



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

THE PEOPLE'S BUDGET BUDGET EQUITY XXIX

THE PEOPLE'S RECOVERY



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Message from the Chair
Assemblywoman Michaelle Solages
SFY 2021-2022

As Chair of the New York State Black, Puerto Rican, Hispanic, and Asian Legislative Caucus, it is my honor to present: The People's Budget: Budget Equity XXIX.

We are facing serious challenges. The convergence of three crises: the global pandemic, economic volatility, and racial injustice has impacted every family, every region, and every industry in New York State. Low-income communities as well as communities of color are hurting even more.

Since the first formal meeting of the caucus, called the "Midnight Walk" of 1966, the Caucus has continued to use its membership to negotiate and advocate for communities of color. The Caucus has grown not only in size but in its diversity. Originally a group that primarily represented the Black population of New York City, the Caucus now comprises sixty-eight members representing millions of individuals across New York State. We are truly living the legacy of our founders.

Now more than ever, this solidarity is important. From underfunded schools to limited economic opportunities, an unequal criminal justice system to unhealthy environments, lack of access to healthcare and mental health services, as well as disinvestment and unstable housing, New Yorkers of color are demanding more from all levels of government.

Any budget is a moral statement of priorities. Our priorities lie with the people. We know the people's recovery starts with communities of color. The New York State Black, Puerto Rican, Hispanic, and Asian Legislative Caucus appreciates your time and consideration. As always, we encourage you to reach out to your local state representative in order to voice your priorities.

Thank you.



Message from the Budget Subcommittee Chair
Assemblywoman Yuh-Line Niou
SFY 2021-2022

I am honored to present to the citizens of New York, the communities we serve, the legislature, and the governor The People's Budget: Budget Equity XXIX, a transformative document that seeks to better represent the needs of our citizens and the communities we serve as lawmakers. I want to personally thank everyone who offered their time and expertise to ensure the proposals and policies contained in this document truly represent the voice of New Yorkers.

The New York State Black, Puerto Rican, Hispanic, and Asian Legislative Caucus now hosts 68 members representing too often overlooked community voices from all parts of our great state. Together, we advance the common goal that every New Yorker has a right to have their voice heard, and every community deserves a budget that acknowledges and responds to their community needs. That has never been more critical than now, when disparities in COVID-19 infection rates and vaccine access threaten to extend the dual public health and economic devastation our state now faces. Budget equity offers a way forward for all New Yorkers, and it is an honor to advocate its policy proposals among my colleagues in Albany.

As an Assemblymember representing Lower Manhattan, my district is a living example of the diversity that must be reflected in our state's budgeting process. Nearly 40 percent of my constituents come from immigrant backgrounds. Forty-eight percent of the adults I represent speak a language other than English in the home. And like constituents from across the state, they represent a wide range of economic circumstances, each with their own challenges. They deserve a full voice in our state's budget, and The People's Budget offers a roadmap for realizing that budget equity.

Making New York's budget more equitable requires all of us to act together in support of the communities we serve. And just as our constituents' needs do not stop at the end of the budgeting period, nor can our efforts to make their lives better. The challenges of poverty, language barriers, racism, ineffective policing, and disparate access to public resources must be recognized for what it is: an ongoing challenge requiring the ongoing commitment of New York's elected officials to address.

I join the New York Black, Puerto Rican, Hispanic, and Asian Caucus in thanking you for taking the time to review this year's publication, and I encourage New Yorkers to engage with your elected officials in support of these critical and necessary reforms.

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 XXIX would not have been possible.

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



NYS Budget Highlights

- **All Funds Spending:** The Executive Budget estimates All Funds spending for State Fiscal Year (SFY) 2021-22 at \$192.9 billion, an annual growth of 0.1 percent.
- **State Operating Funds Spending:** The Executive's estimate of 1.2 percent growth in State Operating Funds remains below its 2.0 percent spending benchmark with anticipated total disbursements of \$103.4 billion.
- **General Fund Spending:** The Executive estimates General Fund disbursements of \$82.0 billion in SFY 2021-22, for an annual growth of \$7.2 billion or 9.6 percent.
- **Closing the SFY 2020-21 and SFY 2021-22 Budget Gaps:** The Executive budget closes a combined budget gap of \$15 billion over state fiscal years 2020-21 (\$4.8 billion) and 2021-22 (\$10.2 billion). The Executive Budget eliminates these gaps with spending reductions totaling \$4.3 billion in SFY 2020-21 and \$3.5 billion in SFY 2021-22; other savings actions of \$522 million for SFY 2020-21; and new revenue sources estimated at \$6.7 billion for SFY 2021-22.
- **Out-year Budget Gaps:** After gap-closing actions, the Executive Budget assumes out-year gaps of \$2.9 billion in SFY 2022-23; \$6.0 billion in SFY 2023-24; and \$8.6 in SFY 2024-25.
- **Unrestricted Federal Aid:** The Executive Financial Plan is greatly dependent upon the receipt of federal aid to address the impacts of the COVID-19 pandemic, and assumes an estimate of \$6 billion in unrestricted Federal aid apportioned evenly across SFYs 2021-22 and 2022-23. Federal receipts in excess of this amount would be utilized to offset reductions assumed in the Executive Budget.
- **Budget Reductions:** The Executive includes language authorizing the Director of the Division of the Budget to make automatic across-the-board reductions as of August 31, 2021, if the state receives less than \$3 billion in unrestricted Federal aid in the upcoming state fiscal year.
- **General Fund Reserves:** The Executive estimates the SFY 2021-22 General Fund closing balance at \$5.7 billion, a decrease of \$1.5 billion from the current year.

“Of all the forms of inequality, injustice in health care is the most shocking and inhumane.”

Martin Luther King Jr.



Executive Budget Highlights
HEALTH & ENVIRONMENTAL JUSTICE

- **Extension of the Medicaid Global Cap:** The Executive proposal continues the cap on Medicaid spending through the Department of Health (DOH) and limits these expenditures to \$23.17 billion in State Fiscal Year (SFY) 2021-22 and \$25.23 billion in SFY 2022-23.
- **Medicaid Redesign Team (MRT):** The Executive proposes to reconstitute the MRT to enact a plan to deliver \$2.5 billion in recurring Medicaid savings.
- **Nourish NY:** The Executive proposal would increase funding for the Nourish NY program, which helps people who are food insecure to access nutritious food from New York farmers, by \$25 million, for a total of \$60 million.
- **Essential Plan:** The Executive proposal would eliminate premiums for Essential Plan coverage for more than 400,000 New Yorkers earning between \$39,300 and \$52,400 for a family of four. The Executive also proposes \$420 million in rate enhancements paid to insurers who cover Essential Plan enrollees and \$200 million to establish an Essential Plan Quality Pool.
- **Expand Telehealth:** The Executive proposal includes a series of changes to enhance and provide additional flexibility for reimbursement and the provision of services through telehealth. In addition, the Executive proposes to increase training opportunities, establish a pilot program to facilitate telehealth for vulnerable populations, require insurers to offer virtual emergency services, and allow insurers to utilize telehealth for certain care management requirements.
- **Public Indigent Care Pool (ICP):** The Executive proposal would discontinue the State funded portion of the Public ICP, a reduction of \$65.4 million.
- **340B Reimbursement Fund:** The Executive proposal would establish a \$102 million supplemental payment pool for community health clinics to reinvest a portion of the savings from the fee-for-service pharmacy benefit carve out related to the 340B Drug Pricing Program.
- **Nursing Home Staffing:** The Executive proposes to increase the Nursing Home Quality Pool, create regulations that would govern the review and approval of any contracted staffing arrangements between nursing homes and certain staffing agencies, and limit Medicaid reimbursement to include only staffing costs related to contractual arrangements that comply with regulatory requirements.
- **Broadband Affordability:** The Executive Proposal includes Article VII legislation that would require internet service providers to offer a \$15 per-month internet plan to any household eligible for free or reduced-price lunch through the National School Lunch Program or whose household income is below 185 percent of the federal poverty level.

- **Environmental Protection Fund (EPF):** The Executive proposal maintains funding for the EPF at \$300 million, which is comprised of \$40.6 million for solid waste programs; \$88.4 million for parks and recreation; \$151.4 million for open space programs; and \$19.6 million for climate change programs.
- **State Superfund Program:** The Executive proposal continues to fully fund the State's Superfund Program with a \$100 million appropriation, including funding for the Environmental Restoration Program.
- **Clean Water Infrastructure:** The Executive proposes \$500 million for water infrastructure programs for a total of \$4 billion in appropriations. This appropriation is part of a \$5 billion commitment over five years.
- **State Parks:** The Executive proposal maintains capital funding of \$110 million in New York Works funding for state parks in SFY 2021-22 as part of a \$440 million commitment over four years.
- **Olympic Regional Development Authority:** The Executive proposal includes \$105 million in capital funding for the Olympic Regional Development Authority, a decrease of \$42 million from SFY 2020-21. This funding includes \$92.5 million for projects in preparation of hosting the 2023 World University Games, \$10 million for critical maintenance and energy efficiency upgrades, and \$2.5 million from the Office of Parks, Recreation and Historic Preservation.



The People's Budget
HEALTH & ENVIRONMENTAL JUSTICE

New York Health Act

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

Healthcare providers are also affected by inadequate health coverage in New York State. A large portion of voluntary and public hospitals, health centers and other providers now experience substantial losses due to the provision of care that is uncompensated. Individuals often find that they are deprived of affordable care and choice because of decisions by health plans guided by the plan's economic needs rather than their healthcare needs. To address the fiscal crisis facing the healthcare system and the state and to assure New Yorkers can exercise their right to healthcare, affordable and comprehensive health coverage must be provided. Pursuant to the state constitution's charge to the legislature to provide for the health of New Yorkers, the Caucus supports establishing a comprehensive universal single-payer health care coverage program and a healthcare cost-control system for the benefit of all residents of the State of New York. The Caucus encourages the passage of the New York Health Plan which would create a single-payer health care system for all New Yorkers regardless of age, income, employment, or documentation status.

Allocate Indigent Care Pool funds exclusively to Enhanced Safety Net Hospitals

To combat healthcare inequality across New York State, which has been laid bare by COVID-19, The Caucus recommends the allocation of Indigent Care Pool Funds exclusively to Enhanced Safety Net Hospitals to effectively target the State's limited resources toward communities and providers that need them the most. Given recent funding cuts and an increasing uninsured population and unemployment due to COVID-19, these funds are crucial to strengthening our hospitals and community health centers.

Diversity in Medicine

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

We also urge the expansion of the Diversity in Medicine Scholarship Program, which has received funding in the past. 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 2021-2022—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.



Quality of Care

The Caucus recommends that all nursing homes be required to spend more resources on direct care, along with increased nursing home staff levels, work to ensure strict compliance with infectious disease controls, and provide regular and ongoing testing, adequate PPE, and oversight through safe in-person access by formal advocates (long-term care ombudsmen) – including increasing staffing for the LTC Ombudsman program. The Caucus also strongly recommends that the State add \$5 million dollars to the LTC Ombudsman program's current funding level of \$1.19 million to hire and train more professional staff and allow the professional ombudsmen into facilities during a pandemic to do their job as the voice of residents. Nursing home residents' voices were lost in this pandemic, and we cannot allow that to happen again.

Retroactive Repeal of Legal Immunity & Transparency

We must stop shielding long-term care facilities for any negligent care delivered earlier in pandemic. Pursuing legal action is not an easy thing to do, and no family member who has lost a loved one due to neglect or abuse pursues this course of action lightly. It is always an option of last resort and must remain an option for families.

The Caucus additionally supports codifying the requirement of daily reporting data on fatalities and infectious disease rates of staff and residents in all nursing homes and adult care facilities with a publicly available annual report to the Legislature.

Visitation

The Legislature must work to ensure long-term care facilities are providing safe in-person and facilitated virtual visitation and ensure families can obtain compassionate care visits. Social interaction with family and friends is critical to the health and wellbeing of residents. In addition to the social connectivity and emotional support they provide, visitors are key members of the resident care team. Prohibiting and limiting in-person visits is one of the biggest concerns groups, like AARP, have heard from their members.

Home-and-Community-Based Services

Older New Yorkers must be given the opportunity to stay in their homes, where they are happier, and where care can be delivered less expensively. Given the sky-high number and rate of deaths in nursing homes, funding to provide the programs and services that keep people in their homes and out of institutional settings must be a priority. In addition, we must do all we can to help family caregivers, who play a key role in determining an older person's ability to remain in his or her home and community and out of taxpayer-funded institutional care settings such as nursing homes for as long as possible.

The Caucus strongly supports enhancing funding for NYSOFA-administered home-and community-based services by providing an additional \$27 million to address the growing waitlist for these services, which now numbers over 11,000 people statewide.

Office of Children and Families Services (OCFS) Kinship Care

Kinship care refers to grandparents, other relatives, and family friends who are raising children whose parents are unable to do so. More than 200,000 children live in kinship families; fewer than 3,700 are in foster care, despite the similar causes for care.

The New York State Kinship Navigator program has noted that the heroin/opioid crisis is forcing more children into the arms of non-parent relatives, and that Kinship care has become one of the state's most valuable child welfare resources and plays a vital role in providing safe and stable homes for children impacted by the opioid epidemic.

Currently, 14 OCFS-funded kinship care programs cover 25 counties, with the Navigator covering the remaining counties. The local programs and the Kinship Navigator are vital to the local kinship communities, enabling new kinship families to care for children, especially those whose parents have succumbed to drug/opioid abuse.

We request the Legislature to restore the legislative addition for local kinship programs of \$1,900,000 to fully fund the 14 local kinship care programs for a total finding of \$2,238,750. We also request an additional \$100,000 for the NYS Kinship Navigator for total funding of \$310,000.

Maternal Mortality

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

Disease

The Caucus calls for increased funding for sickle cell research, outreach, and services to our communities. Accordingly, we advocate for the passage of the sickle cell treatment act. Consistent with plans previously supported by the Caucus, we seek increased funding to care for those battling Lupus, Hepatitis, HIV/AIDS, and other infectious diseases.



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 FY2021-2022 state budget that increases our investment in hospitals all across the state.

School Based Health Centers

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

To ensure that the CHA network is there to assist our constituents as they face fear and uncertainty, as well as potential dramatic changes to health insurance programs from Washington, the Caucus supports \$2.5 million to CHA in addition to the Executive's allocation in the FY2021-22 State Budget and a codification of the program so that they secure indefinite funding.

National Black Leadership Commission on Health (NBLCH)

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

Healthcare in the Immigrant Population

The Caucus is passionately committed to protecting and supporting immigrant communities. More than 400,000 New Yorkers cannot enroll in health insurance because of their immigration status. Immigrant New Yorkers have been at the forefront of our state's fight against COVID-19, representing one-third of the state's essential workers. Immigrant New Yorkers play a crucial role in all sectors, from food production and delivery to construction and frontline healthcare provision. By allocating \$532 million, we can make them eligible for quality, affordable coverage through expanding the state-funded Essential Plan, which would be codified by S.1572/A.880. 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. Until our immigrant communities can receive permanent healthcare, the Caucus urges the creation of a temporary state-funded Essential Plan for New Yorkers, to cover individuals up to 200% of the federal poverty level who have confirmed or suspected cases of COVID-19 and are otherwise ineligible for coverage due to immigrant status.

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



New York should do the same for Temporary Protected Status (TPS) holders. TPS allows people living in the U.S to work with authorization, and to be protected from deportation, if it would be unsafe or inhumane for them to have to return to their country because of a crisis like a war or a hurricane.

New Yorkers who lose TPS will also lose their ability to access health insurance unless New York authorizes the continuation of eligibility for state-only funded Medicaid by enacting S.4641.

In addition, the inclusion of provisions within S.2545 would also provide medical assistance eligibility for kidney transplant expenses for undocumented people. Currently, public financial assistance is made available to undocumented people seeking emergency medical care. Falling under this category, the State currently covers undocumented people experiencing end-stage renal failure who undergo dialysis treatment on a biweekly basis at emergency facilities. This bill expands available public medical assistance to include kidney transplantation for undocumented persons who have received emergency renal dialysis for a period of no less than two consecutive years. Not only would this be the most cost-effective solution, but it is also the best option when seeking to improve the quality of life of patients.

To better inform immigrant families of their health rights access, the Caucus requests \$5 million to expand the capacity of our community-based organizations to support health outreach and education programs.

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 Yorkers 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.

Patient Medical Debt Protection Act

Medical bills have long been opaque, complicated documents which are often received by patients months after a procedure or checkup. Sometimes, patients receive bills multiple times, for the same services, listed under different codes for these same services.

The medical billing process causes more confusion, stress, and anxiety for our constituents, which is compounded by the stress caused by complicated procedures and postoperative recovery.

Legislation to help patients easily understand what they owe and avoid paying for medical bills they are not responsible for is critical. The Caucus recommends passage of legislation that requires hospitals to provide a single, itemized bill that includes all services provided during one visit, allows patients amnesty when given the wrong information about their coverage by their doctor or insurance, reduces the time medical providers have to sue patients for unpaid bills from 6 to 2 years, caps interest rates on medical debt at 3%, and requires hospitals to use a simple, standard application for uninsured patients who are eligible for discounted care.

Medicaid Preservation and Expansion

The Medicaid program has played a critical role in supporting New Yorkers throughout the duration of the COVID-19 public health crisis. Enrollment has grown by hundreds of thousands of people, providing coverage when people across New York have lost their jobs and struggled to make ends meet. Further investment in Medicaid is crucial to New York's future. As such, the Caucus urges the expansion in coverage and accessibility of Medicaid by streamlining and simplifying Medicaid eligibility and enrollment policy, avoiding across-the-board cuts (should they be necessary), protecting and enhancing the ability of enrollees to obtain and retain home and community-based long-term services and support, instilling greater transparency in Medicaid spending, adopting a Medicaid budget that realistically spends what is necessary to provide the program New Yorkers need, and keeping Medicaid budgeting within the process set in the state constitution which will allow for full legislative and public discourse.

Medicaid Global Cap

The 2011 state budget imposed a percentage cap on Medicaid spending growth, as proposed by the Governor's Medicaid Redesign Team. That cap is calculated annually based on the overall health care inflation rate for the past decade. For particular budgets, marginal changes have been made, such as moving some expenditures out from under the cap and putting other expenditures back under it, and most recently allowing Executive actions under the COVID-19 emergency. But the basic policy remains in place. It does not account for increased Medicaid enrollment caused by a bad economy; more older adults living longer and needing more home care or nursing home care; and increased costs above the 10-year average inflation.

In May 2020 the Urban Institute estimated potential Medicaid enrollment growth between 600,000 and 900,000 if New York reached 15%-20% unemployment. This would represent a 10%-15% enrollment increase. With New York above 15% unemployment in June 2020, it is clear that enrollment growth alone will far surpass the spending necessary to keep up with costs, let alone accounting for increased provider costs related to COVID-19.



Whenever Medicaid spending is expected to breach the cap, the 2011 law gives the Health Commissioner and Director of the Budget unilateral powers to impose cuts in covered benefits, eligibility, or payments to providers (hospitals, doctors and other health care professionals, community health centers, home care agencies, drug treatment programs, etc.) The cap mechanism is intended to impose austerity without any mechanism for revenue measures and excludes the legislature despite its co-equal role in the budget process. We must repeal the Medicaid Global Cap and enable the program to meet the actual needs of eligible New Yorkers, reflecting the cost of care, health care needs, and growth of eligible population, instead of being limited by an artificial cap and cuts by administrative fiat.

Basic Health Program for Immigrants

The Caucus supports expanding healthcare coverage to our immigrant New Yorkers. In the wake of COVID-19, immigrant residents have been at the heart of our city. From food delivery to frontline healthcare, these individuals must be given the care and support they deserve.

The Caucus supports the expansion of the basic health program to increase accessibility to a greater number of New York residents, regardless of their immigration status, if they have been diagnosed or suspected of having Covid-19.

Providing Benefits to Employees Under Quarantine

Chapter 25 of the Laws of 2020 provides paid sick leave, family leave, temporary disability benefits, and unemployment insurance to individuals subject to mandatory or precautionary orders of quarantine or isolation issued by the state or local government. These benefits are critically important for slowing the spread of COVID-19 by protecting New Yorkers with COVID-19 symptoms or exposure from having to go to work.

The Caucus supports the inclusion of paid sick leave to employees who are subject to mandatory or precautionary quarantine to stem the spread of COVID-19.

Personal Protective Equipment For Essential Workers & Essential Workers Bill of Rights

Personal Protective Equipment (PPE) is critical to curbing the spread of COVID-19. With new, more contagious variants spreading throughout the state, many health professionals recommend the use of multiple masks, sanitizing frequently, and wiping down frequently touched surfaces. Many home care and personal assistants are forced to pay out of pocket to purchase frequently used, disposable, essential equipment to keep their clients, and themselves, safe.

Providers of home care and personal assistant services should be reimbursed for the costs of personal protective equipment (PPE) in order to protect workers, elderly and disabled populations they provide care for, without risking their own financial security or their own health.

Additionally, the Caucus supports an Essential Workers' Bill of Rights which, in addition to providing PPE to essential workers, would require that employers notify essential employees when they are exposed to any disease related to a state disaster emergency, forbids retaliation for reports of an unsafe work environment, and provides hazard pay, childcare, and healthcare needed by essential workers for the duration of the state disaster emergency.

Opioid Settlement Fund

New York, like much of the country, has been ravaged by the overdose epidemic. This bill would create a fund managed by the State Comptroller and State Department of Tax and Finance which will receive monies from court settlements with entities that manufacture, distribute, sell, or promote opioids. The Caucus recommends the formation of a fund dedicated to supplementing alcohol and substance use disorder prevention and recovery programs, which will provide critical support for individuals with severe drug addiction.

Chisholm Chance Act

In New York, severe maternal morbidity constitutes a maternal health crisis that poses a serious threat to the health and quality of life of many women and children. New York is among the bottom third of states for the number of pregnancy-related deaths, with women of color dying at a rate three and a half times more than other women. The highest rates of severe maternal morbidity occurs in two counties, Kings and the Bronx, with the highest rate occurring in north and central Brooklyn. This is unacceptable and requires the establishment of a plan to address the severe maternal morbidity crisis. Accordingly, the Caucus supports the Chisholm Chance Act which will extend the Medicaid coverage period to one year beginning the last day of pregnancy, allowing women who access coverage at higher income levels to receive the care and support they need to curb the maternal morbidity crisis across New York.

Dakota's Law

Young children are more vulnerable to lead exposure and more likely to develop permanent damage if exposed, including developmental delay, learning difficulties, hearing loss, seizures, loss of appetite, and irritability. Since lead can be hard to detect in their environment, children need to be screened and tested throughout the critical first years of brain and body development and ensure that the first signs of lead exposure are addressed, rather than waiting until their blood lead levels are damaging.

Older children whose exposure or poisoning may have gone undetected also deserve access to testing to address any exposure they encountered and to assess any educational needs they need after being left undiagnosed. Dakota's Law would strengthen protocols for parents, guardians, healthcare providers, state and local health officers, and housing officials to address signs of lead poisoning in children under 6 years old.



Eating Disorders

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

Donate Life New York

Donate Life New York is dedicated to increasing organ, eye, and tissue donation throughout New York State. There are 9,500 New Yorkers on the organ transplant waiting list, with approximately 1,700 waiting for over five years. Approximately 400 New Yorkers die each year waiting for a transplant. It's imperative that New York increase its donor numbers by allocating \$725,000 in the FY2021-22 budget.

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

The Caucus supports \$500,000 for the Worker Institute's Labor Leading on Climate Initiative to continue providing cutting-edge research, education, and training programs on climate change. The initiative brings unions and environmental organizations together with policymakers to expand New York's clean energy economy, tackle the climate crisis, and create high-quality jobs for all New Yorkers.

The Worker Institute (1) provides cutting-edge research and technical assistance that effectively demonstrates how ambitious climate protection policy can drive job creation and economic development throughout New York; (2) develops and delivers comprehensive education and training programs that broaden and deepen the knowledge, confidence, and motivation of New York union members and leaders to confront the climate crisis and advance a clean energy agenda that protects workers and communities and creates good jobs; and (3) supports the development and implementation of a comprehensive jobs-driven clean energy policy program in New York that puts the state at the center of innovation and scaled-up action related to renewable energy, energy efficiency, sustainable transport, and much more. The \$500,000 will be used to deepen and expand the Worker Institute's Labor Leading on Climate Initiative's research, education, and training programs.

These programs help New York tackle the climate crisis, create high-quality clean energy jobs, and become an international leader in building a robust and equitable clean energy economy.

Rescue Inhalers

Asthma is a chronic disease of the lungs that causes wheezing, breathlessness, chest tightness, and coughing. When not well-controlled, asthma can greatly limit a person's quality of life and even result in death.

In 2015, an estimated 1.5 million adults and over 400,000 children had Asthma in New York. Disparities in the rate of asthma persist among racial and ethnic groups, and residents of the Bronx are suffering from asthma at far higher rates than other areas of the state. While approximately 10% of children suffer from asthma statewide, in the Bronx it is closer to 25% of all children.

The Senate Health and Environmental Conservation Committees held a Roundtable Discussion in the Bronx on Asthma in November of 2019. Much of the discussion was focused on school children with asthma and how several key changes could make all the difference. Expanding access to life saving inhalers in certain settings like schools, camps, and other public facilities equipped to have and use them through a non-patient specific prescription, and providing immunity from liability to those who use a device to assist someone in need were among the suggests that came out of the Roundtable Discussion. Like a severe allergic reaction that can be treated with an EpiPen, a severe asthmatic attack can be treated using a rescue inhaler allowing someone to get more oxygen into their lungs and get further medical treatment.

New York State's epinephrine statute has been expanded over the years because it has proven so helpful. Expanding this model to the use of rescue inhaler treatment devices to assist those experiencing an asthmatic or other respiratory disease will save lives.

Coverage for Asthma Treatment

Far too many people and young children suffer from severe asthmatic symptoms that could be avoided or mitigated with the proper medications, equipment, and education. According to participants at the Senate's Roundtable on Asthma, spacers or valved holding chambers and masks are incredibly helpful but are rarely covered by insurance and are often not administered correctly by parents and children. Providing insurance coverage for these devices and the proper education by certified asthma educators can make a real difference in the quality of life for our children.

In addition to the adverse effects on the individual's health and lost time at work or school, an alarming amount of money is spent on asthma care which could be avoided with proper equipment, supplies and education to better manage this condition. The cost of asthma in New York is well over \$1.2 billion a year with hospitalizations accounting for over \$650 million of that cost. For every one dollar invested, \$71.00 dollars in health care costs are avoided.

Making sure that people get the equipment and supplies they need and the proper training to use them will help with the management of asthma, save lives, and save money.

Inclusion of Asthma in the Statewide Immunization System

The statewide immunization information system is currently used to record and confirm immunizations and lead blood level analysis so schools, day cares, and camps have this critical information. Having this information on hand in the event of an emergency is critical to emergency response and treatment.



Currently, schools require parents to get doctor's orders signed and put on file with the school. Streamlining this process and centralizing the information, as the state has with immunizations and blood lead level analysis, will help ensure children's asthma conditions are known and better managed.

Emergency Insulin Act

The Caucus supports legislation creating an Emergency Insulin Program, modeled after New York State's Opioid Prevention Program which has made access to life saving Naloxone to reverse an opioid overdose widely available in our state. Under the Emergency Insulin Program individuals who are uninsured or underinsured would be able to get analog insulins through a non-patient specific prescription at certain pharmacies, including clinic and hospital pharmacies. The Department of Health would be able to establish a sliding scale for certain cost sharing but it would be capped at \$100 for a thirty-day supply of insulins and supplies.

Policy that directs the Department of Health to immediately engage analog insulin manufacturers to support the state program and facilitate quick access to affordable analog insulins in emergency situations through a public private partnership to streamline existing patient support programs is essential to the safety of insulin users. The three manufacturers of analog insulin each have programs designed to help people access their products at a reduced rate or for free, however each program is different and advocates argue they are difficult to access, especially in emergency situations. Recognizing that these manufacturers want to make sure everyone can access the life-saving medications they hold patents on, this bill establishes an Emergency Insulin Program Trust fund to accept funds for the statewide program.

Overdose Prevention Centers Act

The Caucus supports legislation that would reduce overdose deaths and minimize the dangers to the public caused by drug use by establishing Overdose Prevention Centers. Staff members at these centers would provide sterile injection supplies, collect used hypodermic needles, teach patients about safe consumption practices, and refer patients to addiction treatment, job training, and other social services.

Midwifery Birth Centers

In 2016, the legislature amended Public Health Law Article 28 to promote midwifery birth centers. Almost four years later, there is not a single midwifery birth center (MBC) licensed under Article 28. After several years of delay, DOH produced regulations that make it virtually impossible for anyone to get a license for an MBC.

For decades, midwives have been authorized to create, control and operate "birth centers" as long as it operates as a midwife group practice, under a professional corporation or similar structure.

However, organizing under Article 28 has important advantages for obtaining financing and other operating concerns. For the public, it makes the facility subject to DOH regulations, inspection, control of ownership, etc. For almost 30 years in New York, midwives have been a full-fledged licensed profession, delivering babies in low risk pregnancies and treating birth as a normal healthy part of life, not as a medical event. The intent of the 2016 law was that the implementing regulations should be consistent with midwifery practice, developed in consultation with midwife professional standard-setting organizations. However, DOH, after years of stalling, produced regulations that make it virtually impossible for a midwifery birth center to be licensed.

Policy for MBCs should be largely modeled on the way New York regulates office-based surgery practices. Current policy provides that, if a proposed MBC meets the standards of a national accrediting organization that specializes in accrediting MBCs and is recognized by DOH, then the proposed MBC shall be deemed to meet New York's requirements.

New York is widely recognized to be in a maternity care crisis, and we need to enable the professionals who specialize in providing safe and effective maternity care to serve the mothers of New York.

Health Equity Assessments for Establishing or Constructing Hospitals

The certificate of need (CoN) process requires State approval for the construction, establishment, change in the establishment, merger, acquisition, closure, or substantial reduction, expansion, or addition of a hospital service or health-related service of a hospital. (In this case "hospital" also includes nursing homes and other providers spelled out in PHL 2801.) However, there is very little statutory criteria for reviewers to consider.

Advocates have long raised concerns that nothing in the law specifically addresses the impact of projects on medically underserved communities. Disparities in access to care result in unequal health outcomes. The distribution of health care providers and to whom they provide what services inevitably contributes to these inequalities. While closure or reductions of facilities or services obviously impact access to care, new construction or modification and changes in ownership or control may also do so by drawing revenue to or away from certain providers, or further concentrating services in already well-served communities.

The CoN process reviews material changes to our health care system involving general hospitals, community health centers, nursing homes, and other entities. In order to address health inequalities in a meaningful way, the CoN process must account for the needs of underserved communities such as people with disabilities, communities of color, LGBT and other noncisgender people, and low-income people.



The Caucus supports legislation requiring that CoN applicants document how their projects will affect these communities and that reviewers consider these impacts in approval, rejection, or modification of CoN applications.

Temporary Exemption of Shift from Managed Care to Fee-for-Service

The federal 340B prescription drug program was created to lower drug prices for government funded health clinics "to enable these entities to stretch scarce Federal resources as far as possible, reaching more eligible patients and providing more comprehensive services." The savings are used by 340B providers (especially community health centers) to provide health care services to needy patients.

Medicaid HIV special needs plans provide enhanced care coordination encompassing all aspects of HIV therapeutics, including prescription drug regimen and adjustment, which is the key factor in survival with HIV. They are concerned that carving out the prescription drug benefit will undermine their ability to do enhanced care coordination. Carving out the Medicaid drug benefit and putting it under the fee-for service Preferred Drug Program will have fiscal and patient care benefits. However, the abrupt transition will endanger 340B providers and HIV SNPs. Delaying implementation for these two programs will enable them, the Health Department and the Legislature to consider ways to avoid or minimize the negative impact.

Fighting HIV/AIDS

HIV/AIDS continues to be a crisis in Black and Brown communities with disproportionate impact on young gay/bisexual/MSMs of color and transgender women of color. Non-profit and community-based organizations are struggling to serve vulnerable communities particularly hard hit by the coronavirus pandemic due to severe financial strain. The Caucus fully supports Ending the Epidemic Community Coalition's work to reduce new infections and end HIV-related deaths. This included 1) increasing access to PrEP and LGBTQ affirming health care services especially for young/gay/bi/MSMs as well as trans women of color, 2) establishing an HIV rental assistance pilot for localities in upstate New York and on Long Island, and 3) reversing the pharmacy carve out language included in the FY 2021 state budget.

Establishing Requirement that Specifies Between Partial Approval of Medical Claims and Full Denial of Medical Claims on Written Notices

The Caucus supports legislation that requires insurance companies to specify any denial or partial approval of claim or payment and the specific reasons for such denial or partial approval. Such notice shall be prominently displayed on a written notice with at least twelve-point type. This bill is part of the effort to make New York's insurance companies more accountable to the people they serve. These hugely profitable companies must provide their customers with clear, understandable, and unambiguous statements so customers can know what has been accepted and what has been rejected regarding their medical services.

The Caucus also supports the following legislation:

- Confidentiality of contract tracing information bill.
- The implementation of an emergency or disaster treatment preparedness act, which would prepare New York for another potential wave of COVID-19 and strengthen the State against future similar pandemics.
- Ensuring temporary protected status beneficiaries continue to receive Medicaid benefits.
- Authorizing the payment of medical assistance for the provision of kidney transplants for certain aliens.
- Establishing a task force to examine live markets in New York State, their potential health risks, and animal cruelty concerns.
- Amending the tax law to exempt protective face masks or shields from sales and compensating use taxes to help slow the spread of COVID-19 and other highly infectious diseases.
- The pandemic has shown that telehealth is a safe option to obtain health care services from the comfort and safety of a person's home. As such, the Legislature should increase access and eligibility for such services for individuals who are home-bound or would rather receive assistance from the comfort and safety of their own homes.



The People's Budget
HOUSING

COVID-19 Housing Relief and Recovery for All Act

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

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

To support our small landlords, this bill will establish a critical “landlord relief fund”, which will provide critical relief to small property owners who have been impacted by non-payment of rent.

Emergency Housing Stability and Displacement Prevention Act

While the eviction moratoria provided in Executive Orders 202.8 and 202.28 are important measures to help stabilize the State of New York and its residents during the height of the pandemic, they do not address the full scope of collateral consequences brought on by COVID-19 and the ensuing economic recession. The Caucus supports legislation that would disallow the enforcement of an eviction of any residential or commercial tenant, or a foreclosure of any residential or commercial property for a period of one year after the end of the state of emergency.

This relief will be crucial to the economic recovery of residents and New York as a whole, giving the State much needed time to find proper solutions to resolving the impending rent and mortgage crisis.

Stabilizing Rent Costs

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

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

Fair Representation in Court

Every year, at least 80% of the civil legal needs of low-income New Yorkers go unmet. According to the Brennan Center, fewer than 20 percent of low-income families with civil legal needs are able to obtain the services of counsel to help them gain access to the courts.

As we continue to experience a foreclosure crisis and an affordable housing crisis in New York, we must ensure that our most vulnerable populations are receiving proper representation when they cannot afford to obtain such representation on their own.

Good Cause Eviction

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

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

Tenant Opportunity to Purchase Act

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

Repeal 421-a

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



According to an article written in the *Observer* by Will Bredderman, the 421-A program is available to almost any new residential building of more than five units and projects that qualify for the exemption must set aside 20 percent of their units as "affordable" units. This tax break is a relic of 1970s New York which was intended to encourage big real estate to build affordable housing.

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

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

Reduction in the Homeless Population

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

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

Public Housing Support

Public housing developments are home to some of New York's most vulnerable populations including seniors and families with young children. Across New York State, our public housing is in disrepair -- putting over 600,000 people at risk of lead paint exposure, mold, and other environmental toxins. Public housing developments are regularly without heat and hot water; residents suffer from non-working elevators, leaks, and infestations.

This current federal administration has proposed cuts to public housing, and it is up to New York State to create a backstop for this federal divestment. Thus, the Caucus supports including \$10 billion in the FY2021-2022 budget for emergency capital improvements at New York City Housing Authority (NYCHA) developments and an additional \$1 billion for public housing outside of New York City in the State of New York. We also request for these funds to be allocated to public housing authorities directly, for emergency repair projects identified in consultation with the legislators whose districts include public housing developments rather than through the Dormitory Authority of the State of New York.

Naturally Occurring Retirement Communities

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

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

We have a rapidly aging population across our state. N/NORC programs afford older adults a sense of independence and familiarity associated with community-based programs that are irreplaceable. N/NORCs act as preventative care, keeping our seniors at home and in their communities and helping the State maintain its designation as an age-friendly state. N/NORCs and their services are vital to New York's aging population, and we urge you to support these communities by further investing an additional \$1 million in the N/NORC program for FY 2021-2022, for a total of \$9.055 million for the program.

Settlement Housing Funding

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

It is critical that New York State continues to support the SHP to ensure that vulnerable and aging populations and families have adequate access to the services they need right within their neighborhoods.



Every day, local service providers work with our constituents to resolve challenging situations. With \$8.4 million support for SHP, each settlement house will be able to more readily respond to the unique and ever-changing needs of our communities.

Communities First

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

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

Condo/Co-op Abatement

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

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

United Neighborhood Houses

The Caucus advocates for an allocation of \$8.4 million UNH's Settlement House Program. The Settlement House Program provides flexible funding for innovative community-based child, youth, immigrant, and older adult services in settlement houses. The funds will be used to, among other things, support linguistically-appropriate case management efforts to connect clients with services that help them stay engaged, such as referrals for housing, legal services, child care, and workforce opportunities; create outreach materials that are compelling and culturally appropriate; and provide workforce training, educational opportunities, adult education programming, and linguistically-appropriate outreach. An additional allocation for \$25 million for UNH's Adult Literacy Education (ALE) program would support English for Speakers of Other Languages, Adult Basic Education, and High School Equivalency preparation classes. Adult literacy programs help New Yorkers compete in the job market, support their children in school, experience positive health outcomes, and more fully engage in civic and social life. Lastly, \$50 million should be dedicated to address UNH's ongoing capital improvements for human services providers, and allow these funds to support projects in publicly-owned facilities where human services providers operate programs.

Neighborhood Preservation Coalition of New York State (NPCNYS)

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

NPCNYS aims to achieve this by providing the most up-to-date information and resources to support state agency (HCR, OTDA, DEC) proposal development and submissions; recommending best practices for tracking and reporting all housing activities, and for incorporating public health practice into their housing work; and enhancing their technical assistance programming to include targeted training seminars to better support the nonprofit business model through succession planning, outreach, and fundraising. Thus, the Caucus supports a FY2021-2022 budget allocation of \$200,000.

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

This bill will subordinate any real estate tax arrears to a loan obtained by the HDFC. To allow such eligibility, the company is required to increase maintenance by a minimum of 2% per year or impose assessments which ensures that the company can pay its financial obligations. This bill will help assist HDFC cooperatives that have fallen behind in paying their real estate taxes.



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.
- Creating a new statewide rent supplement for families and individuals who are eligible for public assistance benefits and are also facing eviction, homelessness, or loss of housing due to domestic violence or hazardous living conditions.
- 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.
- The creation of safe, affordable and permanent housing for homeless New Yorkers and the further expansion of supportive housing programs.
- Expanded and increased funding for foreclosure prevention initiatives such as the Homeowner Protection Program (HOPP).
- 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.

*“Above all, always be capable of feeling deeply any
injustice committed against anyone,
anywhere in the world.”*

Ernesto “Che” Guevara



Executive Budget Highlights
EDUCATION & HIGHER EDUCATION

- **Coronavirus Response and Relief Supplemental Appropriations Act (CRSSA) Federal Funding Allocation (\$4.3 billion):** The Executive proposal includes \$4.3 billion in Elementary and Secondary School Emergency Relief funds that were allocated to New York through federal COVID-19 relief legislation. These funds are statutorily allocated to school districts, charter schools, and nonpublic schools.
- **School Aid Changes:** The Executive proposes the following changes to school aid:
 - consolidation of 11 expense-based aids into a single “Services Aid” block grant, and a reduction of funding to this new category by \$683 million;
 - elimination of the \$1.13 billion Pandemic Adjustment that was instituted in the 2020-21 School Year and replacement with a \$1.35 billion Local District Funding Adjustment. This proposal would reduce funding to school districts by the lesser of their STAR payment or the amount of federal stimulus funding the district is expected to receive. The funding reduction would be taken against a school district’s STAR payment; and
 - reimbursement of pandemic-related transportation costs.
- **Elimination of Teacher Support Programs:** The Executive proposes the elimination of the Teachers of Tomorrow Program (\$25 million), Teacher Mentor Intern Program (\$2 million), and the National Board program (\$400,000).
- **Elimination of Prior Year Claims:** The Executive proposes to eliminate \$18.7 million in funding for school districts’ prior year claims and would expunge all claims currently in the queue.
- **Charter Schools:** The Executive proposal would reduce charter school tuition rates in the 2021-22 School Year in proportion to school districts’ combined reduction in expense-based aid and Local District Funding Adjustment as a percentage of their total General Fund spending. The Executive also proposes to eliminate State reimbursement to New York City for the State share of charter school facilities aid.
- **State University of New York (SUNY) and City University of New York (CUNY) Operating Support:** The Executive proposal would reduce SUNY and CUNY operating support to each institution by five percent, or \$46 million for SUNY and \$26 million for CUNY.
- **SUNY/CUNY Tuition:** The Executive proposal would authorize a tuition rate increase of no more than \$200 per year through Academic Year (AY) 2024-25. The proposal would also allow institutions that confer doctoral degrees to have a higher tuition rate than other colleges.

- **Financial Aid Eligibility:** The Executive proposes to extend financial aid eligibility for students who were unable to complete academic requirements due to the COVID-19 pandemic.
- **SUNY and CUNY Capital Funding:** The Executive proposal includes \$1.17 billion in capital funding to support capital projects on the SUNY and CUNY campuses.
- **Opportunity Programs:** The Executive proposal maintains prior year funding for various opportunity programs.
- **Program Approval:** The Executive proposal would change the current degree program approval process at SED for institutions of higher education.
- **Bundy Aid:** The Executive proposes to eliminate \$35.1 million in unrestricted aid to independent colleges and universities (Bundy Aid).

The People's Budget

EDUCATION

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

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

It is the position of the Caucus that a state budget that is based on equity must ensure that Black, Brown and low-income students have the resources that will close the opportunity gap and end the school-to-prison pipeline. This is a racial justice issue, with 60% of the remaining Foundation Aid owed to school districts with 40% or more Black and Brown students.

Campaign for Fiscal Equity

It has been over a decade since New York State's highest court, the Court of Appeals, ruled that the state is violating students' constitutional right to a "sound, basic education." This lawsuit, brought by parents, is the Campaign for Fiscal Equity (CFE). The New York State Constitution guarantees students a "sound, basic education"; yet for over twelve years, New York has been in violation of the court order in CFE by failing to adequately fund schools in high need communities. While the CFE ruling was specific to New York City, in 2007 the Governor and the legislature enacted a statewide solution that promised a \$5.5 billion increase in basic operating aid (also known as Foundation Aid) phased in over four years. After over a decade, \$3.8 billion in Foundation Aid is yet to be delivered and there is still no commitment to a timely phase in.

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

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

The Executive Budget proposes a total state funded school aid budget of \$25.4 billion, a decrease of \$503.6 million in school aid or 1.95 percent decrease over last year. The decrease to school aid consisted of reduction in the following categories : services aid, reorganization operating aid, full day kindergarten conversion aid, and local district funding adjustment. The Executive budget proposes to consolidate 11 expense-based aids into a single "Services Aid" block grant, and a reduction of funding to this new category by \$683 million.

After accounting for aids from federal funds, the education allocation in the Executive Budget is woefully inadequate. The Board of Regents recommended level state funding based on FY 2019-2020 for FY 2021-22 in order to maintain the quality of education across New York State. The Executive Budget does not address the immediate needs of New York students who are experiencing record numbers of homelessness and poverty. Our children need access to high quality schools in every neighborhood. Our kids need access to academic rigor. Our kids need access to sports, music, art and updated technology. In order to ensure a high-quality education for all of our children, we need a robust investment in Foundation Aid for our schools. The COVID-19 pandemic has exacerbated educational inequality, especially for low-income students and students of color. The proposed budget is insufficient to meet the needs of our students, teachers, and families, because under this proposed budget, students and teachers will continue to struggle with the difficulty of remote learning with many students lacking adequate access to reliable learning devices and internet connectivity. We must continue to fight for resources and funding to ensure our students receive a fair and equitable education and set ourselves to a path to recovery.

Community Schools

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

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



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

Early Childhood Education

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

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

School-to-Prison Pipeline

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

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

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

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

Mental Health Support in Schools

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

Culturally Responsive Education

This year's Executive budget proposes to eliminate funding in cultural education programs. In particular, the executive proposes to decrease funding for public libraries, the Schomburg Center for Research in Black Culture, and the Langston Hughes Community Library. New York State public schools should offer a variety of classes, curricula, projects, books and resources that are grounded in the rich diversity of the New York State student population. Students should be learning about the histories and cultures of African, Latino, Asian, Middle Eastern and Native heritage people in New York schools, and the intersections with gender, LGBTQIA and religious diversity. Every child and educator should have access to anti-racism and anti-bias education. Accordingly, the Caucus supports legislation to require school districts and charter schools to include instruction on the political, economic, and social contributions, and lifeways of lesbian, gay, bisexual, and transgender people, in an appropriate place in the curriculum of middle school and high school students. Such instruction will teach students about the important roles members of the LGBTQ+ communities have played in our society and how they continue to shape our world. This would help prepare our students for a more inclusive world view.



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

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

Increase Teacher Diversity

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

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

College and Career Readiness

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

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

Thus, in an effort to create greater equity for underrepresented students and to ensure that all students have access to nationally-recognized college-level coursework while in high school, \$1.5 million shall be directed toward an education agency or national non-profit organization to do the following: Support local school districts, BOCES, or other educational agencies to provide technical assistance and other necessary resources. Provide quality college-level coursework that concludes with a nationally recognized exam that allows students to earn college credit with a qualifying score.

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 in New York will increase significantly. Because carriers of STIs like syphilis and gonorrhea are often asymptomatic and go untreated, transmission can occur unabated, unless there are meaningful efforts towards prevention, education and treatment.

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

My Brother's Keeper Teacher Opportunity Corps II

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

Student Health & Wellness

As parents and educators know—and the science shows—healthy, active children are better equipped to learn and thrive. Yet, 1 in 5 students face a serious mental illness in a given year, while 1 in 6 New York children struggle with hunger, and almost 1 in 3 is overweight or obese. School districts need adequate tools and resources to address the health and wellness of all students. At a time when federal policies to support children's health are being rolled back, taking action has never been more important. Thus, the Caucus supports the implementation of a New York State model wellness policy through the investment of \$21 million in funding and technical assistance to support school districts—particularly high-needs districts—in order to improve school district wellness policies.

Advance Implementation of the Dignity for All Students Act (DASA)

The Caucus supports the continuation of State Education Department's (SED) \$2M reappropriation to advance DASA's effort to protect public elementary and secondary school students from discrimination, intimidation, taunting, harassment, and bullying. The ubiquity of virtual learning during COVID means that more students are vulnerable to cyberbullying. The Caucus encourages SED to explore the development of a DASA Task Force for better policy implementation statewide that reflects the status quo.

Establishing Instruction in Financial Literacy for Middle School Students

The Caucus supports legislation to establish instruction in financial literacy for students in sixth through eighth grade. Such instruction will seek to enhance financial literacy in early education. Accordingly, instructional contents will be on budgeting, savings, credit, debt, insurance, investment, and other issues associated with personal financial responsibility as determined by the education department. The provision of basic financial literacy courses to middle school students is necessary to help students make sound financial decisions during their formative years.

Opting Out of Certain State Assessments

The Caucus supports legislation that allows a parent to opt their student out of the State's grade three through eight English language arts and math state assessments, and requires the State Commissioner of Education to provide notice to parents of such rights. These high-stakes tests have been widely considered a fatally flawed proxy for genuine evaluation of students' academic performance and growth. This legislation would further protect school districts, individual schools, and teachers from facing any punitive measures associated with the outcomes related to test refusal.

Moving the Amistad Commission to the State Education Department

In New York, the Amistad Commission is charged with surveying school curricula to examine the degree to which materials are taught on "the African slave trade and slavery in America" and to make recommendations for improvement. Currently, schools are required to cover slavery, including the Underground Railroad and the freedom trail, and the Amistad Commission is under the jurisdiction of the New York Department of State. The Caucus supports legislation to move the Amistad Commission to the State Education Department. The education department is better equipped to take the lead as they have the responsibility in examining the findings of the commission's work and helping to develop new curriculum for districts throughout the state.

Requiring Parental Consent to Share Certain Student Information with Third Party Contractors



Under current law, educational agencies across the State can share parents' and students' personal information with third party contractors who use such information to conduct promotional mailings. In New York City, for example, the Department of Education places the obligation on parents to affirmatively opt-out of sharing their information by submitting a removal form online. Consequently, parents without such knowledge of the removal option may be unknowingly sharing their information with contractors. The Caucus supports legislation to change the current opt-out option to an opt-in one so that students and their parents' privacy are protected from abusive practices.

Diversity in our Educator Workforce

The Caucus supports legislation that directs the commissioner to convene statewide and regional conventions to bring together underrepresented educators annually to discuss experiences, best practices, and afford for networking, mentorship opportunities, and support.

According to the State Education Department, eighty percent of New York's approximately 210,000 teachers are white. In a separate study from 2016-17, only 18,000 teachers in New York State are Black or African American, while roughly 16,000 are Hispanic or Latino. The study also found that more than 200 school districts did not employ a single teacher of color. The lack of diversity in our educator workforce can leave educators of color feeling isolated and unsupported.

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 Caucus supports the New Deal for CUNY, investing \$1.2 billion in expense and capital funding toward CUNY schools, increasing the mental health professional to student ratio, making CUNY tuition free for undergraduates, and improving capital funding for CUNY facilities.

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

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

TAP for Students in Prison

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



Arthur O. Eve Higher Educational Opportunity Program (HEOP)

The Caucus offers strong support for a funding growth rate that increases our support of educational opportunity programs throughout New York State. Specifically, we must increase HEOP to \$42.43 million from the proposed \$35.52 billion to allow per student funding to increase to \$8,400 (from \$7,000) for students outside New York City and \$9,000 (from \$7,500) for students within New York City. Additionally, any unused HEOP funds must be reinvested in current HEOP students.

New York Legal Education Opportunity Program

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

New York State Martin Luther King, Jr. Scholarship

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

Barbara Clark Scholarship

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

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

Fostering Youth College Success Initiative (FYCSI)

Over the past five years, the Fostering Youth College Success Initiative (FYCSI) has helped approximately 1,500 students attend more than 100 different public and private colleges in New York State. Through an allocation of \$7.5 million in the FY2021-2022 budget, FCYCSI will assist foster youth, orphans, and wards of the court to apply, attend, and graduate from higher education institutions in the State. These funds make achieving a higher education obtainable for our students.

CHAMPS New York

CHAMPS New York is a coalition of more than 15 organizations—providers and advocates representing children and families with foster care experience—from across New York State. CHAMPS is grounded in research that shows that loving, supportive families—whether birth, kin, foster or adoptive—are critical to the healthy development of all children. Given their dedication to advancing policy and practice change that helps to ensure that when children are unable to remain safely with their parents, they are placed in a family-based setting whenever possible, the Caucus supports a FY2021-2022 budget allocation of \$4.5 million.

Retirement Incentives for Certain Members of the New York State Teachers' Retirement System

Similar to the early retirement incentive that was offered in 2010, this legislation provides that educational employers may opt to offer an early retirement incentive to teachers and building level administrators who are members of the teachers' retirement system, who have attained the age of 55, and have completed 25 years of service.

The Caucus also supports the following legislation:

- Student Suicide Prevention Act
- LGBTQ History in NYS Education Curriculum
- Comprehensive Sex Education
- Culturally responsive LGBT education standards
- The single occupancy bathroom bill
- The inclusion of suicide prevention resources to be provided with a warrant of eviction



Executive Budget Highlights

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 \$200 million to support the fourth year of implementation of the Statewide *Hurrell-Harring* initiative, an increase of \$50 million from SFY 2021-22.
- **State Police Body Cameras:** The Executive Budget provides \$8 million to fund the implementation of a new law that requires New York State Police officers to use body cameras while on patrol.
- **Police Reform:** The Executive Budget includes legislation to modify hiring standards for police officers, require all law enforcement agencies to become accredited with the Department of Criminal Justice Services (DCJS), establish decertification standards for police officers who engage in misconduct, authorize the attorney general to appoint a monitor to oversee any police department that does not submit and certify a Police Reform and Reinvention Collaborative Plan by April 1, 2021 as mandated by Executive Order 203. It also includes language to authorize the Division of Budget to withhold state funds from any municipality with a police department that fails to submit and certify such a plan.
- **Office to End Domestic and Gender-Based Violence:** The Executive Budget would rename the Office for the Prevention of Domestic Violence and would expand the office's mandate to address gender-based violence by encouraging collaboration among agencies and service providers and simplifying survivor interactions with the State.
- **Prison Closures:** The Executive proposal includes legislation to expedite the prison closure process by authorizing the closure of up to three prisons upon 90 days' notice instead of the statutory one-year notice requirement.

The People's Budget

JUSTICE

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

Charitable Bail

The Caucus stands by the strong reforms we have enacted on bail, last year. Further, we support passage of S.3059 which seeks to enable charitable bail organizations to post bail assistance for any offense, up to \$10,000, by removing the geographical restriction organizations face to more than one county, and by reducing the certification fee required for non-profit organizations to become certified to post bail.

Driver's License Suspension Reform

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

Increasing Prisoner Wages and Providing Free Services

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



Currently, New York inmates earn among the lowest in any correctional system in the country. The Caucus supports raising the base wage for inmates to \$1.20 - \$10 a day and ensuring prisoners get biannual raises for adequate performance, in addition to providing those not participating in a work or program assignment due to age or frailty be paid \$1.00 per day, adjusted every 5 years for cost of living.

In addition to increasing worker wages, the Caucus supports legislation that would allow incarcerated individuals to send up to 10 electronic mail letters a day, at no charge. Today, the service provider for inmate email systems in the State charges 33 cents per email sent. Sending five emails a day would cost prisoners \$49.50 per month, which is quite expensive. Inmates should have the right to contact their families, at no personal cost.

Reporting Police Misconduct

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

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

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

Eliminating Court Surcharges and Fees

Removes all detrimental financial penalties from the criminal legal system which have placed an improper price on justice and have created undue and disproportionate burdens on people of color, low-income individuals, and their families.

The Caucus supports legislation that eliminates the use of fees and surcharges imposed on those convicted of offenses under the penal and vehicle and traffic laws and penal provisions of other statutes, eliminates mandatory minimum fines, requires an individualized assessment by the court of an individual's ability to pay a fine, vacates existing judgments and warrant arising out of the imposition of court fees and surcharges, and eliminates the use of the funds of an incarcerated person to pay such fees, surcharges, fines or other monetary penalties.

Establishing the Crime of Aggravated False Reporting of Incidents

The cases of aggravated falsely reporting incidents with the purpose of harassing or alarming another person because of prejudicial assumptions has long been a problem in the United States.

In 1955, Emmett Till, a 14-year-old black boy from Chicago visiting family in Mississippi, was brutally murdered three days after entering a local store where Carolyn Bryant Dunham, a 21-year-old white woman, falsely reported that Emmet had been inappropriate with her. 52 years later she admitted she lied and was never held accountable for it.

In 2020 in Central Park, Amy Cooper, a white woman, called the police on Christian Cooper, a black man who was bird watching in the park and had asked her to leash her dog in accordance with park rules. In her call, Amy Cooper claimed an African-American man was threatening her life. Mr. Cooper captured the incident on his phone. There were no arrests or summons issued.

This incident was just another example of racism being used to falsely report an incident with no repercussions for doing so. This bill would create three new crimes for falsely reporting an incident because of a belief or perception regarding the person's race, color, national origin, or ancestry, regardless of whether the belief or perception is correct. It also establishes procedures in the criminal procedure law that calls for a police officer to arrest such a person if there is cause to believe that the person has committed a crime of aggravated falsely reporting an incident in the first, second or third degree.

Civil Asset Forfeiture

Civil asset forfeiture has turned into a method of policing for profit. The Caucus recommends civil asset forfeiture be reformed by implementing criminal forfeiture processing, which would attach a person's property to their criminal case. Individuals under criminal forfeiture would not have to engage in a separate civil case, where litigation costs can sometimes exceed the value of the confiscated property, after charges are dismissed or if they are found innocent.



Immigration Services

Legal Services Funding

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

New York for All Act

The State must protect immigrant New Yorkers by placing strict limits on how law enforcement officers, probation officers, and government employees share confidential information about New Yorkers with immigration enforcement authorities.

The Caucus recommends the New York for All Act to provide these critical protections and ensure immigrant New Yorkers are given the opportunity and protection they need to lead a fair and comfortable life, without the threat of deportation when seeking government assistance.

Stimulus Payments to Non-Citizens

In addition, the Caucus supports direct stimulus payments to unregistered immigrants throughout New York. Although undocumented, many unregistered immigrants pay federal and state taxes, without the public benefits that are afforded by registered taxpayers. We must provide direct assistance to these communities who, throughout the pandemic, have received the least assistance, yet are some of the most vulnerable communities in our state.

Empire State Licensing Act

Access to professional licensing for our undocumented immigrants is vital to a speedy economic recovery for New York. State and City fees and taxable revenue will provide crucial cash flow to our fiscally struggling governments. Similar bills have been passed in Nevada and New Jersey, which have provided undocumented immigrants a feasible pathway toward sustainable jobs and careers.

Expand Eligible Documents for Driver's Licenses

The New York State Department of Motor Vehicles requires proof of identity to obtain a driver's license or learner's permit. While there are various documents that serve as valid forms of proof of identification, for many immigrants, they may be limited on the number of valid forms of documentation that will be accepted by the DMV. Allowing applicants to use a national identity document such as a "citizen card", ID card or passport card, as a usable form of identification to apply for a license or a learner's permit in New York can help those short on valid forms of ID to reach the required number of documents allowed as proof of identity. This bill would require the commissioner of motor vehicles to accept valid, unexpired national identity cards issued by the applicant's country of citizenship as one of the valid forms of acceptable proof of identity for the application of a driver's license.

Expand Language Access

Executive Order 26 has greatly expanded language accessibility to New Yorkers, providing crucial access to critical government services and social programs. The Caucus supports the codification and expansion of E.O. 26 to ensure all residents can receive and understand the crucial support programs and policies implemented to support their communities.

Access to Representation Act

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

Redistricting

The Independent Redistricting Commission is critical to ensuring a fair and equitable distribution of representation and resources. Without adequate funding, the New York State Independent Redistricting Commission will be unable to complete its constitutional obligation within the short timeframe given. As such, the Caucus supports a \$3.2 million allocation to the New York State Independent Redistricting Commission to ensure a thorough, fair, and equitable distribution of state and federal resources for years to come.

Common Sense Parole Violation Reform

New York reincarcerates more individuals on technical parole violations, such as missing an appointment with a parole officer, being late for curfew, or testing positive for alcohol than any other state in the country except Illinois. In 2016, about 65% of those who were sent back to prison on parole violations were due to technical violations, or five times the national average. Only 14% of parolees were reincarcerated and returned to prison because they were convicted of a crime.

The Caucus recommends shortened supervision periods and accelerated discharge of community supervision to allow our criminal justice system to concentrate its finite resources to those most in need and to those who pose the greatest risk by:

- allowing people subject to community supervision to receive "earned time credits" to encourage positive behavior and accelerate discharge from supervision;
- raising the standard for parole officers to issue a notice of violation or arrest warrant for someone accused of a parole violation;
- ensuring that people who are alleged to have violated the terms of their community supervision receive a hearing in a local criminal court to determine whether they should be detained in jail pending adjudication of the alleged violation;
- limiting the circumstances under which people subject to community supervision may be re-incarcerated for violations of the terms of community supervision and capping the length of any such re-incarceration; and shortening the timeframe for adjudicatory hearings.



Racial Impact Statements

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

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

Health Insurance for Immigrants

Since the enactment of the Affordable Care Act Marketplace in 2010, New York has drastically reduced the number of uninsured from 3 million to 1 million people. However, more than 400,000 immigrant New Yorkers have not benefited from new coverage options or public coverage through the New York State of Health Marketplace because of their immigration status.

The lack of coverage for significant numbers of New Yorkers causes problems for the broader health care system because payers and providers charge more to the insured population to offset their losses related to providing care to the uninsured. But even with this cost shifting, the costs associated with uncompensated care threaten the financial sustainability of many safety net hospitals and clinics. The program will invest \$532 million into the healthcare system, further stabilizing the state's health care economy.

This bill will provide adult immigrants with access to health insurance coverage that is equivalent to the coverage offered to their citizen or lawfully present counterparts who are eligible for the Essential Plan. The program builds upon New York's success covering children (including immigrant children) through the Child Health Plus program. It extends coverage to eligible adult immigrants ensuring that all New Yorkers have access to affordable health coverage, averting the health insurance cliff many young immigrants now face when they turn 19 after years of state investment in their health. By expanding eligibility for coverage under the Essential Plan, this bill makes New York health care providers more financially sound and better able to provide continuous, high-quality care to this population.

Reciprocity of Drivers Licenses for the Republic of China

This act would require the commissioner of motor vehicles to enter into an agreement with the Republic of China (Taiwan) for the reciprocity of driver's licenses. It would benefit New York State to allow Taiwanese businessmen, researchers, and students to get a New York State license, increasing mobility in the State which in turn is a direct benefit to economic development of New York State. The licensing and skill requirements necessary to become licensed in each jurisdiction are comparable, ensuring that Taiwanese license holders would meet the same rules and regulations and high standards as New York driver license holders and vice versa, thus guaranteeing the safety of our roadways.

Increased Penalties for Gang Related Crimes

This bill would amend the penal law to create harsher penalties for those who commit or are affiliated with gang related crimes. This bill will elevate the classification of felonies where violent crimes are committed in affiliation with gang activity. An E felony would be raised to a D felony where the violent crime was committed in the furtherance of gang activity. This bill mirrors legislation that has been passed in other states including New Jersey, Florida and California.

Combatting Nepotism on School Boards (A3753 & A3857)

New York State must take action to curb nepotism and cronyism within our public-school districts. As recently as 2015, in the Brentwood School District in Long Island, a trustee of a board of education member made efforts to create a new job position, in which the only candidate was a family member of said trustee, with the intention of paying the individual up to six-figures. A3753 limits tax-payer money from being spent on creating new positions for family members of trustees and board members as well as to stop trustees and board members from hiring unqualified family members for available positions simply on the basis of their personal relationships. Additionally, A3857 would amend the education law to prohibit trustees and board members from voting on any matter before them that would affect a person, financially or otherwise, who is related to the trustee or member of the board of education.

Uniform Investigatory Standards for Shootings (A3755)

There are currently no uniform standards or guidelines in cases where a civilian is shot by a police officer. The Caucus supports uniform investigatory standards for police-involved shootings and the implementation of minimum investigatory standards when there is a shooting of a civilian by a police officer.

Prohibiting Religious Discrimination in Water Parks (A4476)

Modest swimwear like Burkinis are often worn by many Muslim and Orthodox Jewish girls and women to allow them to adhere to their religious code of modesty while participating in water activities.



This bill would amend civil rights law adding a new section 40-h to prohibit religious discrimination at recreational water parks, beaches, lakes, pools and other water facilities, due to one's religious attire. The Caucus supports legislation which will ensure that persons wearing modesty swimwear or facial hair because of their religion at recreational water parks are not discriminated against.

Gang Assessment, Intervention, Prevention, and Suppression

The Caucus supports legislation which would create a gang assessment, intervention, prevention, and suppression program. This would require the division of criminal justice services ("DCJS") to deploy the division of state police to develop a coordinated law enforcement response to gang related criminal activities in communities across the state.

Criminal Street Gangs Enforcement and Prevention Act (A5079)

The threat of violence and the disruption of public order and safety presented by criminal street gangs has reached a crisis point that threatens the right of residents of this state to be secure and protected from fear, intimidation, and physical harm. It is in the public's interest to establish a comprehensive approach to protect public order and individual safety against criminal street gangs and gang-related violence. This legislation aims to accomplish those goals in a variety of ways. Criminal penalties for individuals who participate in criminal street gang offenses are increased. This legislation also aims to prevent gang membership by educating students, parents, and teachers about gangs and gang prevention efforts. Children between the ages of ten and thirteen are particularly vulnerable, therefore, it is imperative that prevention efforts are initiated early. Finally, this legislation also aims to prevent recidivism by establishing an educational program within the Department of Corrections.

Defining Aggravated Harassment

While aggravated harassment crimes are committed for the same spiteful reasons that classified hate crimes are committed, resources and remedies specifically allocated to deter hate crimes and rehabilitate or punish hate crime offenders are not available in instances of these criminal acts for the mere fact that it is not categorized as a specific offense. This bill would amend subdivision three of section 485.05 of the penal law pertaining to hate crimes to include aggravated harassment in the first degree as a specified offense within the context of hate crimes.

With the rise in hate crimes across the country, it is essential for the State to implement protections for individuals across New York who may be targets of aggravated harassment.

Establishing Gang Court Pilot Programs

The growth of criminal gang activity has created a public safety crisis in many communities across the state. Our system of justice has failed to successfully deter the spread of gang activity. Whether it is the distribution and sale of controlled substances, street crime, gun violence, prostitution or simply the climate of fear, intimidation, and disorder that poisons our neighborhoods, many afflicted localities appear to be under siege. To address this problem, the state should be flexible and seek integrated ways of employing the resources of our judicial and criminal justice system and other state and local entities.

The resources necessary to combat special gang activity in parts of the courts of Orange, Nassau and Suffolk counties can be made available only through a combination of federal funds from the law enforcement assistance administration of the United States Department of Justice, and state and local funds, services and facilities.

Raising the Age of Consent for Marriage (A3891 / S3086)

Many states have laws that allow the marriage of parties under the age of consent solely based on having parents' consent. This leads to children as young as 10 years old being married to adults. With the United Nations declaring forced marriages akin to slavery, it is only right that New York State take a stance against this practice by prohibiting any marriages between parties under the age of consent. In December of 2018, The Tahirih Justice Center reported that from 2000 to 2015 over 200,000 children under the age of eighteen were married. Of those 200,000, 87% were girls and 86% married adults. While the legal age to consent to marriage is eighteen in most states, many have laws that allow for exceptions including 13 states that have no minimum age requirement for such restrictions.

Child marriages in the United States lead to the diminishment of the mental and physical health of the girls involved. U.S. women who married as children experience higher rates of psychiatric disorders, are more likely to seek mental health services and have a 23% higher greater risk of developing a serious health condition. Additionally, young women aged 16-24 experience intimate partner violence at three times the national average amongst all such victims and the younger that the adolescent is, the higher chance there is of them having experienced coercive sex.

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

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

Syringe Decriminalization

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

Gender Recognition Act

In the continued fight for true equality for all, this bill updates current law to remove excess, discriminatory burdens placed on those petitioning for a change in sex designation as well as to expand eligibility to have those records sealed for purposes of protection. There is a long history of discrimination against the LGBTQ+ community. The current law requires that applicants for name changes publish their present name and address as well as their previous name, place of birth, and birth date in a designated newspaper. This puts community members in danger of hate crimes, public ridicule, and random acts of discrimination. It is time to update our laws in accordance to the future we would like to welcome; a future of acceptance, unity, respect, equality, and diversity.

Accordingly, the Caucus will prioritize educating and informing caucus members and colleagues on issues of importance to the LGBTQ+ community and to deepen and broaden people's understanding of critical concerns facing communities of color.

Stop Violence in the Sex Trades Act

Trafficking victims are often arrested and prosecuted for a variety of offenses resulting from trafficking where they carry out activities independent of their own will. A common example is the possession of false documents under the direction of their trafficker, who has confiscated their true documents as an act of coercion and to impose forceful dependency. The Stop Violence in the Sex Trades Act would vacate convictions for offenses directly tied to sex trafficking, labor trafficking, and compelling prostitution, recognizing that many criminal convictions are fundamentally unjust and further subject these victims to inequitable treatment in the criminal justice system. Such relief would give these victims a second chance at life, free of criminal records forced upon them by their traffickers.



Sex Worker Protection

The Caucus supports an act to amend the penal law that would provide immunity from prosecution for certain individuals engaged in prostitution who are victims of or witnesses to a crime and who report such crime or assist in the investigation or prosecution. Many sex workers are afraid to seek help or cooperate with law enforcement for fear of being prosecuted for prostitution. This relief would encourage sex workers to speak up, ending the cycle of violence of injustices that prevent them from receiving adequate support from the criminal justice system.

Decriminalize Condoms Act

This act prohibits the possession or presence of condoms and other reproductive and sexual health devices as evidence of prostitution. Current law allows the possession of reproductive and sexual health tools, particularly condoms, as evidence of prostitution during criminal trials and proceedings. Accordingly, many sex workers stopped carrying condoms. This undermines public health efforts to promote safe sex and support vulnerable populations from HIV, STIs, and unwanted pregnancy. This act would encourage sex workers to take the steps necessary to protect themselves.

Protection of Domestic Violence Victims' Confidentiality

Under current New York law, all voter records are public domain. This makes a voter's place of residence publicly accessible to anyone who knows how to search for it. If an abuse or domestic violence survivor were to register to vote, their home addresses would become public and readily available to an abuser, placing them in further danger. The purpose of this bill is to amend the election law in relation to the confidentiality of registration records for victims of domestic violence. The Caucus supports legislation that ensures that the home addresses of domestic violence survivors are not made public through voter records if they opt to make their voter records private.

Fair Chance Act

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

The Second Chance Act

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

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

The Tiarah Poyau Act

This legislation is named in honor of Tiarah Poyau, a young woman gunned down in Brooklyn in 2016, whose murderer escaped conviction on charges of murder and manslaughter, but was eventually convicted of criminally negligent homicide. The Tiarah Poyau Act would amend the Criminal Procedure Law to give courts the option to allow written instructions regarding the elements of the crime in question to be supplied to a jury. This legislation reflects the importance of communicating to juries the underlying principles of the laws they are sworn to apply when determining innocence or guilt, in order to apply the laws as they are intended.

Parole Reform

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

True reentry reform must, at the very least, include: shortening parole terms overall, incentivizing good behavior by allowing people to earn accelerated discharge, creating a high legal threshold for jailing people on parole for minor offenses and expedite their hearings, and not jailing people for technical violations. For this reason, the Caucus supports the passage of the Fair and Timely Parole Act (S1415/A4231), which would require the Board of Parole to release people to community supervision when their period of incarceration has finished unless they pose a clear threat to public safety. In addition, the Caucus supports the elimination of the thirty-dollar parole fee parolees are required to pay once a month.

Establishing Emergency Release for Incarcerated Individuals

As a result of the ongoing COVID-19 pandemic, safety is a large concern for individuals housed in dense areas such as prisons. Many correctional staff and incarcerated individuals have died from contracting the coronavirus due to difficulty maintaining proper social distancing. The Caucus supports legislation establishing emergency release protocols that authorize the Department of Corrections and Community Supervision to release certain incarcerated individuals after they are evaluated for suitability of release. Those released would return to prison if they break parole. Lowering the population density of prisons would allow officers and incarcerated individuals to better maintain safety during global pandemic.



Emergency Medical Parole

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

Release of Transgender People who are Incarcerated and at Risk of COVID-19

The Caucus advocates for the release of transgender people who are currently incarcerated and at risk of COVID-19 infection. Transgender individuals in prison are subjected to high rates of abuse, including physical and sexual assault, by their fellow inmates and prison staff. We must ensure that transgender individuals who are incarcerated receive proper medical treatment and appropriate housing, and are protected from verbal, physical, and sexual harassment and violence.

Protecting the Trans Community

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

Gender Identity Prison Protection Bill

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

Preserving Parental Custody Rights for Parent Undergoing Gender Reassignment

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

Special Prosecutor

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

Reducing Arrests for Non-Criminal Offenses

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

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.



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

Wrongful Conviction Reform

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

Ban Racial Profiling by Law Enforcement

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

Judicial Diversion

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

Solitary Confinement

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

The Caucus supports the prohibition of solitary confinement for inmates for extended periods, which is critical to the mental health and stability of our inmate populations.

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 FY2021-22 budget, with particular attention paid to communities outside of New York City that require resources, as well.

Firearm Industry Accountability (S1048)

Our country is awash with legal and illegal firearms and the people are paying the price in money and misery wrought by the illegal use of legal firearms. This unacceptable situation poses specific harm to New Yorkers based largely on their zip code and certain immutable characteristics such as race and ethnicity. Given the ease with which legal firearms flow into the illegal market — in spite of stringent state and local restrictions — and given the specific harm illegal firearm violence causes certain New Yorkers, those responsible for the sale, manufacture, importing, or marketing of firearms should be held liable for the public nuisance caused by such activities. This bill has been drafted to comply with the Protection of Lawful Commerce in Arms Act (18 USC § 921) as construed by the United States Court of Appeals for the Second Circuit in *City of New York v Beretta USA Corporation*. Through the PLCAA, the firearms industry is shielded from civil liability except when the basis for that liability is a "predicate statute" that is applicable to the sale or marketing of firearms. The passage of this bill will restore accountability in the firearms industry.

Granting Immunity to Law Enforcement Employees Who Intervene Against Police Misconduct

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



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

Ending the Defense of Qualified Immunity for Certain Defendants

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

Community Violence Intervention and Prevention Act

Gun violence and other forms of violence constitute a crisis that poses a serious threat to the health and quality of life of all residents of the State of New York. There are evidence-based programs designed to interrupt cycles of violence by intervening when violent clashes occur. These programs are sometimes hospital-based, which provides an opportunity for critical early intervention. Other programs are community based, which provides opportunities for holistic and continued outreach. Despite mounting evidence supporting the efficacy of both models in reducing gun violence, these programs remain subject to fluctuating funding amounts every year. This instability hampers their ability to plan for long-term solutions while forcing them to compete with each other for shrinking resources. These programs deserve a stable funding source.

This bill will create a mechanism for distributing federal funds to provide stable support to hospital-based violence intervention programs ("HVIPs") and community-based violence intervention programs ("VIPs"). Through the federal Victims of Crime Act ("VOCA"), funding is provided to the Victims of Crime Act Fund, administered by the office of Victims Services. For the year 2016, the federal award amount to New York was \$133,904,016, of which \$10,939,366 was distributed, leaving \$122,964,650 remaining in the fund. By requiring that \$10,000,000, or ten percent, whichever is greater, of the monies from these grants be given to HVIPs and VIPs, this bill aims to recognize the public health crisis that is gun violence by adequately funding its prevention.

Expungement of Certain Convictions

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

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

Inadmissible Statements

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

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

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

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

Resentencing

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



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

Involuntary Prisoner Employment

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

John Lewis Voting Rights Act

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

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

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

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

Voting Accessibility for College Students

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

Inmate Voting Rights

The Caucus authorizes voting by inmates in correctional facilities; requires the department of corrections and community supervision, in collaboration with the state and county boards of election, to establish a program to facilitate inmate voter registration and voting. The purpose of the bill is to extend certain inmates the ability to vote. Preventing inmates with felony convictions from voting systematically disenfranchises and suppresses Black votes. All New Yorkers should be able to exercise their foundational American right of voting, and this bill aims to help fight felony disenfranchisement in New York State.

Same Day Voter Registration

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

Establishing Signature Affirmation for Absentee Ballots and Special Presidential Voters

The Caucus supports legislation to include a statement on the envelopes of ballots for absentee voters and special presidential voters for signature affirmation. This bill would help provide conspicuous language on absentee ballot envelopes to remind voters that they need to sign the envelope. The COVID-19 pandemic has led to a massive increase in absentee votes to be cast. Despite its intent to ease the voting process due to challenging circumstances, thousands of ballots were deemed invalid because voters did not sign the back of the absentee ballot envelope. This legislation seeks to address this issue so that every ballot is casted.



Absentee Ballots Online

The COVID-19 pandemic has prevented many voters from conducting in-person voting with many turning to using absentee ballots. During the June 2020 primary, there were 80,000 absentee ballots received by the city that were deemed invalid due to technical flaws. This disenfranchises voters and suppresses votes. Accordingly, the Caucus supports legislation that would create a website and mobile application allowing voters to check the status of their absentee ballot applications and absentee ballots. This would allow New Yorkers to track their ballots and ensure that their votes are counted.

Prisoners' Legal Services

Since 1976, PLS has played a vital role in making New York prisons safer and more humane. Their work has resulted in positive changes in prisoners' attitudes and behavior, and has promoted constructive policy and programmatic modifications within DOCCS. PLS' work has also benefited the State Attorney General's Office and state and federal court judges by providing professional legal representation. The Caucus recommends that PLS be allocated a combined \$4 million from the legislature in the SFY2021-22 budget. With a commitment from the Assembly and the Senate, PLS will be able to continue their vital services, maintain current core work at their Newburgh, Albany, Plattsburgh, Buffalo, and Ithaca offices, and be able to re-open their New York City office. The Caucus maintains our strong financial support for Prisoners' Legal Services as it furthers New York State's legal responsibility to provide meaningful access to the courts for individuals confined in our State's prisons.

Enfranchisement

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

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

New York Immigrant Family Unity Project (NYIFUP)

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

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

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

Foreign Language Proficiency Compensation

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

Regulation of the Discovery and Disclosure of Immigration Status

The Caucus supports legislation to amend the criminal procedure law, the executive law, the general municipal law, and the correction law with respect to prohibiting and regulating the discovery and disclosure of immigration status. The purpose of the bill is to prohibit officers from using public resources for immigration enforcement except when required by law. Immigration enforcement is solely a federal concern and falls outside the realm of state and local authorities. Participation in immigration enforcement efforts by local authorities will undermine immigrant New Yorkers' trust in local and state government and prevent them from seeking assistance at critical times of need. This is particularly problematic when immigrant New Yorkers who are the victims of crimes are afraid to seek support or report and cooperate with law enforcement.



Changing the Political Party Vote Threshold

The Caucus supports legislation that reverses the current definition of a political party to the original version so that smaller parties may have a place on general election ballots and that voters will have freedom to choose a party that best aligns with their political views. A political party must now receive 2% of the vote — or 130,000 votes — in the previous presidential or gubernatorial election to qualify as a party. Changing the vote threshold to be considered a "party" from 50,000 votes to 130,000 votes is detrimental and threatens our democracy. By creating an extremely challenging baseline, it limits diversity in our political parties and prevents important voices in our political system from being heard.

Enhance Protection for Employees with Respect to Unemployment Insurance Benefits

The Caucus supports legislation that relates to penalties for willful false statements by employers to avoid payment of unemployment benefits. The bill amends part of the labor law to eliminate forfeit day penalties from being assessed on claimants who are found to have willfully made false statements or misrepresentations in order to receive unemployment insurance benefits. "Forfeit day" penalty means a day or days in the future in which the claimant cannot receive unemployment insurance benefits. It further establishes a civil penalty for employers who willfully make a false statement or misrepresentation in order to avoid the payment of benefits. Irrespective of the forfeit day penalty, unemployment insurance recipients found to have received benefits they are not entitled to must pay back any improperly received benefits, and in addition, are subject to a monetary penalty equal to one-hundred dollars or fifteen percent of the overpayment, whichever is higher. In contrast, there is no penalty for employers who willfully make false statements or misrepresentations in order to avoid the payment of benefits.

Providing Meaningful Access of Unemployment Insurance Benefits to Partially Unemployed

The Caucus supports legislation to amend certain sections of the labor law in order to modify the current system of determining unemployment insurance benefits for partially unemployed. In particular, it replaces the current calculation method with a new calculation that is based on the claimant's weekly earnings rather than the number of days the claimant worked during the week and it establishes a system of calculating partial unemployment insurance benefits that disregards a portion of part-time earnings before reducing benefits by one dollar for each dollar of earnings up to the full weekly benefit amount. Lastly, it provides that any individual who earns significant part-time earnings in a single day during the week, up to the maximum allowable amount, will receive a partial benefit equal to three-quarters of his or her full weekly benefit amount.

Under the current system, partially unemployed individuals experience significant reduction in their unemployment insurance benefit for any work performed in a single day, even if the work performed was for one hour. This causes an adequate level of income insecurity for workers already experiencing financial hardship, especially during a global pandemic.

Holding Individuals of Limited Liability Companies ("LLCs") Personally Liable for Unpaid Unemployment Insurance Contributions

The Caucus supports legislation to amend the Labor Law to impose personal liability for unpaid unemployment insurance contributions upon officers of a corporation; managers and members of limited liability companies with an ownership interest in or management authority over the limited liability company. The liability of such individuals may not be relieved by the dissolution of the corporation, limited liability company, or partnership. Under current law, the Department of Labor can hold corporations, sole proprietors, and some partners liable for unpaid UI contributions, but does not have authority to hold officers of such corporations or members of LLCs individually liable. Due to this loophole, millions of dollars in contributions are assigned to inactive collection status due to the inability to collect from out-of-business corporations, LLCs, and partnerships who abandon their debt. With surging unemployment insurance cases during the current economic downturn, we must close this loophole and help collect contributions toward the unemployment insurance pool.

New York State Restaurant Meals Program

In New York, SNAP recipients cannot use their benefits towards the purchase of prepared foods, limiting food accessibility to vulnerable populations unable to cook or prepare foods. Homeless, disabled, and elderly populations are especially impacted by this limitation. The Caucus supports legislation mandating the New York State Office of Temporary and Disability Assistance (OTDA) to apply for a USDA waiver authorizing a statewide Restaurant Meals Program. Such relief will allow SNAP recipients to use their benefits for hot or prepared foods from participating restaurants, delis, and grocery stores at reduced prices, unlocking critical access to nutritious hot meals.

The Caucus also supports the following legislation:

- Hate Crimes Analysis and Review Act
- LGBT Long-Term Care Facility Bill of Rights
- Automated medication dispensing and storage systems for inmate prescription and non-prescription drugs at certain correctional facilities to improve efficiency in the distribution of essential medications.
- Establishing a written policy prohibiting the use of sustained auditory dispersal tools by police agencies
- Prohibiting the use of chemical weapons and kinetic energy munitions on civilian populations.



*“The United States of America is a nation where people
are not united because of those three glaring frailties:
racism, injustices and inequities.”*

Yuri Kochiyama

Executive Budget Highlights
ECONOMIC DEVELOPMENT & JOB CREATION

- **Consolidation of the Centers of Excellence (COE) and Centers of Advance Technology (CAT) Programs:** The Executive proposal would eliminate the COE program, effective April 1, 2023, and consolidate funding for the two programs into a single \$19 million competitive program.
- **Regional Economic Development Council (REDC):** The Executive provides \$750 million to support a new round of REDC awards. Similar to previous years, the REDC plans to make available \$225 million for grants and tax relief, and \$525 million will be allocated through the Consolidated Funding Application.
- **New York Works Economic Development Fund:** The Executive provides \$220 million to support projects that create, expand, retain or attract new jobs and businesses.
- **Downtown Revitalization Initiative (DRI):** The Executive provides \$100 million in support of a new round of DRI awards.



The People's Budget
ECONOMIC DEVELOPMENT & JOB CREATION

Social Welfare Funding

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

Eliminating Asset Limits for Public Assistance Programs

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

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

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

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

Prohibition of Confessions of Judgment

A confession of judgment is a legal document that allows a party to obtain a judgment without the need to bring a lawsuit.

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

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

Reclassification of Asset-Based Lending Transactions

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

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

Small Business & Nonprofit Rent Relief and Support

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



In addition, the Caucus supports tax credits to local and small businesses and a federal and state legal services program to support small businesses and nonprofits.

New York Health and Essential Rights Act (A2681/S1034) and NY HERO Act

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

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

BIPOC Artist Funding

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

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

Excluded Workers Fund

COVID-19 has wreaked havoc on our economy. New York faces a \$60 billion deficit while, at the same time, New York State's 120 billionaires saw their combined wealth rise by over \$77 billion in the first months of the pandemic. We must create a fund to ensure excluded workers receive the relief they need to survive by providing flat-rate monthly cash payments, retroactively to the start of the COVID-impacted unemployment crisis, and provide for an accessible application process with expansive proof requirements—including self-attestation and information undocumented workers are able to provide, and have relief funds sent directly to families.

Home Care Worker Protections

It has become apparent that many home care workers are required by employers to work mandatory 24-hour shifts, and that they are often required to work these shifts consecutively in a week. This bill would require home care aide overtime to be voluntary, thus eliminating involuntary 24-hour workdays in a sector composed mostly of women of color. The Caucus supports legislation designed to protect home care workers from 24-hour shifts to safeguard the health, safety and general well-being of home care workers, care recipients, consumers and the public.

Empire State Licensing Act

Access to professional licensing for our undocumented immigrants is vital to a speedy economic recovery for New York. State and City fees and taxable revenue will provide crucial cash flow to our fiscally struggling governments. Similar bills have been passed in Nevada and New Jersey, which have provided undocumented immigrants a feasible pathway toward sustainable jobs and careers.

Mobile Sports Betting

Mobile sports betting has the potential to bring in over \$70 million in tax revenue per year for New York State. In addition, New York could receive a one-time increase of \$84 million in revenue from licensing fees from operators.

While this revenue will be critical for funding essential programs, the legislature must also consider appropriate procedures for the personal safety of players, implementing clear guidelines and measures that will protect players from potential assault, verbal threats, intimidation, misconduct, and harassment that may arise from sports wagering.

There must be adequate procedures for players and other personnel to confidently report incidents that may impact, influence, or manipulate a game or statistical result, structures that protect a player's legal rights during the investigations process, and protections surrounding the use of personal data and other information derived directly from athletes.

In addition, the Caucus also supports the creation of a charitable fund to help former players who are victims of financial issues, chronic injury, family crises, or other hardships and to assist players who have been disadvantaged by betting.

Community Financial Services Access and Modernization Act

The New York check cashing industry has matured in scope and breadth by offering more services than merely cashing negotiable instruments in communities and neighborhoods that are unserved or underserved by the banking/credit union industry.



The enabling law authorizing licensing and overseeing the delivery of services by check cashing establishments has not comprehensively been updated since its inception in 1944. Regulated check cashing enterprises continue to set the standard for the financial service industry in the fight against money laundering, terrorist financing and other financial crimes, and provide a critical entry point for suspect transactions to be detected on the regulatory radar screen. The industry within this State generates the following economic activity: financial services at 560 licensed locations, serving more than 1 million New Yorkers *cashing nearly 30 million checks having an aggregate value of \$11-12 billion every year.

Establishing Peer-to-Peer Car Sharing Program Act

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

Community Hiring State Legislation

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

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

Liability for Unpaid Unemployment Insurance

Under current law, the Department can hold corporations, sole proprietors, and some partners liable for unpaid UI contributions, but does not have authority to hold officers of such corporations or members of LLCs individually liable.

Based on historical patterns, approximately \$35 million per year in unpaid UI contributions is assigned inactive collection status due to the inability to collect from out-of-business corporations, LLCs, and partnerships who abandon their debt. The ability to collect against corporate officers, members or managers of limited liability companies, and certain partners would significantly decrease this amount and have a positive effect on the UI Trust Fund. Extending this liability would serve as a deterrent against unscrupulous employers who evade paying their fair share of UI contributions by closing a business and setting up a new corporation, limited liability company, or partnership.

Financial Exploitation, Aid to Localities Budget

Unfortunately, many older adults fall victim to financial exploitation when unscrupulous individuals misuse a vulnerable person's wealth and assets for their own personal gain. This can result in older adults losing their often-limited income, and with that, their ability to pay for necessities such as food, housing and health care.

Lifespan is the convener of the New York State Coalition on Elder Abuse and works diligently to provide training, public awareness, and direct social work intervention in all forms of mistreatment, with an emphasis on financial exploitation- the fastest growing form of abuse and often the most devastating for vulnerable elders. New York State is a leader in the field because of decades-long support in the New York State Budget.

The Governor's Executive Budget proposal eliminated \$340,000 in funding for Lifespan. These funds are critical for our overall ability to address elder abuse prevention & intervention throughout New York State. Core services within the Upstate Elder Abuse Center at Lifespan include: Case Management; Scam Education & Intervention; Shelter for Victims; Respite for Caregivers; Statewide Education & Training; Statewide Multidisciplinary Teams; Forensic Accounting in cases of financial exploitation; and Statewide Consultation.

The Caucus supports the addition of \$340,000 for this important program that the Governor has excluded in this year's proposal.



Human Service Agency Wages

New York's \$15 minimum wage was an important step toward fair wages for New York workers, but it created a challenge for nonprofit agencies providing human services. Unless the state increases their funding, they have no way to both increase wages and provide the services needed. Last year's enacted state budget included the investment of \$15 million to fund the minimum wage increase for contracted nonprofit human services organizations, but that was only the first step. Without funding the minimum wage in subsequent years, nonprofits are forced to stretch already limited funds to an unsustainable degree.

Human services are the foundation of our communities, providing critical services through after-school programs, supportive housing, job training, senior care, community centers, and food assistance, just to name a few. The human services workforce is predominately made up of women (81 percent) and almost half (46 percent) are women of color. Making sure these groups can pay them the minimum wage is the very least the state can do to respect their work.

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

Fair Futures

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

Child Care

The Caucus supports an increased investment in New York State's child care subsidy program by \$100 million to expand access to more working families, with a focus on making eligibility levels and copays fairer and uniform across the state. New York's underinvestment in child care subsidies limits the number of families who get help paying for care, and also leads to higher co-pays for families seeking child care. The high cost of child care creates significant economic hardships for New York's working families with young children, especially in communities of color, and New York State needs to increase investments in this area in order to address the critical needs of the child care industry. In addition, the Caucus supports increasing funding for the Facilitated Enrollment Child Care Projects in New York State and increasing the qualifying poverty level, so more working- and middle-class families have access to child care.

Establishing a Child Poverty Reduction Advisory Council

Nearly 3 million New Yorkers are living in poverty, 895,000 of which are children. In fact, 1 in 5 New York children struggle to meet basic needs. Although legislative and administrative efforts have been undertaken, the overall poverty rate in New York has remained the same over the last decade. Meanwhile, the federal government continues to slash benefits that have been shown to have positive impacts on lifting children and their families out of poverty.

We must aim to reduce child poverty by 50% over the next decade. Reducing child poverty will protect the health and general wellbeing of all New Yorkers, grow our economy, and lead to long term savings for New York's budget. To make sure this reduction in child poverty happens, the State should establish a "child poverty reduction advisory council". The council shall explore expanding specific policies, making new recommendations, and publish benchmarks, timelines, and reports to make sure that New York State meets the goal of reducing child poverty by 50% in a decade.

Employment and Training Opportunities

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

One Fair Wage

The signature New York State accomplishment of the \$15 minimum wage was a big win for working families across New York State. While the Caucus is proud of our leading role in enacting this policy, we understand that some of New York's most vulnerable and low-wage workers will not benefit from the improved policy.

The sub-minimum wage for tipped workers is an unjust subsidy afforded to restaurants, hospitality, nail salons, and car washes on the backs of working people, allowing these employers to pay wages far lower than the minimum when customers voluntarily leave tips. This system makes workers more vulnerable to wage theft and sexual harassment that is pervasive in these industries. The Caucus supports eliminating the sub-minimum wage for tipped workers.



Wage Theft

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

Workplace Schedules

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

Secure Choice

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

Citizens Committee for New York City

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

Statewide Mass Transportation Operating Assistance (STOA)

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

Opportunities for a Better Tomorrow

Founded in 1983, Opportunities for a Better Tomorrow (OBT) has served New York City residents by empowering youth and adults from low-income communities through job training, education, employment, and immigration services.

In the FY2021-2022 budget, the Caucus supports allocating \$500,000 to expand resources for OBT alumni so that they can build wealth, confront NYC's affordability crisis, and secure jobs with higher pay and benefits. By building out their alumni network, providing ongoing career and college counseling and support, and incorporating financial empowerment programming into alumni meetings, OBT can better address structural economic injustice across New York.

Minority and Women Business Enterprises

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

Community Development Financial Institutions

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

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



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

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

New York State Public Bank (S1055)

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

New York Public Banking Act

This bill would establish the New York Public Banking Act to create a safe and appropriate regulatory framework for municipalities seeking to establish public banks. The bill additionally would allow the Department of Financial Services (DFS) to issue special-purpose public bank charters. A public bank is a financial institution created by a city, county, town or village for a "public benefit" of the community. The public bank could exist in communities that have little to no access to banking services. The public bank could fund local projects at a reduced cost, generate profits for local government, and create low-cost credit/loans to small businesses, MWBEs and/or student loans to low-income families.

Repeal the Stock Transfer Tax Rebate

This bill would repeal the electronic rebate of the stock transfer tax, collect 100% of this tax and dedicate the funds to the state general fund commencing with the fiscal year and ending March 31, 2023, after which 100% of the funds collected will be deposited into the following: the Metropolitan Transportation Authority (MTA), the maintenance and repair of state highways and bridges (NYSDOT), the New York City Housing Authority (NYCHA), the infrastructure, maintenance and development of passenger rail lines for AMTRAK in the northeast corridor, the Consolidated Local Street and Highway Improvement Program (CHIPS), the municipal aid and incentives program, (AIM), the safe water and infrastructure action program, the downstate and upstate transit systems, the clean energy fund, CUNY, and SUNY. From 1905 to 1981, New York State imposed a tax on the sale of securities. The State began rebating the tax in 1979 so that it is now 100% rebated back to the industry. Given the state budget deficit and other needs, the rebate is no longer justifiable.

Funding for Her Justice Marital Debt Program

The Caucus supports funding for Her Justice's Marital Debt Program to assist women who have been subject to financial abuse from their spouses in order to ensure these individuals get the critical support they need to get back on their feet and regain financial security.

Reparations

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

Cultural Sustainability Fund

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

Increasing Reimbursement Rates for Highway Repair

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



Increasing Transparency Between Workers and the Workers' Compensation Board

Currently the workers' compensation board is not required to hold a hearing announcing a final decision before closing a case or to keep stenographic records of all hearings held. This leads to a lack of transparency within workers' compensation cases. The Caucus supports legislation requiring a final hearing that announces a case decision and requires a stenographic record of all hearings and providing meeting minutes to injured workers in their native language.

Reclassifying Certain Claimants in the Workers' Compensation Law

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

The Electronic Notarization Act

Every year, hundreds of millions of documents are notarized in the United States. Despite the increasing number of notarizations that occur annually, the industry has not adapted to societal changes and technological advances. The Caucus supports legislation that allows for notarization to be done electronically with the use of video conference technology, not only making it a more convenient process, but also a more accessible one for homebound citizens and working people who would be able to have their documents notarized without losing wages for lost working hours spent in an in-person notary public.

The Roadway Excavation and Quality Assurance Act

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

The Caucus also supports the following Economic Development and Justice Initiatives:

- Modifying TANF to include allowances for diapers for parents of children 0-2 years old.
- Strengthening food access and security programs by continuing and increasing funding for programs like Nourish New York, Wellness in Nutrition, the Hunger Prevention and Nutrition Assistance Program, SNAP Outreach Program, and the Nutrition Outreach and Education Program.
- The continuation of funding for programs that service disconnected and at-risk youth.
- The enactment of a NYS-funded study to examine income inadequacy in New York State and how effectively incomes are able to meet the most basic needs of individuals, families, and households.
- Establishing a COVID-19 small business and non-profit loan program (S1976).
- Ensuring the proper compensation of State workers for overtime hours during the duration of the COVID-19 pandemic (S1989/A1105) and including exposure to COVID-19 as an occupational disease for which compensation shall be payable
- Expanding paid family leave to include participation in remote learning for employees who are parents or guardians of certain children.
- The enactment of the “COVID-19 Injured Workers’ Protection Act” which establishes a COVID-19 presumption for public employee death benefits.
- The legalization and decriminalization of street vending across New York State.
- Requiring employers to notify employees if they come into contact with other employees who have been diagnosed in relation to a disease outbreak and prohibiting employers from disclosing the name of the diagnosed employee.
- Amending the workers’ compensation law to establish that workers already on SSDI suffer from permanent total disabilities.
- Amending the workers’ compensation law to provide for the correction of any mistake, omission, defect and/or other irregularity in a cover sheet so that they cannot be used as grounds for the denial or a rebuttal to an application for administrative review or an application for full board review.
- Establishing exposure to novel coronavirus, COVID-19, as an occupational disease for which compensation shall be payable for disabilities sustained or death incurred by an employee.
- Creating access to affordable, high-speed internet service. In addition, the Caucus urges lawmakers to address the need to map New York to determine where high speed internet service gaps exist, so we can work to ensure all New Yorkers have access to the high-speed internet they now need more than ever in light of the pandemic.
- Implementing a moratorium on the termination of utility, phone, television, and broadband services.



Executive Budget Highlights

REVENUE

- **Temporary Personal Income Tax (PIT) High Income Surcharge:** The Executive proposes to establish a new progressive PIT surcharge on taxpayers with incomes over \$5 million, which would be effective for tax years 2021 through 2023. These taxpayers would be authorized to voluntarily prepay their 2022 and 2023 liability in 2021 and receive a repayment of the additional liability through a tax deduction in tax years 2024 and 2025.
- **Delay PIT Middle-Class Tax Cuts:** The Executive proposes to delay the phase-in of the middle-class PIT cut, which began in 2018 and is currently scheduled to fully phase-in by 2025. Rather than the planned tax cut scheduled for 2021, the 2020 rates would remain in effect for an additional year, and the phase-in of the tax cuts would resume in 2022.
- **School Tax Relief (STAR) Program:** The Executive proposes to require seniors transitioning from the basic STAR exemption program to the enhanced STAR program, to transfer from the exemption program to the credit program; convert all STAR exemptions for mobile homes into STAR credits; and make various other changes to the administration of the STAR program.
- **Pandemic Recovery and Restart Program:** The Executive would establish new and expanded tax credits to support certain businesses that have been disproportionately impacted by the COVID-19 pandemic, including a small business return-to-work tax credit (\$50 million); a restaurant return-to-work tax credit (\$50 million); a New York City musical and theatrical production tax credit (\$25 million); and an expansion and extension of the existing musical and theatrical production credit for areas outside of New York City (\$4 million).
- **Employer Child Care Credits:** The Executive would modify and expand the Excelsior Jobs Program and Employer-Provided Child Care Credit to incentivize employers to establish new on-site child care opportunities and to provide expanded child care services to employees.
- **Cannabis Regulation and Taxation Act:** The Executive proposes language to regulate and control the manufacture, wholesale and retail production of cannabis. The bill would establish three taxes on the adult use of cannabis and require a portion of the revenue collected to be directed to social equity purposes.

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

New York State is one of great wealth and opportunity. However, wealth- and income-inequality remains an issue for far too many New Yorkers; and the disparities are exponentially worse for communities of color. While legislative and budget policies seek to provide balance and opportunity, the Caucus recognizes that funding is necessary to achieve the societal gains we need in order to keep New Yorkers moving forward. Thus, we support the following measures that collectively would provide New York State with the financial means required to enact the policies contained herein; and we advocate for a New York that ensures everyone pays their fair share.

Billionaire Wealth Tax (\$10 Billion/yr)

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

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

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

Pied-á-Terre Tax (\$650 Million/yr)

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

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

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

Carried Interest Fairness Fee (\$3.5 Billion/yr)

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

Corporate Tax Reform (\$1.5 Billion/yr)

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

Luxury Land Tax

- Special assessment on highest-value land tracts in Manhattan

CEO Pay Gap Tax

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

Ending Subsidies (\$4 Billion/yr)

- End certain real estate subsidies and redirect the funds to public and affordable housing
- State law to end certain real estate subsidies and redirect local taxes on luxury development to end the homeless crisis

Corporate Landlord Tax

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

21st Century Bank Tax

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

Yacht and Jet Tax

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

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

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

Stock Transfer Tax (\$13 Billion/yr)

- S.1406/A.3353 keeps 100% of the tax and directs an estimated \$13 billion per year to the MTA, NYCHA, public transportation, roads & bridges, clean energy, water infrastructure and aid to municipalities.

NYC Under 3 Payroll Tax (\$626 million/yr)

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

Excluded Workers Fund and Revenue Raisers

COVID-19 has wreaked havoc on our economy. New York faces a \$60 billion deficit while, at the same time, New York State's 120 billionaires saw their combined wealth rise by over \$77 billion in the first months of the pandemic. We must create a fund to ensure excluded workers receive the relief they need to survive by providing flat-rate monthly cash payments, retroactively to the start of the COVID-impacted unemployment crisis, and provide for an accessible application process with expansive proof requirements—including self-attestation and information undocumented workers are able to provide, and have relief funds sent directly to families.

Millionaire's Tax and Economic Equity Act of 2021

This bill establishes the Millionaire's Tax and Economic Equity Act of 2021 that increases the state personal income tax rates to 11.82% for incomes over \$1 million per taxable year for the purpose of promoting economic equity and avoiding cuts in spending to public education and Medicaid.

Raising Revenue and Helping New York Recover with Home Sharing

As New York explores new methods of generating revenue as a result of the devastating impact of the pandemic, a framework has been proposed for short-term rentals in the state that would not only increase tax revenue at a time we need it most, but would also legitimize certain types of home-sharing to provide supplemental income to New Yorkers and sustainable and enhanced revenue streams. According to a report by Tourism Economics, tourists spent \$73.6 billion in New York in 2019, representing an essential part of the state's economy - providing jobs and revenue for local economies, small businesses, and state and local governments.

Once travel is deemed safe, New York will struggle to restore its economy without the rapid return of tourism. Home-sharing, regulated and taxed correctly, can be a major contributor to quickly restoring tourism and tax revenues once the pandemic ends by providing safe, convenient and affordable options for visitors, especially those traveling with families. Thus, the Caucus would be supportive of an appropriate taxation structure that protects the housing stock while allowing homeowners the freedom to safely engage in home-sharing.

Foundation Aid Funding

For too long, New York has failed to follow through on its constitutional obligation to fully fund the Foundation Aid formula. The Caucus is supportive of instituting a progressive tax structure on individuals that have incomes at \$1 million or more and will yield approximately \$4.5 billion in state revenue that will be dedicated to fully fund Foundation Aid. New York State can no longer afford to deprive our students, our children of a sound and basic education that they deserve and are constitutionally entitled to.

