



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

# THE PEOPLE'S BUDGET BUDGET EQUITY XXVII

2019  
Radical Solutions for Radical Times



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**Message from the Chair**  
**Assemblywoman Tremaine Wright**  
**SFY 2019-2020**

On behalf of the New York State Black, Puerto Rican, Hispanic, and Asian Legislative Caucus, it is my esteemed honor to present to the governor, the legislature, and the citizens and residents of our great state and the communities we serve, *The People's Budget: Budget Equity XXVII*. My colleagues and I are grateful for your engagement in the work that we do each year; and hope that the policies espoused in this publication provide a clear guide as to where our membership stands on behalf of our shared communities.

As a sixty-three-member body, the Legislative Caucus is the largest of its kind in the nation. And while there is strength in our numbers, our greatest strength rests in our unity. It is through this unity that the Caucus has been able to advance policy priorities that directly benefit our constituencies across the entire State of New York. From college affordability, to programs for our youth; initiatives to advance diversity in medicine, and several criminal justice reform measures, the legislators of the Caucus have historically been the champions of efforts that lift our people up rather than divide and tear us down.

It is that spirit of unity that permeates throughout Albany each year as we gather from across the State of New York to work collectively to advance our shared goals. We are grateful to our partners in government, the advocates, and everyday New Yorkers for tirelessly endeavoring to share their concerns and provide us the opportunity to amplify their voices.

In *The People's Budget*, we highlight some of the key provisions of the governor's FY2019/2020 budget proposal, followed by our articulation of the legislative and budgetary proposals that will best enable us to support our mission of 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 thank you for taking the time to review this year's publication. Constituents 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 XXVII 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) 2019-20 at \$175.2 billion, an annual growth of 2.0 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 \$102.0 billion.
- **General Fund Spending:** The Executive estimates General Fund disbursements in SFY 2019-20 of \$77.2 billion, for an annual growth of \$2.2 billion or 3.0 percent.
- **Closing the SFY 2019-20 Budget Gap:** The Executive budget closes a projected budget gap of \$3.1 billion through a combination of spending re-estimates (\$2.8 billion) and revenue actions (\$1.8 billion). Tax receipts have been revised downward by \$1.6 billion.
- **Out-year Budget Gaps:** After gap-closing actions, the Executive projects a \$747 million gap in SFY 2020-21 with a surplus reaching \$904 million in SFY 2021-22 and a surplus of \$2.5 billion in SFY 2022-23, assuming adherence to the State Operations 2.0 percent benchmark. Without adhering to reductions to the 2.0 percent benchmark, out year gaps are estimated at \$4.3 billion for SFY 2020-21, \$3.7 billion for SFY 2021-22, and \$3.8 billion for SFY 2022-23.
- **Monetary Settlements:** The State has received a total of \$11.8 billion in settlement funds from financial institutions since SFY 2014-15 including \$1.1 billion in SFY 2018-19. The Executive Budget proposal allocates the remaining balance of \$988 million for clean water infrastructure (\$500 million) and for deposits to the Rainy Day Reserves (\$250 million in SFY 2018-19 and \$238 in SFY 2019-20).
- **General Fund Reserves:** The Executive estimates a SFY 2019-20 General Fund closing balance of \$5.9 billion, a decrease of \$1.0 billion from last year. Excluding monetary settlements, the General Fund balance is estimated at \$3.0 billion, an increase of \$212 million from SFY 2018-19.



**The Executive Budget**  
**EDUCATION**

- **General Support for Public Schools (GSPS) (\$956 million):** The Executive proposes an increase in GSPS of \$956 million or 3.6 percent, increasing aid from \$26.7 billion to \$27.7 billion for School Year (SY) 2019-20. This increase consists of \$904.1 million for School Aid, \$50 million for competitive grants, and \$1.6 million in other categorical aids.
- **School Aid (\$904.1 million):** The Executive proposes a School Aid increase of \$904.1 million, comprised of: \$338 million for Foundation Aid (including \$50 million set-aside for Community Schools), \$409.6 million for the reimbursement of expense-based aids, and \$157 million for a Fiscal Stabilization Fund.
  - The Executive proposal would require certain school districts to devote a portion of 2019-20 school aid to increase the per-pupil allocation for certain schools serving needy students.
  - The Executive proposal would combine 11 aid categories into a block grant in future years with increases benchmarked to inflation and enrollment.
  - The Executive proposes a new, less generous, tier of Building Aid for newly approved projects.
- **Competitive Grants:** The Executive proposal includes \$50 million for the following initiatives: Prekindergarten (\$15 million); After School Programs (\$10 million); Early College High Schools (\$9 million); We Teach NY (\$3 million); School Discipline (\$3 million); Advanced Placement Exam Fees (\$1.8 million); Master Teacher Awards (\$1.5 million); Refugee and Immigrant Student Welcome Grants (\$1.5 million); Mathematics Access Program (\$1.5 million); Mental Health Grants (\$1.5 million); Advanced Courses Access Program (\$1 million); Recovery High Schools (\$1 million); and the New York State Youth Council (\$200,000).
- **State Schools for the Blind and Deaf:** The Executive proposal provides a new \$30 million in Capital funding for State Supported Schools for the Blind and Deaf.
- **School Bus Stop Arm Cameras:** The Executive proposal would authorize the use of stop arm cameras on school buses, to record and fine owners of vehicles that illegally pass stopped school buses.

## **The People's Budget**

### **EDUCATION**

In order to ensure educational justice and an equitable budget, New York State must include adequate funding that is fairly distributed; 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 fund schools adequately to enable them to provide:

- 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 shut down the school-to-prison pipeline. New York State owes schools over \$4 billion in Foundation Aid, with the vast majority being 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 needy 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, upwards of \$4 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, \$4.1 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 \$4.9 billion. The Board of Regents has requested a three-year phase-in amount of \$1.58 billion every year to fully fund foundation aid obligations.



The Caucus supports the full funding of foundation aid with a three-year phase-in plan. New York's students have been shortchanged for decades. Children born in 1993, when the lawsuit was first filed, would have been 18 years old and if they graduated on track would have finished high school in 2011. 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. Localities and the state government must both be reliable partners in those efforts.

### **Community Schools**

The Executive Budget proposes a school aid budget of \$27.7 billion, an increase of \$956 million in school aid or 3.6 percent increase over last year. The increase to school aid is comprised of: foundation aid at \$338 million; expense-based aids at \$410 million; a fiscal stabilization fund at \$157 million, and competitive grants at \$50 million. 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 \$338. 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 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 needs of all of their students, nor are they able to address the desires of the parents and families.

As long as these needs go unmet, students are much 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 begun to consolidate the seven pre-K programs, each with a separate funding stream and requirements, into a single, coherent and stable system of providing pre-K funding across the state. Yet, some disparities persist since outside of New York City there are still 90,000 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. This reality is understood by Governor Cuomo, who outlined in his annual State of the State address proposals to expand pre-K for three- and four-year-olds in high-need schools across New York State. 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 \$100 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**

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 training on a variety of topics, including how to identify bullying; and school employees' duties concerning the reporting, investigation, and documenting of alleged incidents of harassment. 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. Approaches to discipline and safety in schools, criminalized normal youthful behavior and created a school-to-prison pipeline pushing students in front of police officers, prosecutors, and judges instead of guidance counselors, social workers and principals. The racial disparities in suspensions, expulsions, and arrests in schools have created two very different learning experiences for Black and Latino youth, LGBTQ youth, and students with disabilities and their white peers. In New York City, Black students are close to four times more likely to receive a short-term suspension and seven times more likely to receive a long-term suspension. Black girls are eight times more likely to be suspended more than once, and students with learning disabilities are more than three times as likely to be suspended.



In 2017, Black and Latino students account for 90% of all students who are arrested 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.

In 2014, the Department of Education and Department of Justice released guidelines recommending school districts, “explicitly reserve the use of suspensions, expulsions, and alternative placements for the most egregious disciplinary infractions that threaten school safety.” Efforts to end the school-to-prison pipeline have swept across legislatures in states like Illinois, California, Maryland, and Massachusetts. New York can and must join the fight to end the school-to-prison pipeline by limiting the use of harsh and punitive discipline and providing social and emotional support to students by expanding the use of restorative practices. We propose to dedicate \$50 million dollars to support safe and healthy schools for New York students through competitive grants to develop or expand school models, practices, or staff training programs that reduce reliance on suspension, expulsion, and school-based arrest, reduce disparities in school discipline, and provide a safe and supportive school climate.

### **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 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 by 2020. 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. Therefore, the Caucus supports a \$20 million investment 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.

## **The People's Budget** **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 Jose Peralta New York State DREAM Act**

The recently enacted Jose Peralta New York State DREAM Act allows “dreamers”—undocumented immigrants who came to New York as children—to apply for the state's Tuition Assistance Program (TAP). Our successful effort leading this landmark legislation through the legislature sends the message that New York is a state that welcomes immigrants and values talent. To adequately fund this new initiative, the Caucus supports funding in the amount of \$27 million.

### **Educational Opportunity Programs**

The Caucus offers strong support for a funding growth rate that increases our support of educational opportunity programs throughout New York State.

### **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.

## **The Executive Budget**

### **HEALTH**

- **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 \$21.71 billion in SFY 2019-20 and \$22.68 billion in SFY 2020-21.
- **Medicaid Redesign Team (MRT) Recommendations:** In addition to the initiatives implemented over the prior eight years, the Executive proposes a cost-neutral series of new MRT initiatives for SFY 2019-20, which includes cost containment actions, supports for a growing aging population, and incentives supporting value-based payments arrangements.
- **Women’s Agenda:** The Executive proposes several women’s health initiatives, including codification of Roe v. Wade, establishment of a Maternal Mortality Review Board, safeguarded contraceptive coverage, and improved coverage for fertility services.
- **Codification of the Affordable Care Act (ACA):** The Executive proposes to codify certain ACA provisions and state regulatory protections into law, including protections for people with preexisting conditions and the New York State of Health Marketplace. Additionally, insurance policies will be mandated to cover the 10 essential benefits as defined in the ACA.
- **Commission on Universal Access to Healthcare:** The Executive proposes to establish a commission on universal healthcare access to develop options for achieving universal access to high-quality, affordable healthcare for all New Yorkers. The commission would analyze ways to strengthen the commercial insurance market, develop reimbursement models, and generate savings to support expanded coverage.
- **Cannabis Regulation and Taxation Act:** The Executive proposes language to regulate and control the manufacture and sale of cannabis for adult consumption. Additionally, the proposal would expand the medical cannabis program and establish three taxes on the cultivation and sale of adult-use cannabis.
- **Tobacco Control:** The Executive proposes to raise the minimum sales age for tobacco and e-cigarettes from 18 to 21, introduce a new 20 percent tax on e-cigarettes, and give DOH additional authority to regulate the sale and distribution of flavored vapor products.





**The People's Budget**  
**HEALTH & ENVIRONMENT**

**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.

**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 returning the Department of Health Diversity in Medicine program to its 2016-2017 funding level, \$1.605 million. 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. The governor's 2018-2019 budget proposal included an additional 20% cut to the program. This additional cut means that one in five students who have been striving to become physicians will be unable to do so.



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 2018-2019—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**

New York State currently ranks 30th in the nation for maternal mortality. Moreover, staggering racial disparities persist, as African American women are almost four times more likely than white women to die in childbirth. Because no family or community should suffer the loss of a mother due to a preventable pregnancy-related death, the Caucus supports the recommendation of the American College of Obstetricians and Gynecologists (ACOG) that the NYS Department of Health's Maternal Mortality Review (MMR) and Prevention Initiatives Committee should convert to a formalized board that would implement an enhanced multidisciplinary analysis to review every maternal death in New York State and to develop actionable recommendations to improve care and management before, during, and after pregnancy and childbirth. With health care disparities by race and gender pervasive across the board with women—especially women of color—having poorer health outcomes than men, we advocate that one of the doctors on the State Board of Medicine be an expert on women's health and one of the doctors be an expert in health disparities.

## **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 FY2019-2020 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 million to CHA in addition to the Executive's \$2.5 million in the FY2019-20 State Budget.

### **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 a state-funded Essential Plan. 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 Trump Administration announced the cancelation of Deferred Action for Childhood Arrivals (DACA) in 2017, Governor Cuomo 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 Trump 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 A10607/S7569-A.

### **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.

### **Climate and Community Protection Act**

The Caucus supports passage of the Climate and Community Protection Act in order to invest in frontline communities; develop local sustainability and resiliency plans, including a “Just Transition” fund to support communities and displaced workers impacted by the energy transition; and invest in creating good local jobs in clean energy. New York must protect our families’ health, create jobs, and invest in infrastructure—including clean energy solutions. In order to do this, we must make corporate polluters pay for the damage they do to our health and climate. We commit to climate sustainability with a just path towards 100 percent clean, renewable energy by 2050.



**The Executive Budget**  
**HUMAN SERVICES**

- **Raise the Age:** The Executive provides \$200 million for the continued implementation of state laws to raise the age of criminal responsibility. The funding would continue to support and expand comprehensive diversion, supervision, probation, programming and placement services for 16 and 17-year old justice system-involved youth.
- **Child Care:** The Executive provides \$832 million for child care subsidies, an increase of \$26 million over the SFY 2018-19 funding level, including \$9 million in additional federal child care funds.
- **Authorization for the Child Care Development Block Grant (CCDBG) requirements:** The Executive includes language to allow for compliance of the 2014 CCDBG inspection, training and background check requirements.
- **Authorization for the Families First Preventive Services Act requirements:** The Executive adds language to allow for background checks required by the federal act.
- **HIV/AIDS Rental Cap:** The Executive shifts funding for the HIV/AIDS rental cap for public assistance recipients in the City of New York to the Safety Net program. The Executive also includes \$5 million for districts outside of New York City to encourage participation in the HIV/AIDS rental cap.
- **Family Assistance Cost Shift to New York City:** The Executive proposal would require New York City to pay 10 percent of all costs associated with Family Assistance.
- **Domestic Violence Shelter Requirements:** The Executive eliminates requirements for survivors of domestic violence to apply for public assistance as a pre-requisite of receiving assistance, and eliminates the ability of shelters to charge fees for services.
- **Empire State Anti-Poverty Initiative:** The Executive provides \$4.5 million for continued support of the Empire State Anti-Poverty Initiative.

## **The People's Budget**

### **HUMAN SERVICES**

The federal government has made a concentrated effort to reduce, eliminate, or make ineffective our country's anti-poverty programs such as Medicaid and the Supplemental Nutrition Assistance Program (SNAP) in the last years. While this is not the first time that a federal administration has tried to chip away at our country's social welfare system, it is worrisome and heartbreaking for families and children who rely on these safety nets.

Commendably, New York continues to move forward and strive to protect and sometimes expand anti-poverty programs. The Executive Budget contains several progressive policies, but to truly make an impact on families and children, economic security must be at the top of the list. New York has made some policy gains in recent years, including the major advance of a \$15 minimum wage. However, the governor and legislature must do more to ensure that all families can pursue economic opportunity.

#### **Social Welfare Funding**

The Governors adherence to a two percent spending cap has had a chilling effect on social welfare agency spending in New York. Spending on social welfare agencies represents less than six percent of the total state operating budget at approximately \$9.3 billion. The state operating fund support for social welfare agencies proposed in the Executive Budget for FY2019-20 remains \$1.62 billion below the level when Governor Cuomo took office, a 32 percent decrease since FY 2011. 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.

### **Families First Transition Fund**

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

In addition to allowing federal foster care funding to be used to support preventive services that keep families together, the new law also reforms federal financing to prioritize family-based foster care over residential care by limiting federal reimbursement for certain residential placements.

In order to ensure that FFPSA implementation is effective, New York State and its counties must be proactive: the state should prepare now by improving policies and practices to recruit, retain and strengthen foster and kinship families and evaluate its current use of residential care. To adequately fund this effort, the Caucus supports an allocation of \$7.5 million over the next three years.

### **Child Care**

Protecting access to quality affordable childcare is essential to building a stronger economy and expanding opportunities for all New Yorkers. With federal and state standards for childcare providers becoming more rigorous, it is essential to adequately invest in health and safety programs for childcare providers as part of the FY2019-20 enacted budget.

## **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.

## **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 \$300,000 for this worthwhile initiative.



### **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.

### **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 amount of contracts, capital, and resources to our minority and women owned businesses. We are excited by the progress that began in 2011 when Governor Cuomo 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.

### Reauthorization of Article 15-A

Since its adoption in 1988 and during the last several years, Article 15-A has been a successful State program that has opened pathways to opportunity that were previously closed to many residents of New York State. Through Article 15-A, minority and women-owned businesses have emerged to create thousands of jobs across New York State because they have gained access to meaningful contract opportunities. Thus, the Caucus advocates strongly for reauthorization of this provision.

### Workforce Goals

The Caucus supports the advancement of workforce goals to increase MWBEs in the construction-related industry.

### Agency-Wide Feasibility Study

In order to provide technical assistance and capacity building for MWBEs in our communities, we advocate for an agency-wide feasibility study on capacity building and mentorship programs.

### MWBE Outreach

The Caucus supports increased resources to expand the pool of certified MWBEs, such as appropriations for outreach.

### Personal Net Worth

We must push to allow large-scale MWBEs that exceed the personal net worth and size threshold to qualify for the 30 percent state agency goal.

### **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**

This fiscal year's budget is the last opportunity that we will have to invest in making sure that New Yorkers are fully counted in the 2020 census that will take place on April 1st, 2020. The federal administration has already made attempts to undermine census efforts by proposing the addition of a citizenship question, which the Caucus has joined the effort to block, thus far. 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. The governor and legislature of California understood the gravity of what an inaccurate census would mean for their state which is why they included what in the end amounted to over \$100 million in their FY2019 budget. 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.



## **The People's Budget**

### **HOUSING**

#### **Low-Income Housing Tax Credit**

The Caucus supports increasing the State Low-Income Housing Tax Credit to support the financing of affordable housing developments. In the face of federal tax policy, it will be even more important for the state to step up and ensure that low-income housing is protected. The Caucus recommends an increase in the amount of salable tax credits, which would augment the available funding for affordable housing construction. The Caucus also supports an increase the amount of federal low-income housing tax credits that are allocated to New York State.

#### **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 last year 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 statewide and those in New York City in particular, suffer from a stunning lack of capital support. Many of these public housing developments have fallen into serious disrepair and the support they have received has consistently fallen short of their need. There are budget line-items that are going towards NYCHA developments, but these may not be enough to make the necessary repairs to buildings that thousands of New Yorkers rely on. The state and city must commit to funding NYCHA repairs and developments at a level that will bridge gaps and take care of deficits that many public housing developments are facing.

As we face increasing involvement from the federal government with the funding and operation of public housing, and deal with harsher temperatures during the winter, it has become even more necessary for the state to step up and continue to put funds towards renovating units. Further, it is vital that these funds be allocated to NYCHA directly, rather than require approval from DASNY and HCR—a process that impedes a timely start to these capital projects.

## **Rent Regulations**

Weak rent laws hurt affordable housing. We must work to strengthen the laws and close the loopholes so that tenants are able to feel secure in their homes and stay in their communities. Loss of affordable housing disproportionately affects low-income and communities of color. Rent-regulation is the largest source of affordable housing for low-and-moderate income tenants. Per advocates, in over 60 percent of rent-stabilized apartments, the households are Black, Puerto Rican, Hispanic or Asian, so we must prioritize rent-regulation in order to protect affordable housing stock.

- Vacancy Bonus

The “vacancy” or “eviction” bonus allows huge increases of 20 percent or more in rent stabilized apartments upon vacancy. This means that tenants who want to move are faced with unaffordable rents in every neighborhood in the city, even in rent stabilized apartments. This bill would end the vacancy bonus, thereby protecting tenants.

- Preferential Rents

The preferential rent scheme has been a unique tool to assist landlords in raising rents by huge percentages during a tenancy. While preferential rents seems to be a good thing for tenants, preferential rents easily hide fraudulent legal rents and even when legitimate, weaken tenants’ right to renewal leases at increases approved by the Rent Guidelines Board.

## **Naturally Occurring Retirement Communities**

Naturally Occurring Retirement Communities (NORCs) and Neighborhood 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.

## **Settlement Housing Funding**

The Settlement House Program (SHP) provides funding for 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.



Given that the federal government has demonstrated how low of a priority social services are, it is critical that we protect funding for social services in our State. The SHP needs \$5 million of funding in order to fully fund its programs and to be more readily able to respond to the unique and evolving 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 in 2019.

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.

## 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.



## **The Executive Budget**

### **TRANSPORTATION**

- **MTA Capital Plan Funding:** The Executive maintains the previous state commitment of \$7.3 billion to the 2015-19 MTA Capital Plan contingent upon enactment of congestion pricing, MTA organization reform and school zone speed cameras. The state commitment totals \$8.6 billion including prior year appropriations.
- **Congestion Pricing:** The Executive proposes a congestion pricing program south of 60<sup>th</sup> Street in Manhattan that could begin as early as 2021. The legislation authorizes the MTA's Triborough Bridge and Tunnel Authority (TBTA) to set the congestion pricing fee with a requirement that the fee must generate revenues sufficient to leverage at least \$15 billion in bonded capital.
- **MTA Organizational Reform:** The Executive proposal gives the MTA the authority to reform its organizational structure and to consolidate any of its subsidiaries with approval from the MTA Board.
- **Transit Operating Assistance:** The Executive recommends \$5.834 billion in annual support for transit systems, including the MTA, reflecting an increase of \$265 million or 4.8 percent from SFY 2018-19.
- **Continued Funding of Local Capital Construction Programs:** The Executive proposal would continue appropriation levels of \$438.1 million for the Consolidated Highway Improvement Program (CHIPs) and \$39.7 million for the Marchiselli program. The Executive continues funding of \$100 million for the Bridge NY program and \$100 million for PAVE NY, distributed through the CHIPs formula.
- **Limousine, Bus, and Livery Reform:** The Executive proposes legislation to ban remanufactured limousines, require a Commercial Driver's License (CDL) to operate a for-hire-vehicle with eight or more passengers, establish a DOT inspection fee of \$120, and increase civil and criminal penalties for violations.
- **Sustainable Upstate Transit Operating Assistance:** The Executive proposes to increase the auto rental tax upstate and dedicate the funding to upstate transit systems. The additional revenue is estimated to generate \$22 million annually.

## **The People's Budget**

### **TRANSPORTATION**

#### **Accessibility**

The Metropolitan Transportation Authority operates the least accessible subway system in the country for people who require stair-free station access. Thirty years after the passage of the Americans with Disabilities Act of 1990, only 23% of New York City's subway stations offer elevators. This creates severe limitations on the trip-making abilities of the elderly, people with disabilities, and others who find it difficult or impossible to maneuver crowded subway stairs. The problem is acutely felt in neighborhoods of color in the Bronx, Brooklyn, Queens, and Upper Manhattan, where gaps between accessible stations are the longest.

It is an urgent priority to increase the number of accessible stations to allow all riders equal access to social engagements, jobs, housing, schools, and health care. Yet the pace of new elevator construction has been unacceptably slow and opaque. Therefore, the Caucus supports a the allocation of dedicated funds for the purpose of increasing accessibility. Priority stations should be determined based on a set of public criteria, including ridership, demographic data, and gaps between accessible stations.

#### **Freedom Ticket Initiative**

This plan would reduce commuter fares for the LIRR and MetroNorth trains to a flat fee, which would be significantly lower than paying for individual round trip plans on commuter rails per day. The plan would work similar to the way modern day MetroCards do and would work across all five boroughs, beginning in Southeast Queens as a proof of concept implementation and throughout the metro region by 2021.

#### **Congestion Pricing**

The Executive Budget's proposal for congestion pricing is an effective way to meet two goals at the same time: raise much-needed funds for the subway system that is in dire need of improvement; and reduce the intense and worsening traffic in the central business district of Manhattan. The Executive Budget mandates that the system finance a minimum of \$15 billion in capital funding. That would imply a revenue stream of roughly \$1 billion per year, at current interest rates.

In recent years, the need to fund major improvements in the Metropolitan Transit Authority has moved from an urgent priority to a real crisis. People who live in New York City or commute there face long delays and crushing overcrowding daily. But people who don't live in the region should also be looking at the situation with heightened concern.



If the public transportation system does not improve quickly, business growth is likely to slow down because the infrastructure simply cannot sustain further stress. If economic growth slows in the state's largest business center, state tax revenues will be directly affected.

The MTA's operating and capital budgets have multiple sources of funding, from fares paid by riders to the mortgage recording tax paid in the 12-county region served by the MTA. While adding \$1 billion per year to the capital budget will not close the gap in what is needed to meet the MTA's capital needs, it would be a significant increase.

There is no painless way to raise \$1 billion per year, but a fair congestion pricing plan can move improvements forward and help reduce traffic.

## The Executive Budget

### JUSTICE

- **Indigent Legal Services Expansion:** The SFY 2017-18 Budget established a multi-year plan to improve the quality of public defense services statewide. The Executive Budget includes \$100 million to support the second year of the statewide Hurrell-Harring initiative, which is an increase of \$49.3 million from the previous year.
- **Gang Prevention:** The Executive Budget provides \$10 million to engage at-risk youth in social and educational programs in order to interrupt gang recruitment of youths.
- **Bail and Pre-trial Detention Reform:** The Executive proposes legislation to eliminate cash bail, and replace it with pre-trial alternatives such as appearance tickets, release on recognizance, and non-monetary conditions, while keeping the option of pre-trial detention for high risk cases.
- **Improve Access to a Speedy Trial:** The Executive proposes legislation to limit the issuance and duration of speedy trial waivers, require court reviews of statements of readiness by the prosecution, and require that a motion to dismiss be made in a timely manner prior to trial.
- **Modify the Discovery of Evidence Process:** The Executive proposes legislation that would require prosecutors and the defense to share evidentiary information under certain time frames prior to the start of the trial.
- **Reduce Barriers to Re-entry:** The Executive proposes legislation to remove certain suspensions and bans on driver's licenses and occupational licenses as well as to expand opportunities for geriatric and medical parole.
- **Child Victims Act:** The Executive proposes legislation to eliminate criminal statutes of limitation for all sexually-related felony offenses when committed against a person who is less than 18 years of age.



**The People's Budget**  
**JUSTICE & IMMIGRATION**

On January 3, 2018, Governor Cuomo stated that “race and wealth should not be factors in our justice system.” The Caucus wholeheartedly agrees, and stands ready to work with all partners to achieve the following reforms in order to achieve equity in our justice systems.

**Bail**

**Limiting Pretrial Detention**

The Caucus supports limiting the eligibility for pretrial detention, ensuring that people charged with misdemeanors and low level felonies do not find themselves detained until trial without the option of release. We support the governor’s assertion that this form of detention should only be available if a person has a significant risk of flight or poses a real threat to public safety, and will continue to advocate for a final policy that will not ensnare countless people posing neither of these risks.

Much as the state bears the burden of proving its case beyond a reasonable doubt, it must bear the burden of demonstrating that detention is necessary. A framework that creates presumptions of detention is inconsistent with the constitutional right to the presumption of innocence. There must be separate hearings for these types of cases, so that the judge can evaluate the strength of the evidence, and there must never be a presumption of detention.

Additionally, prosecutors must not have unfettered power to detain someone until their hearing date. Not only does this deprive the accused of the zealous advocacy they are entitled to at their first appearance; but the unchecked power it grants to prosecutors opens the door to abuse. Judges must retain the discretion to decide whether to release or detain someone at first appearance.

**Profit**

The Caucus stands firmly against the economic exploitation of the poor, and seeks bail reform that removes profit from the pretrial process. It leaves the door open to the privatization of pretrial supervision, and saddling people with the costs associated with their pretrial supervision, like GPS monitoring. It does not address the for-profit bail bond industry, which routinely exploits the poor. We must stop the practice of low-income communities of color having their wealth transferred to private entities or the state through pretrial supervision and detention decisions. The courts must bear the cost of any and every condition that is imposed on a person, and the for-profit bail bond industry must be abolished.

### Data Collection

To ensure reform achieves its objective, the Caucus supports statewide data collection and reporting on pretrial practices. Currently, there is no statewide data collection process for bail practices. Data should be collected regarding: the amount and type of bail that prosecutors request; whether defense attorneys ask for alternative forms of bail; and the judge's reasoning when making their bail determination. The absence of standardized data and reporting across the state hinders accountability and limits transparency.

### **Discovery**

The Caucus advocates for strong discovery reform that ensures greater transparency and fairness, and ends the practice of defendants having to choose between pleading guilty or receiving evidence. Aligning with the recommendations of the New York State Bar Association and the NYS Justice Task Force, true discovery reform requires early and automatic disclosure of all evidence, including the names and contact information of all witnesses who have information relevant to the case, as well as early disclosure of all witness grand jury minutes, regardless of whether they will testify at trial. We also lift our voices in opposition to granting the prosecutor a right to redact evidence without having to show good cause for a protective order. Lastly, we believe that final enactment of discovery reform would not mandate that the defense turn over any evidence until the prosecution has completely met their discovery obligation and has filed a certificate of compliance stating so.

### **Speedy Trial**

The Caucus continues to support trial reforms that bring justice for all parties in a swift manner. We remain committed to addressing underlying structural problems like the prosecutorial readiness rule and will work to ensure that someone charged with a misdemeanor is not unreasonably incarcerated for months on end with no avenue for release. Any release provision, no matter where it is, should include tiered time frames based on the severity of the charge.

We also support the attorney-client relationship and hold that any reform should respect the rights of the accused rather than mandate waivers of speedy trial time. Such a provision would undermine the attorney-client relationship and prevent defense attorneys from doing their jobs, including participating in plea negotiations.

Lastly, we advocate for a final proposal that does not place restrictions on when speedy trial motions can be filed. Such restrictions not only deprive the accused of time which could be included in a speedy trial calculation, but they wrongfully presume that the prosecutor will be ready on the next date. It would amount to a significant step backwards even from current practice if people would be obstructed from invoking their constitutional right to speedy trial.



## **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.

### **Raise the Age Funding**

Building upon the successful campaign to raise the age of criminal liability, the Caucus turns its attention towards ensuring that funding for successful implementation of this new law is distributed fairly across the state, including New York City. Thus, it is imperative that this budget allocate adequate funding for the proper implementation of this law.

### 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

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.



### **Special Prosecutor**

This bill 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 & 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.

### **Ban the Box**

Legislation to "ban the box" would establish that conditional offers of employment must be made prior to an employer inquiring whether an applicant has a criminal history. This provision would not apply when a criminal background check is required or permitted by law.



## **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 FY2019-20 budget.

## **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 \$1.5 million supported either through the General Fund, or some other Special Revenue Fund in the SFY2019-20 budget. This would bring PLS' funding back to the level of the mid-1990s, but would still be an important step toward meeting the State's legal responsibility to provide meaningful access to the courts for individuals confined in our State's prisons.

## **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. Governor Cuomo 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.

## **Deportation in Criminal Cases**

The Caucus supports enactment of the Plea Agreement Immigration Consequences Disclosure Act. Upon passage, courts would be required to inform a defendant that if he or she is an alien and he or she is convicted of a crime, whether by plea or trial, such conviction may result in his or her deportation. The legislation would allow a withdrawal of a plea of guilty by an alien if such alien is threatened with deportation and such person is not so advised of such threat of deportation.

## **One Day to Protect New Yorkers Act**

This legislation would make a minor change to the New York penal law, reducing the maximum sentence for an A misdemeanor by one day—from 365 days to 364 days. By doing so, a number of the harsh immigration consequences, like mandatory detention and deportation, that can result from certain misdemeanor conviction would be reduced or eliminated.

## **Drivers Licenses for All**

New York currently prevents hundreds of thousands of otherwise-qualified residents from obtaining a license because of immigration status. This puts many people who must drive to get to work, drop kids off at school, or get to a doctor, at risk of traffic stops that can lead to arrest, deportation, or even death. New York must protect immigrants by restoring access to driver's licenses to all, which will also create a reliable revenue stream and enhance public safety by allowing all drivers to obtain insurance coverage.



## **The Executive Budget**

### **TAXATION**

- **Extend the Millionaire's Tax:** The Executive proposes a five-year extension of the existing millionaire's tax, which is scheduled to expire on December 31, 2019. The Executive would also extend the personal income tax limitation on charitable contribution deductions for taxpayers with incomes above \$10 million for an additional five years.
- **Cannabis Regulation and Taxation Act:** The Executive proposes language to regulate and control the manufacture and sale of cannabis for adult consumption. The bill would establish three taxes on the cultivation and sales of adult use marijuana.
- **Make the Property Tax Cap Permanent:** The Executive proposes to make permanent the two percent cap on local property taxes. The property tax cap was last extended in 2015, and is scheduled to expire at the same time as rent regulation, but no earlier than June 16, 2020.
- **School Tax Relief (STAR) Program Actions:** The Executive proposes to cap annual growth in STAR exemption benefits at zero percent and to increase STAR credit benefits by two percent; lower the basic STAR exemption income eligibility requirement, from \$500,000 to \$250,000; and make a variety of changes related to STAR oversight and enforcement.
- **Tax Cuts and Credits:** The Executive proposes to expand the employee training incentive program credit; expand the farm workforce retention credit; establish an employer-provided child care credit; create the employer recovery hiring tax credit; and expand the current historic rehabilitation credit.
- **Tax Reform Actions:** The Executive proposes to close the carried interest loophole; require online retailers to collect state and local sales tax; discontinue the energy services sales tax exemption; allow for an exemption from real property taxation for qualified energy systems; allow school tax equalization rate apportionment over multiple years; and allow local governments to provide assessment relief in time of a natural disaster.

## **The People's Budget**

### **TAXATION**

#### **Millionaires Tax**

New York's tax brackets are based on income distributions from the 1970s and 80s. In order to reflect explosive income gains by those at the very top—as well as address the wide income inequality in the state—tax brackets must be adjusted upward. New progressive brackets at \$1 million, \$5 million, \$10 million and \$100 million per year would raise \$2.3 billion per year.

#### **Recapture – Unincorporated Business Tax (UBT)**

A state surtax on high-dollar pass-through LLCs could raise over a billion per year without negatively impacting small businesses or freelancers. At a time when many people will be looking to start such corporations to game the new tax law, this should be coupled with an increase in LLC filing fees both to raise revenue and discourage gaming.

#### **Claw-back Tax**

Multinational corporations are executing hundreds of billions of dollars in stock buybacks, providing returns to rich investors—not their workers. New York should impose a “claw-back tax” on publicly traded companies that received tax breaks but do not create jobs or raise pay of workers. The state should exempt small businesses or startups from this measure that could raise a billion per year and/or compel companies to do the right thing for New Yorkers.

#### **Reinstitute Stock Transfer Tax**

Large banks and Wall Street traders get the biggest benefits from the new federal tax law. In fact, New York still collects a multi-billion-dollar (\$13.8 billion per year) Stock Transfer Tax, but it is currently fully rebated back to the brokers. It is possible to exempt small investors while imposing a negligible transfer tax on high-frequency and high-dollar trades. Rebating 60 percent of the tax, rather than the full 100 percent could raise \$5.5 billion per year.

#### **New York City Land Tax**

New York City real estate has soared in value, while the transportation, infrastructure, housing and energy systems that make it so valuable have suffered. We can create thousands of jobs all over New York with funding from a reasonable land tax on just the most valuable Manhattan office buildings and speculative luxury housing that could well over a billion dollars.

#### **Carried Interest Loophole**

Congressional failure to close the carried interest loophole—despite bipartisan support—underlines the great need for state action. We must authorize New York to tax carried interest profits on the same footing as the amount lost to the federal loophole. This change would raise an additional \$3.5 billion per year.

