be protected from deportation, if it would be unsafe or inhumane for them to have to return to their country because of a crisis like a war or a hurricane.



New Yorkers who lose TPS will also lose their ability to access health insurance unless New York authorizes the continuation of eligibility for state-only funded Medicaid by enacting S.1809/A.3316.

In addition, the inclusion of provisions within S.5722/A.7545 would also provide medical assistance eligibility for kidney transplant expenses for undocumented people. Currently, public financial assistance is made available to undocumented people seeking emergency medical care. Falling under this category, the State currently covers undocumented people experiencing end-stage renal failure who undergo dialysis treatment on a biweekly basis at emergency facilities. This bill expands available public medical assistance to include kidney transplantation for undocumented persons who have received emergency renal dialysis for a period of no less than two consecutive years. Not only would this be the most cost-effective solution, but it is also the best option when seeking to improve the quality of life of patients.

Child Health Plus Expansion

The Child Health Plus (CHP) program is a model universal coverage program for New Yorkers through age 18. It is the main reason that New York has one of the lowest child uninsured rates in the country at just 3%. As such, CHP is an ideal platform for offering equal access to coverage to those who are ineligible for Medicaid or New York State of Health Marketplace coverage. The Caucus supports allocating additional funding to expand Child Health Plus coverage to all New Yorker up to age 29 earning incomes up to 400% 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 health coverage tens of thousands more New Yorkers and bringing us closer to establishing health coverage as a right in New York State.

Prescription Insulin (S.6492A/A.8533)

The Caucus supports establishing a cap on the price of prescription insulin. Increases in the prevalence of diabetes are contributing to the growth in health care costs for employers, consumers and taxpayers. In New York, the Department of Health has estimated that diabetes accounts for \$12 billion per year in direct medical costs and lost productivity for all payers, including Medicaid. Since 2002, the cost of a vial of the life-sustaining insulin hormone has tripled in price, resulting in one in four patients admitting to rationing their insulin, according to a recent study by Yale University. No New Yorker should have to sacrifice daily necessities just to afford the insulin they need to stay alive. Capping the cost of prescription insulin at \$100 per month will provide relief for all New Yorkers living with diabetes.

Dakota's Law (S.499B/A.7687)

This legislation relates to elevated lead levels in children. Dakota's Law would strengthen protocols for parents, guardians, healthcare providers, state and local health officers, and housing officials to address signs of lead poisoning in children under 6 years old.

Eating Disorders

The Caucus supports funding in the amount of \$2 million to aid in the treatment of eating disorders across the State. An estimated 5 - 10 million women and girls and 1 million boys suffer from eating disorders. Treatment can be very long, costly and often requires focus on multiple areas of wellness (physical and mental) at the same time to provide the best results for those suffering with eating disorders. Eating disorders have the highest mortality rate of any mental illness; thus we support doing all New York State can to alleviate the burdens of those struggling with these disorders.

Donate Life New York

Donate Life New York is dedicated to increasing organ, eye, and tissue donation throughout New York State. There are 9,500 New Yorkers on the organ transplant waiting list, with approximately 1,700 waiting for over five years. Approximately 400 New Yorkers die each year waiting for a transplant. It's imperative that New York increase its donor numbers by allocating \$725,000 in the FY2020-2021 budget.

Labor Leading on Climate Initiative | Cornell University - The Worker Institute

The Caucus supports \$500,000 for the Worker Institute's Labor Leading on Climate Initiative to continue providing cutting-edge research, education, and training programs on climate change. The initiative brings unions and environmental organizations together with policymakers to expand New York's clean energy economy, tackle the climate crisis, and create high-quality jobs for all New Yorkers. The Worker Institute (1) provides cutting-edge research and technical assistance that effectively demonstrates how ambitious climate protection policy can drive job creation and economic development throughout New York; (2) develops and delivers comprehensive education and training programs that broaden and deepen the knowledge, confidence, and motivation of New York union members and leaders to confront the climate crisis and advance a clean energy agenda that protects workers and communities and creates good jobs; and (3) supports the development and implementation of a comprehensive jobs-driven clean energy policy program in New York that puts the state at the center of innovation and scaled-up action related to renewable energy, energy efficiency, sustainable transport, and much more. The \$500,000 will be used to deepen and expand the Worker Institute's Labor Leading on Climate Initiative's research, education, and training programs. These programs help New York tackle the climate crisis, create high-quality clean energy jobs, and become an international leader in building a robust and equitable clean energy economy.



BUDGET HIGHLIGHTS

Justice

- **Indigent Legal Services Expansion:** The SFY2017-18 Budget established a multi-year plan to improve the quality of public defense services statewide. The Executive Budget includes \$150 million to support the third year of the Statewide Hurrell-Harring initiative, which is an increase of \$50 million over SFY2019-20.
- **Civil Legal Services:** The Executive budget provides \$4.2 million for civil and criminal legal services, including legal services for domestic violence victims.
- **Securing Communities Against Hate Crimes:** The Executive Budget provides \$25 million in new capital funding to support safety and security needs at vulnerable nonprofit organizations.
- **District Attorney Discovery Compensation Fund:** The Executive Budget provides \$2 million for digital evidence transmission technology used to share information between law enforcement, district attorneys and criminal defense attorneys.
- **New York State Police Hate Crimes Task Force:** The Executive Budget provides \$2 million to address the increase in reports of bias-motivated threats, harassment, and violence throughout New York State.
- **Jamaica Armory:** The Executive Budget includes \$121 million in State and Federal appropriations for a multi-year renovation and reprogramming project at the Jamaica Armory in Queens.
- **Prison Closures:** The Executive proposes legislation to expedite the prison closure process by authorizing the Governor to close prisons upon 90 days' notice instead of the one year notice requirement.

The People's Budget

JUSTICE

On January 3, 2018, the Governor stated that “race and wealth should not be factors in our justice system.” The Caucus wholeheartedly agrees, and stands ready to continue to root out inequities in the criminal justice system. It is imperative that we protect the criminal justice reforms we have enacted, as well as work with all partners to advance additional necessary reforms in order to achieve equity in our justice system and rebuild trust in our communities.

Charitable Bail

The Caucus stands by the strong reforms we have enacted on bail, last year. Further, we support passage of S.7143/A.9610 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.

Driver's License Suspension Reform

Traffic debt suspensions disproportionately harm communities of color and low-income communities. Throughout New York, communities with the highest percentage of people of color have traffic debt suspension rates up to 4 times as high as the whitest communities. And our poorest communities have rates 9 times that of our wealthiest communities. With 30% of all civilian jobs requiring driving as part of their job duties, traffic debt suspensions are forcing an impossible choice: stop driving and lose access to work, childcare, healthcare, food, and other basic necessities; or, keep driving on a suspended license and risk criminal charges and more unaffordable fines and fees. Thus, the Caucus supports reforming traffic debt suspensions by instituting affordable payment plans and increased notice of hearings. This will increase compliance and collection without burdening our most marginalized communities, and ensure that drivers on the road are registered, insured, and safe.

Reparative Justice | Drug-Related Offenses

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.



In-Prison Opioid Agonist Therapy Treatment

This legislation would establish a program for the use of medication assisted treatment for inmates in both state and county correctional facilities.

Ending Marijuana Prohibition

The Marijuana Regulation and Taxation Act would reduce criminalization and justification for law enforcement interaction, work to repair the harms of the marijuana arrest crusade, and reinvest in the communities most harmed by prohibition enforcement. Marijuana prohibition has not been effective in its stated goal of stopping or curbing marijuana use across New York State. Instead, prohibition has fueled the growth of an illicit industry, has been disproportionately enforced in communities of color, and has been fiscally irresponsible.

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 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 is 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 actually 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.

Syringe Decriminalization (S.875/A.1634)

Currently, the Department of Health distributes millions of syringes per year as a good public health measure following increasing HIV/AIDS and Hepatitis transmissions. While this is true, the decriminalization of syringes never followed suit, resulting in thousands of arrests per year for syringe possession. This bill seeks to decriminalize the possession and sale of hypodermic syringes or needles to stop the counterproductive use of law enforcement resources and ultimately lower the spread of HIV/AIDS and hepatitis infections.

Walking While Trans (S.2253/A.654)

For over forty years, penal law 240.37, “loitering for the purpose of engaging in a prostitution offense,” has been used in a manner that perpetuates racial profiling and gender-based violence. Repealing this statute would ease the criminalization that occurs in communities of color, immigrant communities and low-income communities, which are disproportionately impacted by structural racism and a xenophobic political landscape. The passage of this legislation would also further address its vagueness and protect the first amendment rights of people to peacefully speak and assemble.

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.

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. The majority of people under parole supervision in New York are returned to prison, and the overwhelming majority 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 (S.497A/A.4346), 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.



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.

Police Statistics and Transparency (STAT) Act

This legislation would require police departments across the state to record and report comprehensive demographic and geographic data on deaths and killings occurring during law enforcement activity as well as enforcement of low-level offenses (including violations, misdemeanors, etc.) to improve transparency and help address aggressive and selective police enforcement.

Repeal CRL Section 50-a

This statute carves out special and unnecessary exemptions for police, fire and corrections. New York State is arguably the worst in the nation in terms of hiding police misconduct and discipline due to the application and expansion of 50-a in recent years. 50-a is routinely used to shield abusive officers and failed police disciplinary processes from public view. A repeal of 50-a would provide much needed transparency on police misconduct and discipline in New York State, and help address the systemic lack of accountability for officers who engage in misconduct.

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 clog 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.

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 or not 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.

Wrongful Conviction Reform

This bill would require the recording of interrogations in certain cases, including A-1 felony offenses and violent felony offenses. It would enact a series of new requirements for photographic arrays and live-lineup procedures designed to protect against suggestiveness and help assure the accuracy of eyewitness identification.

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.

Judicial Diversion

This bill would expand the availability of judicial diversion for drug treatment to include offenses such as conspiracy in the fourth and third degrees (where the underlying crime is otherwise eligible for diversion), auto stripping in the second and first degrees, and identity theft in the second and first degrees. According to legal defense practitioners, these non-violent crimes are commonly committed by individuals needing money to support their substance use disorder. Additionally, it would change the term "substance *abuse*" as it currently reads in the Criminal Procedure Law to "substance *use*," terminology that is defined in the DSM-5 and is utilized by psychiatrists, psychologists, and substance abuse treatment professionals.

Solitary Confinement

It is well documented that the use of isolation is particularly devastating for those suffering from severe mental illness and New York State has implemented sweeping restrictions on its use for seriously mentally ill inmates. The use of isolation is also potentially dangerous in the case of pregnant incarcerated women because it can impede access to timely medical care, prevent regular exercise and movement, and can exacerbate symptoms of stress and depression.



This legislation codifies in New York state law the prohibition against the use of solitary confinement for pregnant inmates, and is a critical reform measure designed to protect the health and safety of pregnant women while they are incarcerated.

Operation SNUG

Operation SNUG ("guns" spelled backwards) has been implemented in 10 cities across New York State. The program's mission is to stop shootings and killings in communities experiencing disproportionately high rates of gun violence. Reputable peers act as mediators for high risk individuals, intervening to stop violence before it occurs. Neighborhood based coalitions of residents, religious leaders and law enforcement work together to change behaviors and social norms that perpetuate violence.

The program was founded in 2009 as a state legislative initiative with programs in Albany, Buffalo, Niagara Falls, Rochester, Syracuse, Yonkers, Mt. Vernon and the boroughs of Manhattan, Queens and Brooklyn in New York City. It offers services such as case management, mentoring, anti-aggressive therapy, family counseling, vocational training, drug and alcohol counseling, and, in some cases, even parent counseling. SNUG has been successful, and has expanded to include additional participants since the start of the program. The Caucus supports continued expansion of this effort in the FY2020-21 budget, with particular attention paid to communities outside of New York City that require resources, as well.

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. While the Executive Budget provides for \$2.2 million in funding, the Caucus recommends that PLS be allocated an additional combined \$1.8 million from the legislature in the SFY2020-21 budget. With a commitment from the Assembly of \$1,050,000 and \$750,000 from 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 our 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.

New York State Voting Rights Act (S.7528)

The Caucus supports legislation that would encourage participation in the elective franchise by all eligible voters to the maximum extent; ensures that eligible voters who are members of racial, ethnic, and language-minority groups shall have an equal opportunity to participate in the political processes of the State of New York, and especially to exercise the elective franchise; improve the quality and availability of demographic and election data; and protect eligible voters against intimidation and deceptive practices.

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. And the 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.

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 in spite of the fact that 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% of people in detention across the country, up from 70% 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% 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.

Children of Incarcerated Parents

On any given day, more than 105,000 children in New York have an incarcerated parent, which is recognized as an Adverse Childhood Experience (ACE) that increases children's risk for developing negative long-term health and mental health outcomes. Without support, children with incarcerated parents are more likely to experience poverty, instability, homelessness, learning disabilities, and some may engage in behaviors that lead to justice-involvement. Visiting can mitigate many of these risks; however, distance and the burdensome cost of visiting remote prisons make it difficult for children to consistently visit their incarcerated parents, if at all. Thus, the Caucus advocates for all efforts that support children visiting their parents in New York State prisons, as data show it decreases behavioural issues and trauma for children, and lowers recidivism while supporting successful re-entry.