

The People's Priorities 2015

A preliminary look at the progress agenda for the
2015 Legislative Session by the
New York State Black, Puerto Rican, Hispanic and
Asian Legislative Caucus

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MESSAGE FROM THE CHAIRMAN

The New York State Black, Puerto Rican, Hispanic and Asian Legislative Caucus is comprised of 53 Senators and Assembly members from districts across the state. Although our composition is diverse, our goal is wholeheartedly singular: a legislative agenda that benefits all residents of New York State, including the poor and most vulnerable populations. In articulating the needs of the State, the Caucus is releasing this document- "The People's Priorities"- bold proposals designed to build equity and improve policy initiatives to alleviate some of New York's most pervasive problems.

The vast majority of the problems facing our State and local communities have been caused by poverty. Fifty years after the federal "War on Poverty" was launched, there is more poverty and income inequality in the Empire State and the nation. Last August, the U.S. Conference of Mayors released a report on the wage and income inequalities that are dismantling the middle class, slowly eroding our egalitarian principles and putting our society in a precarious position. The conference has warned that the wage and income inequalities have become systemic and persistent while leaving middle-income families in a free fall as higher income households become wealthier each day. For low-income and struggling families in communities all across our State this problem is taking a heavier daily toll that strains the foundations of home and neighborhoods.

The US Census tells us that Manhattan has the largest income gap in the nation and that 54% of the wealth in New York State is controlled by 3% of the population. Childhood poverty impacts 1 out of 4 children. In many communities, over 50% of the minority population lives in poverty.

These are not mere numbers, they represent destructive forces that dismantle families and communities and weaken our society in the most dangerous ways. Huge numbers of idle young men not in the workforce or in school; a tight labor market where job opportunities are limited even for the best educated in our communities; wage discrimination that subjugates minority women to less than 60 cents per dollar earned by Caucasian men for the same job; from financial services systems to health clinics, schools and our policing infrastructure, things appear to be falling apart exponentially in communities that need the most support.

The People's Priorities sets forth an ambitious agenda to combat the ills of growing poverty and help build healthy and prosperous communities. All New Yorkers have a stake in the pages of ideas that follow. As a State and a nation we have the wealth to build better communities, better educate our children and better meet the basic needs of all our citizens without having to resort to homeless shelters, soup kitchens, ERs for primary care and our jails to house the disabled.

Excelsior!
Assemblyman Jeffrion L. Aubry

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TOP PRIORITIES

ACADEMIC ACHIEVEMENT/BILINGUAL EDUCATION PROGRAMS

We support ESL as a major workforce development strategy for immigrants, recognized as the most important thing they can do to succeed economically in New York State. While the level of aid has increased over the past several years, there has been no public accounting on how the funds' allocation has been spent to assist minority students. A recent report by the University at Albany/SUNY documents a significant breach in local compliance with state requirements for bilingual education programs. Its findings show that Latino students who are English Language Learners are being shortchanged. Moreover, the number of local schools that currently fail to provide bilingual education programs to Latino students is likely to be greater than what the study suggests. The lack of certified bilingual teachers and the number of inappropriately certified teachers in New York is of epidemic proportions. Incentives for recruitment of bilingual teachers seem to be insufficient, and existing certification qualifications appear to be an obstacle to increasing the number of certified teachers.

EXPANDING UNIVERSAL PRE-KINDERGARTEN STATEWIDE

Unfortunately, there are still around 96,000 four-year-olds waiting for a spot in a full day program, about 61% of the four-year-olds in the state. Approximately 51,000 of them are in low-income/high-need communities. This year's budget does not expand pre-K for a single four-year-old. And this comes after only serving 5% of four-year-olds outside New York City last year. Governor Cuomo has no plan to phase in universal pre-K (UPK) for upstate and suburban four-year-olds. The Caucus continues to strongly advocate for a fully expanded universal pre-K initiative statewide and adjusting the payment process for districts awarded UPK funding to upfront payments, rather than later reimbursement.

NEIGHBORHOOD INITIATIVES (Formerly Member Items)

We support re-establishing discretionary funds to provide critical economic development support to nonprofits that have invested in capital projects and workforce development programs in our communities. Legislative Member Items to not-for-profit organizations are low-cost avenues to extend the resources of the state fairly across districts to meet needs that would otherwise go unmet in these difficult economic times. These funds provide important assistance to sustain programs for seniors, youth, and social services for vulnerable and underserved residents and struggling families. Flexible discretionary funds also provide critical economic development support; for example, nonprofits have invested in capital projects and workforce development programs which bring economic activity to the community. The Legislative grant process can be reformed to address concerns regarding fraud and lack of transparency.

NYS DREAM ACT

The Development, Relief and Education for Alien Minors (DREAM) Act (Bill A.4311/S.1251) is legislation that would allow undocumented students the opportunity to apply for state college educational assistance programs to help pay for higher education. It also creates the DREAM Fund commission.

Programs include:

1. Tuition Assistance Program (TAP)
2. Higher Education Opportunity Program (HEOP)
3. Educational Opportunity Program (EOP)
4. Collegiate Science and Technology Entry Program (C-STEP)
5. Opportunity Programs available at Community Colleges

This legislation will allow undocumented young adults who entered into the country before the age of 18, have lived in New York State for a minimum of 2 years, are under the age of 35, and have demonstrated a commitment to education and good moral character to have access to financial aid opportunities within the state and be eligible for the program and other funding. The DREAM Fund commission enables eligible undocumented students who are applying to 2- and 4-year colleges and universities to apply for various scholarships in the DREAM Fund. The money for this fund will come from private sources and will provide scholarships to students who meet the qualifications. The final portion of the DREAM Act would make family tuition accounts available to account owners who provide a valid taxpayer identification number.

MINORITY/WOMEN-OWNED BUSINESS ENTERPRISES (MWBE)

In our Great State of New York, we continue to make impressive strides to increase economic opportunity and equality for women and diverse communities of color. With a population comprised of nearly 18% African American, more than 18.4% Hispanic, and over 51% women, New York has an incredible opportunity to diversify representation and increase access when it comes to doing business in the state. Moreover, there are tremendous opportunities to increase the amount of contracts, capital, and resources to our minority- and women-owned businesses. However, due to a lack of comprehensive data, mandatory oversight and required reporting, MWBE goals across all state funding streams are not at the levels we need for parity. We must also tackle the lack of transparency in order to capture the total impact of state funding and goal achievement on the MWBEs business landscape. The other unfortunate reality is that fraud in misrepresenting a business owner as a MWBE firm occurs all too frequently. This issue was recently conveyed by Manhattan District Attorney Cy Vance on November 24, 2014, who said¹, "The unfortunate reality...is that fraud within these programs is persistent" and further said, "Every time the system is abused, it becomes that much more difficult for a legitimate minority or women-owned business to gain entry into the field." There is a desire for greater MWBE participation thus leading to increased economic and social

¹ "DA Vance Grand Jury Report." The New York County District Attorney's Office, 24 Nov. 2014. Web. 24 Nov. 2014. <<http://manhattanda.org/press-release/da-vance-grand-jury-report-recommends-significant-reforms-assist-minority-and-women-ow>>

progress. There is also the need for tangible reform of increased oversight, transparency, metrics-based reporting, accountability, and subsequent penalty for fraud and deception to ensure an increase in opportunity and resource distribution to minority owned businesses. (See People’s Budget for more detail).

RAISE THE AGE OF JUVENILE JURISDICTION TO 18

The Executive Budget provides \$25 million to support the development of diversion and probation services for 16- and 17-year-olds who will be transitioned into the juvenile justice system over a multi-year period, beginning in December 1, 2015. Under the Executive proposal, juvenile jurisdiction would be raised to age 17 on January 1, 2017, and to age 18 on January 1, 2018—we agree with this assessment.

New York is the only state other than North Carolina that prosecutes ALL youth as adults when they’ve reached 16 years of age. Currently, New York fails to recognize adolescents as children, and continues to prosecute and place them in the adult criminal justice system, which is not in their best interest nor does it improve public safety. We believe that a comprehensive approach to raising the age of juvenile jurisdiction to 18 is in the best interest of New York’s children and youth, communities and community safety. Recent findings by the Commission on Youth, Public Safety and Justice have been the catalyst in making this change a reality. Caucus member Senator Montgomery has also introduced legislation in regards to fixing this issue [2014: S.1409 Montgomery]. (See People’s Budget for more detail).

FUND THE AMISTAD COMMISSION

Since its creation in 2005, New York State has not funded the Amistad Commission, which is of great importance to Caucus members. The Amistad Commission was created by the NYS Legislature to research and survey the extent to which the African slave trade, American Slavery and its aftermath and legacy is included in the curricula of schools statewide. Every New York student should know the dehumanization atrocities of the American slave trade, as well as the subsequent reverberation of long lasting discrimination and marginalization of minorities that continues to persist in present day.

GRAND JURY REFORM

The grand jury is an arm of the court— it is not an agent of the prosecutor or the police. A grand jury does not decide whether or not a person has been proven guilty—that is for the trial jury to decide. It only decides whether a person should be formally charged with a crime or other offense. They are expected to make that decision based on evidence presented to it by the prosecutor, who also instructs the grand jury on the law. The grand jury's decision must be based on the evidence and the law. In a video that eventually captured the nation’s attention, an NYPD officer is seen putting Eric Garner into a banned chokehold during an arrest. The chokehold was ruled to ultimately be the cause of Garner’s death. In spite of the video, a grand jury declined to indict the officer, setting off a wave of massive protests across the city and the country. The decisions by grand juries not to indict officers in the Michael Brown shooting in Ferguson, Mo., and the Eric Garner case have spurred various proposals to reform grand juries. The Executive Budget would establish an independent monitor, appointed by the governor, to

review cases in which a police officer or peace officer is accused of causing the death of an unarmed civilian in the line of duty. The Caucus supports this effort and seeks to advocate for transparency and clarity on this newly created “Independent Monitor” position.

COMMUNITY POLICING REFORM

The events leading up to the apprehension of Eric Garner is indicative of a broader systemic problem; policing in minority communities. While the Caucus agrees that there must be greater transparency within grand jury proceedings, transparency must be improved generally within the criminal justice system—it is necessary regarding the manner in which law enforcement police our streets and shootings involving police. At least initially on a micro scale, there should be \$40 million for a police body camera pilot program in precincts with the highest rates of crime and complaints of police misconduct. The use of cameras is likely to save cities and ultimately the State significant money and time, while restoring confidence in law enforcement.

While the Executive proposal includes \$60 million to support the purchase of equipment by local police departments, including police body cameras, it is not clear how much of this allocation will actually be spent on police body cameras specifically relative to the purchase of other police equipment.

CAMPAIGN FOR FISCAL EQUITY (CFE)

In 1993, Robert Jackson and a group of New York City parents organized the Campaign for Fiscal Equity. CFE sued the State of New York on the grounds that the State was failing to provide students the “sound basic education” or “meaningful high school education” that is their constitutional right. The New York State Court of Appeals repeatedly found that the State was failing in its constitutional obligations to provide for the classroom resources necessary to educate every student. In 2007, the Caucus joined with all of its State elected officials in enacting historic school reforms that were designed to provide a statewide resolution to CFE. The 2007 education reforms were designed to finally end the delays and excuses that stood between too many of our students and the quality education that is their constitutional right. But in 2009 the fiscal crisis took hold and since then our schools have faced retrenchment. The State cut \$2.8 billion in school aid, through a GEA (Gap Elimination Adjustment) formula. Since then, we restored \$1.75 billion; of that amount 74.9% went to high-need districts—there is currently \$1.04 billion left to be restored. We have an opportunity to restore many of these cuts. We must maintain our promise to providing increased funding through Foundation Aid and work toward full funding.

PROTECTING FARM WORKERS

Fifty-five years ago, President Harry Truman stated he believed that migrant farm workers should be paid the prevailing wage. Today the NYS farm workers bill of rights remains unfinished business and immigrant and migrant farmworkers continue to be exploited and underpaid for their hard labor. The New York State Assembly continues to pass the Farmworker Bill of Rights but support for this important legislation is needed from the governor and the Senate. Fair Labor Practices Act would grant labor rights to farm workers.

We support the act to amend the labor law and grant collective bargaining rights to farm laborers. This will allow farm workers one day of rest each week and include farm laborers within the provisions pertaining to overtime compensation and unemployment insurance. **[2015: A.4762 Nolan / S.1291 Espailat]**

COMBATING POVERTY

Currently one in five children throughout the State live in poverty. In October 2014, there was an all-time record of 59,246 homeless people including over 25,000 children sleeping each night in the shelter system. These numbers have reached the highest level since the great depression. Over the years the Caucus has focused on breaking the cycle of poverty and has successfully advanced policies in the state social welfare system. The governor proposes a Rochester Anti-Poverty Task Force, which will partner with a community effort to better coordinate and integrate services, utilize data and information technology, develop more flexible funding arrangements, and evaluate services based on outcomes. This effort is a step in the right direction but there are many other areas across the states that have exorbitant poverty rates. The Caucus strongly advocates for an expansion of this Anti-Poverty Task Force statewide, thus benefitting a wider range of New Yorkers and local communities in need.

Humane and Effective Alternatives to Special Housing Units (SHU)

Assemblyman Aubry and Senator Perkins have introduced legislation [The HALT Solitary Confinement Act **(A.4401/S.2659)**] that recognizes the hallmark principle that isolated confinement is effectively torture in practice and serves no useful or beneficial purpose whatsoever. This public safety legislation wisely substitutes a rehabilitative and therapeutic model in place of isolation so that individuals can receive the programming, support and interventions needed to help them rehabilitate and grow. Currently the Executive Budget does not address the number of inmates placed in Solitary Confinement nor the growing call to limit isolated confinement and provide more humane and effective alternatives to Special Housing Units (SHU).

In addition to the HALT Solitary Confinement Act, Caucus member Assemblywoman Nily Rozic has introduced legislation **(A.1347)** that will exclude pregnant prisoners from solitary confinement in New York correctional facilities. While solitary confinement is difficult on all inmates, it is an excruciating hardship on pregnant women. Constricted movement and restricted access to medical and mental health care alone, even without the other deprivations inherent in solitary confinement, make time spent in SHU a very harsh punishment for a pregnant woman. Unless a pregnant woman poses a severe and immediate threat to the safety of other people, she should not be placed in SHU. (See People's Budget for more detail).

ADDITIONAL PRIORITIES

FAMILY WELFARE

Strengthen Families and Promote Economic Security

To make work pay and assure families reap the benefits of working, the State must promote policies to strengthen families and promote family economic security. Expand the Earned Income Tax Credit (EITC). Raising the State's EITC to 40% of the federal benefit would help many low- to moderate-income families escape poverty. Children of EITC recipients are healthier at birth, perform better in school, attend college at higher rates and earn more as adults than families who did not receive EITC.

A 40% refundable EITC is likely to increase future tax revenues as children of EITC recipients develop into higher earning adults. In fact, one in four families in New York City homeless shelters include at least one working adult, and 16% of single adults residing in shelters are employed. Therefore, an increased EITC is crucial for New York, where the cost of living is high and full-time employment does not guarantee the ability to afford a home.

Increase the minimum wage, including the minimum for tipped workers. Raising the minimum wage and indexing it to inflation will reduce the number of full-time employees living in poverty. Ten states automatically index their minimum wages annually to offset the rising cost of living. If New York's minimum wage had kept up with inflation over the past forty years, it would be approximately \$10.80 per hour today. Currently, the State's minimum wage of \$8.75 is set to increase to \$9.00 on 12/31/15. New York State has the greatest gap between rich and poor in the United States. A higher minimum wage is necessary to reduce economic inequality.

Investing In Families

Strengthening families and promoting economic security through maternal, infant and early childhood home visitations has been proven to work and are programs that need to be supported.

- Maternal, infant, and early childhood home visiting programs present a unique opportunity for early intervention to improve health, education and socio-economic indicators for young children and their families. Investing in home visiting programs helps strengthen New York's families and saves the state in health, education and social services spending down the road.
- Children ages 0-5 in NY make up 39.5% of child maltreatment cases. The overwhelming majority of these are cases of neglect rather than abuse.

- In 2010, 13.6 million emergency room visits were made by children ages 0-5 across the U.S. That is over 10% of all emergency room visits.
- In 2012, approximately 41% of WIC mothers in NY breastfed their children, and only 7.5% fully breastfed.
- Evidence-based home visiting programs have been shown to positively impact children's health, reduce infant emergency medical visits and subsequent pregnancies, and improve diet. They have also been shown to increase breastfeeding rates, improve school readiness and reduce the risk of child maltreatment.
- Becoming a parent is exciting and challenging for anyone. Home visiting programs provide support to families by bringing services into the homes of expecting and new parents to offer support and information on health, early development and early childhood education. Home visiting programs are beneficial not only to children, but also connect parents to important community supports including health, child care, housing, education and/or employment services.

Requiring Paid Family Leave Insurance

Enact paid family leave. Workplace laws and policies have failed to keep up with the demographics of working families. New York should enact paid family leave so that working families do not have to choose between caring for a child or family members and keeping their income. Working New Yorkers deserve up to 12 weeks of paid family leave to bond with a new child, care for a seriously ill family member, or address certain needs related to a family member's military service or deployment. New York families—particularly low income families—urgently need Paid Family Leave. Working families should not be forced to choose between economic security and caring for loved ones when they welcome a new child or when family members are seriously ill. The absence of this benefit perpetuates gender inequities and health disparities in our state and nation.

New York can provide paid family leave Insurance benefits by enacting **[2015: S. 3004 Addabbo / A. 3870 Nolan]**. This bill would add paid family leave to Temporary Disability Insurance, providing up to 12 weeks to bond with a new child, care for a sick family member, or deal with issues that arise when a family member is called to active military duty. The cost of the benefit (approximately 45 cents per week) will be paid by employees through payroll deductions. Thus, employers will not have to pay the employee while on leave and can use the savings to offset replacement labor costs. The bill would also raise the TDI benefit which has been frozen at \$170 per week for the last 25 years. Paid family leave is provided in most countries around the world, as well as California, New Jersey and Rhode Island. Longer maternity leave leads to better health for mothers and infants. Family care of seriously ill elderly individuals also leads to better outcomes with decreased medical costs, particularly in Medicaid. Workers who have paid leave are more likely to return to their employer, reducing turnover costs.

Childcare Subsidies

The Caucus supports **A.1805 (Titus)** to help address the ever growing concern regarding the lack of child care subsidy funds. This bill allows increased access to subsidized child care for low-income working families by exempting single parent households with infants under the age of one year from certain work requirements for 12 months. Childcare is an economic development strategy. Low-income working families in New York State are facing a crisis of unprecedented proportions, as funding for the state's Child Care Block grant remains stagnant and at a level \$92 million below funding for 2010-2011. As an increasing number of counties across the state cut eligibility for child care assistance due to lack of funding, we believe that it is essential that funding be restored to the 2010-11 level, not only because New York's low-income families rely heavily on child care assistance to make ends meet, but also as a critical economic development initiative.

CRIMINAL JUSTICE AND PUBLIC SAFETY

The Fairness and Equity Act, [S.7927 Squadron]

The Fairness and Equity Act builds upon previous attempts to fix New York's broken marijuana decriminalization law and seeks to advance fairness and equity within the justice system while providing relief to a broad array of New Yorkers who are disproportionately impacted by New York's Penal and Criminal Procedure laws. Nearly four decades ago, New York State decriminalized personal possession of small amounts of marijuana, finding that arresting people for small amounts of marijuana "needlessly scars thousands of lives while detracting from the prosecution of serious crimes." Yet marijuana in "public view" remains a misdemeanor.

Over the last twenty years, nearly 600,000 people have been arrested under this provision, often as the result of an illegal search. Last year there were nearly 30,000 marijuana "public view" possession arrests in New York City alone. According to data obtained from the New York State Division of Criminal Justice Services, the NYPD is on track to equal, or surpass, the number of arrests in 2013, with the same alarming racial disparities. Most arrests are of young men of color, even though studies suggest that young white men use marijuana at higher rates.

The Fairness and Equity Act would make the possession of marijuana in "public view" a violation (similar to a traffic ticket) instead of a misdemeanor. The law would also minimize the disastrous human and fiscal collateral costs of these arrests by allowing judges to use their discretion in cases where a guilty plea would result in extreme consequences—such as the defendant being deported or losing their home or job.

The law also creates a process allowing people who have previously been convicted of possessing small amounts of marijuana to clear their record and avoid some of the devastating and ongoing collateral consequences associated with criminal convictions.

Also of importance, the law would empower legislators to require that racial/ethnic impact statements accompany any future criminal justice legislation. The inclusion of impact statements is a forward-looking provision, which would preemptively highlight troubling racial consequences of proposed changes or additions to New York's Penal Law.

Legislation to end arrests for non-criminal violations: Too many New Yorkers' efforts to build a better life for themselves and their families are derailed by needless arrests for offenses that are so minor that the State doesn't even consider them to be crimes. Hyper-aggressive enforcement of low-level, non-violent offenses in New York City has resulted in astronomical increases in tickets and arrests for violations (non-criminal, minor infractions). Some of the individuals ticketed for these minor infractions are arrested and forced to spend time in jail for offenses as petty as littering or spitting on the street.

Unsurprisingly, arrests for low-level offenses disproportionately impact people of color. Data analyzed by the NYCLU from the Office of Court Administration shows similar racial disparities as we have seen in NYPD's stop-and-frisk practices. While most of the summonses issued in NYC lack race demographics, from the sample of data that report a person's race – a sample of over 1.5 million tickets – the NYPD issued nearly 81 percent of tickets to black and Latino people, similar to the 87 percent of stops that are of black and Latino people.

Criminal Justice and Policing Reforms

The decision of a grand jury not to bring an indictment after the death of Eric Garner at the hands of police has given new urgency to the need for dialogue and action that will diminish conflict and confrontation between police and civilians. Such conflict is not unique to New York City; the problem exists in cities across New York State and the nation. Governor Cuomo has called for a broad inquiry into the sources of this problem. This inquiry must be deliberate, transparent and inclusive. Legislation has already been advanced that would authorize the attorney general to investigate certain allegations of criminal wrongdoing involving the police. There have also been proposals to make grand jury proceedings more transparent. These initiatives have merit and should be addressed in the context of formal public hearings held statewide. Additionally legislative proposals that seek to protect the civil rights of persons in interactions with the police and to bring greater accountability for the use and misuse of police authority are also needed.

Police citations, not custodial arrests

The state's criminal procedure law authorizes police officers to issue an appearance ticket, rather than taking an individual into custody, for violations and misdemeanors. Giving police broad discretion in these circumstances invites unequal and discriminatory enforcement of the law. Arresting people for minor, non-violent offenses is simply bad policing. The practice foments tension and conflict between police and civilians, creates risk of harm and wastes tax dollars at an exorbitant rate. Law makers should enact smarter policy. New York prohibits custodial arrests for non-criminal violations, minor

misdemeanors, and in other circumstances in which an arrest serves no public safety interest, but only as a prelude to confrontation.

Respect for people, and the law, in police stops

The Right to Know Act is legislation that has been introduced before the New York City Council; its provisions should be enacted in state law. This bill seeks to protect the civil rights of persons subject to a police stop and to create accountability and understanding in encounters between a police officer and a civilian. The legislation has two provisions. The first requires that police officers identify themselves in encounters with civilians and that they provide a receipt that explains the reason a person was stopped or questioned. This measure is based on evidence that police behavior improves when officers identify themselves; this would help restore trust between police and the communities they serve. The second measure would require that a police officer who wishes to search an individual in the absence of legal justification to first inform that person of his or her right to object to such a search. This rule would simply codify a protocol that respects people and the law.

Gun Violence

The Caucus will push for stronger laws on gun trafficking, background checks, and third person purchasing at the state and federal levels. This year Assemblyman Jeffrion Aubry and Senator Ruth Hassell-Thompson will introduce a resolution every year naming the month of June as "Gun Violence Awareness Month" for New York. This resolution, the first of its kind in New York and possibly the nation, has galvanized all of New York and other states to work together towards demonstrating how pernicious gun violence is to communities of color and to strategize on how to eliminate it.

African Americans have the highest rate of firearm death among racial and ethnic groups in the United States. A 2011 U.S. Department of Justice study found that African Americans are six times more likely to be victims of violent crimes than the next closest ethnic group. Additionally, African American children and teens are almost five times more likely to be killed by firearms than their white peers and twice as likely as their Hispanic peers. Homicide is the leading cause of death among African American adolescents. This is an SOS for New York to come together and end the gun violence that clouds our horizon.

Limiting the amount of guns New Yorkers can buy at one time, and pushing for stronger federal legislation are both methods to attack these problems. Although New York has tighter gun laws than the federal standard, we need to ensure that residents are safe from out of state guns used on our streets.

Additionally, the Caucus supports the Safe Homes Act introduced by **Assemblywoman Rozic (A.249)**. The Safe Homes Act will authorize law enforcement to remove firearms found on the premises where there has been a report of domestic violence.

Maintaining Prisoners' Legal Services (PLS)

PLS was created in the wake of the Attica uprising to ensure humane conditions in our state prisons. By providing representation to individuals on issues associated with their conditions of confinement, PLS has helped reduce recidivism and aided in the successful reintegration of individuals to their communities, thus saving the State millions every year. The role of PLS is to right wrongs and to remedy injustices. Often the better way to accomplish this is through administrative advocacy. In the majority of cases, PLS resolves issues administratively, obtaining adequate relief for their client while saving DOCCS, the Attorney General's office and the judiciary time and resources.

Prisoners' Legal Services is requesting funding in the amount of \$3.5 million for FY 2015-2016. PLS makes this request for the following reasons: PLS needs \$3.5 million to provide the critical legal services it has been tasked to provide. In FY 2013-2104, PLS received State funding of \$2.2 million and had a client to case handler ratio of 1 to 3,600. As such, PLS was forced to turn away approximately 82% of requests for assistance due to insufficient resources. Funding of \$3.5 million will allow PLS to adequately re-staff its offices, increasing its ability to provide incarcerated New Yorkers the critical civil legal services PLS has been tasked to provide.

Reform of Public Defense Services

In 1963 the Supreme Court ruled that everyone accused of a crime is entitled to a competent lawyer, even if he or she cannot afford one. Almost immediately after that ruling New York abdicated its constitutional duty to provide a lawyer to indigent defendants, passing the responsibility to the counties. This created an inefficient and poorly coordinated patchwork of 62 public defense programs.

In October of 2014 the State of New York settled a class-action lawsuit (Hurrell-Harring v. State of NY) that charged the State in failing its constitutional duty to provide effective legal representation to individuals charged with a crime who cannot pay for a lawyer. Across the state defendants often appear in court without legal representation. Public defense lawyers in New York carry an average of 420 felony cases in year – nearly three times the maximum caseload recommended by the New York State Bar Association and other legal experts.

The settlement obligates the state and the five defendant counties (Onondaga, Ontario, Schuyler, Suffolk and Washington) to reduce the caseloads of public defense attorneys, guarantee counsel at arraignment, and ensure effective legal representation of indigent defendants. However, the failure of the state's public defense services is systemic – and therefore reform must be comprehensive.

The settlement in Hurrell-Harring creates a model for reform in the five counties named in the lawsuit. The state must meet its commitment to reform the quality of public defense services pursuant to the settlement; and it must adopt those reforms statewide. This will require legislative action.

Independent Public Defense Commission

New York State is in the midst of a foreseeable 51-year decline of due process of law. In 1963 the United States Supreme Court held in *Gideon v. Wainwright* that the right to counsel for one charged with crime is fundamental and that states need to supply lawyers for those unable to afford them. In 1965 New York delegated this state responsibility to counties. The decision to entrench responsibility at the county level now haunts New York.

The inefficient patchwork of services provided at the county level is deficient. Public defense services are inadequately financed by the State. In 2006 the Kaye Commission on the Future of Indigent Defense Services declared the system in crisis and urged the expeditious establishment of an Independent Public Defense Commission overseeing a state-funded, statewide defender system. People of color are disproportionately affected by this crisis.

Ban the Box Legislation

We know that minorities are arrested at alarming rates in comparison to their white counterparts, which has resulted in minorities making up the majority population in our States correctional facilities. This problem is further exacerbated when inmates are released and seeking employment. Criminal records - even a minor record dating back many years can lead to difficulty finding employment, especially given the proliferation of criminal background checks. Although employers may consider a worker's criminal history as part of the application process, employers often fail to comply with a range of federal and state laws that provide fundamental protections against abuse of criminal background checks. As a result, far too many hard-working people of color are wrongly denied employment. Legislation introduced by Senator Ruth Hassell-Thompson would eradicate this issue in the State of New York **[2015: S. 2225 Hassell-Thompson]**.

Law Enforcement Transparency [2014: A.10030 Lentol]

The aggressive policing of low-level, non-violent offenses (“Broken Windows”) provokes tension, conflict and violence in interactions between police officers and civilians. Every year in New York State, police issue hundreds of thousands of summonses – in New York City in 2013 alone, police issued more than 450,000 criminal court summonses.

The Law Enforcement Transparency law would increase the transparency of criminal justice agencies and law enforcement entities by providing New Yorkers with access to information concerning misdemeanors and violations. Currently, there is no requirement that the state provide demographic information about who is receiving tickets for violations and misdemeanors. The law enforcement transparency law would provide the public and policymakers with information about who is most impacted by law enforcement practices, including details about race, age, location of incident and disposition.

Citations and arrests for minor offenses (which are at the discretion of the officer), like bicycling on a sidewalk, disorderly conduct, littering or jaywalking, can have real consequences for New Yorkers, causing them to miss work, lose their jobs, and even jeopardize their access to housing. These consequences are especially troubling given the racial disparities in who is subjected to these tickets.

The bill would require the Office of Court Administration (OCA) to collect and publicly report data on police encounters resulting in a violation or misdemeanor citation. This legislation would require the OCA to compile and publish this data for the public. The publication of this information will provide much needed insight into the efficacy and fairness of discriminatory broken windows and zero tolerance policing practices currently utilized in many departments around the state.

Establish a State Commission on Prosecutorial Conduct [2015: A.1131 Perry / S.24 DeFrancisco)

The creation of a State Commission on Prosecutorial Conduct, which mirrors the existing State Commission on Judicial Conduct, will allow a fair procedure for the public to voice concerns regarding improper prosecution, lack of prosecution and selective prosecution. Members of the Commission, appointed by the governor, legislative leaders, and the Chief Judge of the Court of Appeals, will have jurisdiction to receive complaints and initiate their own investigation when it appears prosecutorial misconduct may have occurred.

According to the National Registry of Exonerations, 43 percent of wrongful convictions are the result of official misconduct, and New Yorkers who have been exonerated have spent nearly 2000 years in prison. The mere fact that 97 percent of felony criminal cases in the United States are resolved without a trial exhibits the enormity of the role of the prosecutor in deciding who gets incarcerated and who walks free. The need for all prosecutors to play fair is paramount. The damage from just one prosecutor can be devastating. The current structure, which allows for unchecked conduct of our state's prosecutors, undermines our entire justice system.

Recording of Custodial Interrogations [2015: S.2419 Perkins]

Introduced in response to the cataclysmic system failure that led to the unjust, improper and eventually overturned convictions of the totally innocent Central Park Five through corrosively coerced confessions, Senate Bill 2419—will make videotaped interrogations the official law of the land in New York State, by requiring the creation of an electronic record of an entire custodial interrogation in felony cases. Electronic records will eliminate disputes in court as to what actually occurred during the interrogation, thereby improving effective prosecution of the guilty while affording essential protection to the innocent. Videotaped interrogations are positive for our entire criminal justice system—they protect and provide essential safeguards for everyone involved, including law enforcement, prosecutors, victims and the accused. Specifically, the legislation provides that, as a general rule, any statement made during a custodial interrogation concerning a felony is inadmissible unless such interrogation was electronically recorded.

HOUSING

This year also presents some interesting policy opportunities. Many housing and housing-related programs are set to expire, and it is our duty to ensure that these opportunities do not pass us by. The Caucus will work to make sure that these programs continue their good work and, by improvement, enhance the protections and support they give to New York families. In particular, we want to focus on the rent regulation laws, Mitchell-Lama developments, foreclosure prevention, and public housing improvement, and effect a substantial reduction in homelessness.

Strengthening Rent Control Laws

In June 2015, New York City's and the suburban counties' rent laws expire. The rent laws cover 1 million units and approximately 2.5 million tenants and are the largest source of affordable housing for low- and moderate-income tenants. Black, Puerto Rican, Hispanic or Asian households comprise over 60% of rent-stabilized households. Rent-stabilized apartments are primarily concentrated in rapidly gentrifying communities that are historically communities of color – like Washington Heights, Bushwick, Elmhurst, Crown Heights, Central Harlem and the West Bronx.

In New York City, rent-stabilized tenants earn less than the citywide median income and one-third of the tenants pay more than half their income in rent. From 2002 to 2011, there has been a 39% loss in rental apartments that low-income households can afford, mainly because of loopholes in the rent laws.

In 2015, we must end deregulation of rent-regulated apartments. Since the mid-90s, we have lost hundreds of thousands of affordable regulated units through vacancy deregulation. Vacancy deregulation allows a landlord to take an apartment out of regulation with no oversight as long as the apartment is vacant and the landlord claims the rent is \$2500. This creates an incentive for landlords to harass long-term tenants. Loopholes, like the vacancy bonus and individual apartment improvement system that often increase rents by as much as \$1500, must be closed. We must slow rent escalation by enacting legislation that would reform major capital improvements, preferential rents, non-rent fees and the rent increases for rent control tenants. Moreover, we believe that discrimination against tenants based on their source of income should be prohibited.

We must strengthen rent laws so tenants feel secure in their homes and communities. This is the year to stop the loss of affordable housing in low-income communities of color. When the rent laws sunset in June, we have an opportunity to strengthen them by repealing deregulation and close the loopholes that make this precious affordable housing resource unaffordable. This year, the Caucus will push to provide even stronger protections for renters and end the abuse and harassment that takes place under the current program's structure. By taking these measures, we will help to secure the future of the rent regulated housing stock in benefit of all New Yorkers.

Addressing the Homelessness Crisis

A typical homeless family consists of a mother and two children. People in families experiencing homelessness are more likely to be headed by a woman, who also identify as a minority. The proposed Homeless Protection Act **[2015: S.813 Breslin / A.1353 Rosenthal]** recognizes the frightening and growing movement to stigmatize poor and homeless people that has led to a terrible increase in both the number and brutality of senseless violent attacks on homeless people. The actual number of these attacks is not well documented, in part because they often go unreported or not recorded as attacks on homeless people specifically because they are homeless. But numbers of reports and studies document there are considerable and growing numbers of attacks. A recent study that included the National Health Care for the Homeless Council documented that homeless people are at 25 times greater risk of attack than the general population.

This Homeless Protection Act would add attacks targeted at homeless people, or those perceived to be homeless, simply because they are homeless to the list of “hate crimes” in New York and require police to keep records of such attacks. Raising consciousness on this issue and creating better documentation about these attacks is a critically important step in addressing the problem. The Homeless Protection Act would require no significant expenditure of funds but can help protect a vulnerable and largely defenseless group of people in need of support. Homelessness does not necessarily represent the failures of individual, and can often find its origins in the absence and inaccessibility of social and economic supports. The Caucus will 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. Further, New York City and State should create a new rent supplement program for homeless households, providing at least five years of subsidy, to set families on the right long-term path. In New York City 5,000 rental supplements should be made available each year for the next three years. This program, modeled after to the voucher-based Section 8 program, would also provide a safety net to families that are still at risk of losing their housing at the end of the five-year subsidy.

Performance Study for Homeless Veterans [2015: A. 434 Rozic / S.2575 Parker]

We must address the alarming trend of homeless persons who are veterans and parents. A report released in 2013 by The United States Department of Housing and Urban Development estimates that 57,849 veterans are homeless on any given night. This number is likely to increase given the amount of veterans who are struggling with excessive economic burdens. Veterans, especially those with disabilities including post-traumatic stress disorder and traumatic brain injuries, are more likely to become homeless. The study and analysis would gather information on the number of homeless veterans in New York and how many of them have children. Further, the study would include cases of

military sexual trauma (MST) experienced by homeless veterans while on active duty or during military training, including a breakdown of the collected data based upon the gender of the victim. The outcome from this study would produce recommendations and solutions to combat the growing problems among the men and women who have served our country.

Supporting Other Major Housing Programs:

Funding for National Housing Trust Fund

The Caucus seeks to secure permanent funds in an effort to create and preserve the supply of rental housing for low-income families, including homeless families.

Community Development Financial Institution Program (CDFI)

We also seek to maximize the CDFI program, which is aimed at increasing private investment in distressed communities and to build the capacity of the federally designated CDFIs that serve economically disadvantaged communities under community development.

Working on Building Supportive Housing for Disabled

With New York homelessness at record levels, Governor Cuomo and Mayor de Blasio should negotiate a New City State agreement to create 30,000 units of supportive housing over the next ten years. Supportive housing has proven to be the most successful and cost-effective solution to ending homelessness for individuals and families living with disabilities and other barriers. But there is not nearly enough supply to meet the record need in New York City, and the current City-State supportive housing production initiative, New York/New York III (NY/NY III), ends next year. More than 20,000 households per year are found eligible for supportive housing but there is currently only one housing unit available for every six eligible applicants. This ratio will only worsen if a new City-State supportive housing agreement is not reached this year.

The Legislature has consistently supported affordable housing activities and should continue to expand those activities to increase housing opportunities for families across the State. This year marks the potential for historic increases in funding for housing programs. New York has roughly \$440 million in funds from the landmark J.P. Morgan settlement to be purposed for housing-related programs and the Executive's proposed budget has infused long-needed capital into many vital housing programs. Our coming budget challenge will be to maximize the potential of this new funding to reach New Yorkers that are most in need of access to affordable housing.

Mortgage Foreclosure Prevention

The Caucus will work to support mortgage foreclosure prevention activities. Though, as a whole, New York has fared better than some other states, there are communities that are still suffering from significant number of foreclosures. In addition to the personal

economic loss families suffer as a result of foreclosure, the presence of foreclosed homes often has a widespread effect on surrounding communities. Foreclosed homes can depress property values, decrease municipal income, and, when abandoned for long stretches of time, can become nexuses of criminal activity. The Caucus will support families struggling to keep their homes from being foreclosed on. We will also look for creative solutions to eliminate long-term vacancies in and misuses of properties that have already foreclosed.

Public Housing Support

Public housing developments statewide and those in New York City, in particular, suffer from a stunning lack of capital support. Many of these public housing developments have fallen into serious disrepair and the support they have received has consistently fallen short of their need. The Caucus understands that it is essential that we step up to bridge gaps and deficits, by helping to secure funding that will maintain, sustain and rehabilitate public housing developments.

Low-Income Housing Tax Credit

The Caucus supports increasing the State Low-Income Housing Tax Credit to support the financing of affordable housing developments. This year, the aggregate amount of tax credits is set to increase by \$8 million for a total of \$64 million. The Caucus recommends an increase in the amount of salable tax credits, which would augment the available funding for affordable housing construction. The Caucus also supports an increase the amount of federal low-income housing tax credits that are allocated to New York State.

Invest in NYCHA Families and their Homes

Since 2001, NYCHA has experienced the loss of approximately \$900 million in capital funding and that loss has directly affected the ability of our State's largest housing authority to meet the needs of the families living in its aging residential buildings. With little immediate hope that the federal government will restore its cuts in aid to public housing, it is vital for state government to step-up to the plate by investing a sizable portion of the available surplus funds in repairing and renovating units throughout New York City

EDUCATION

Higher Education (Secondary) /High School Equivalency (HSE) Funding

Ensure no disruption in service and that State Education Law 317, which provides that New Yorkers cannot be charged a fee for exams to determine HSE, is not overturned. Currently, New York State pays the testing fee for all GED test-takers with an allotted budget of \$2.71 million. With the cost of the test's fees expected to double to \$120, New York would either need to double its test expenditure, or halve the number of people able to take the test each year. Without an increase in the budget, New York could stand to lose a large percentage of successful GED test-takers each year.

The overall goal is to preserve access to a high school equivalency testing for 50,000 New Yorkers. Given that the average yearly income of those without a high school diploma sits at only \$24,520, any substantial cost increase for the test-taker will severely reduce the amount of people able to take the exam. Additionally, without significant preparation on the part of New York and Pearson LLC, the company conducting the GED test, the GED's planned transition to a purely computerized test would sharply limit access to the exam, especially in the short term. Presently there are 268 traditional test locations in New York, while only a fraction of these are prepared for computerized testing. There is no transition plan in place for over 150,000 New Yorkers who haven't fully completed all sections of the current GED.

Urban Youth Initiative

The Urban Youth Initiative (UYI) at CUNY was instituted by the University based upon an innovative model at Medgar Evers College to address education, retention, graduation and under-representation challenges. During the ensuing period, there has been an impressive record compiled through UYI of mentoring, outreach, placement and related activities aimed at maximizing student success. During the same period, however, only the City of New York, through the New York City Council, has provided funding (\$2.5 million for fiscal year 2013-14). The State of New York should initiate an "Urban Male Initiative" modeled after UYI at CUNY, and allocate \$5 million: \$2.5 million to match the City's contribution to CUNY and \$2.5 million to ensure the development of a similar program at State University of New York (SUNY).

Black Male Initiative

The Black Male Initiative at CUNY was instituted based upon an innovative model at Medgar Evers College to address education, retention, graduation and underrepresentation challenges. In 2013-2014, 2,871 students participated in 32 CUNY BMI-funded structured mentorship projects dedicated to raising the retention and graduation rates of underrepresented students, particularly African American males, including 955 African American/Black men, 730 Latino/Hispanic men, 389 African American/Black women, and 586 Latino/Hispanic women. In addition to the 2,871 CUNY students participating in CUNY BMI-structured mentorship, 8,067 currently enrolled and prospective students, administrators, faculty and staff were served by CUNY BMI projects. Matching funds would support the continued success of this initiative.

College Now

Given the extraordinary work to be done to raise retention and graduation rates in the public high schools, and the extensive collaborative programs between CUNY and New York City public schools, which have yielded encouraging results, a college readiness working group should be established to examine how best to replicate successful models. CUNY's College Now program currently serves more than 20,000 students annually in 430 public high schools. Studies have indicated that participating students

have higher retention and graduation rates, rates of progress, and grade-point averages than non-College Now students. College-Now is free for public high school students. The program, along with others like CUNY's foundation-supported At Home in College program, should be considered for expansion or earlier intervention.

Increase Maximum TAP Awards

Phase in TAP increases to raise maximum awards to \$6,500, if funding is available. The current maximum TAP award of \$5,165 would be increased to \$6,500 and would be phased in over a multi-year period. Students most in need of financial assistance will receive TAP awards of \$6,500. As incomes increase, TAP awards are reduced. Nearly all rewards will be increased, and no award will be decreased.

Provide the Test Assessing Secondary Completion (TASC) examination in Chinese and Korean Languages [2015: A.241 Rozic]

Allow pupils who are proficient in the Chinese or Korean language, the option to receive instructions in preparation for the Test Assessing Secondary Completion ("TASC") examination and take the examination in such languages. While learning to read, write and converse in English is a collective and laudable goal for many pupils in the United States, standardized testing may be unnecessarily challenging for those who have yet to achieve a mastery of the English language. This legislation provides the opportunity for pupils to demonstrate their aptitude in subjects such as social studies, science and math without the impediment of a lack of proficiency in the English language.

CUNY/SUNY

Increased tuition compounded with stiff defunding in this year's budget makes it difficult for New York's most vulnerable students to afford a quality education. CUNY/SUNY schools are public universities and should remain affordable and easily accessible to all new Yorkers regardless of socioeconomic status.

WORKFORCE DEVELOPMENT

Increase Employment and Training Opportunities

New York State has an exciting opportunity to (re)create a transitional jobs program that would provide an opportunity for self-sufficiently to those with significant barriers to employment, leading to decreased rates of unemployment in the state, and providing a permanent boost to those that are trying to get back on their feet. With New York State's unemployment rate hovering around 7%, there were about 681,110 unemployed people in New York State as of December 2013. These troubling numbers show that more must be done to aid those who have been unemployed for grueling long periods of time and have fallen in need of public assistance.

Transitional jobs are a particular form of publicly subsidized employment which seeks to help those who are “hard to employ” - long-term unemployed, TANF recipients, disconnected youth and former prisoners - overcome employment barriers with paid, short-term employment that combines real work, skill development and supportive services. Participants are provided training in both necessary soft skills in the work force and in a specific industry/skill. Often, participants are retained for permanent employment in the jobs they had been placed into for a subsidized period. Even when they are not, these participants have a much higher chance of finding permanent employment afterward, and they are provided with help in their job search process.

The program would provide welfare recipients with an opportunity to gain the necessary training and work experience to obtain unsubsidized employment before or after the program is complete. It would improve the quality of life for a large number of people who have been unemployed for long periods of time. Paid education and training activities are expected to improve participants’ employment skills and prepare individuals for unsubsidized employment. The combination of the subsidized employment with the education/training will permit participants to develop workplace skills while also enhancing education attainment and/or job skills to support permanent job placement at or before the end of the transitional job.

Funding the Summer Youth Employment Program (SYEP)

For the summer of 2013, \$45.6 million in city, state and federal funds supported 35,957 jobs in the Summer Youth Employment Program. While we are pleased that \$25 million was allocated for the program for SFY 2013-14; we are concerned that with the increase in the minimum wage, fewer jobs will be available to youth. The summer of 2014 saw over 140,000 New York City youth apply for a summer job with only 6,833 SYEP sites active. SYEP provides youth between the ages of 14 and 21 with summer employment and educational experiences that build on their individual strengths and incorporates youth development principles. Employment opportunities such as those offered by SYEP are critical for youth. Of the nearly 900,000 young adults 16 to 24 years of age in New York City, almost 25% live below the federal poverty line, compared to 19% of all New Yorkers regardless of age. It’s clear the youth have been disproportionately impacted by the Great Recession. Since 2003 employment remained weak for young adults, even during the period of economic growth during the middle of the decade. The recent recession saw unemployment among 16-24 year olds worsen from a rate of 15% in 2006 to 21.5 percent in 2009. This represents a jobless rate far higher than that experienced by other age groups. There are 173,000 disconnected youth throughout New York City who are neither in school nor working. It is for these reasons that we urge the state to provide a funding increase so that 100,000 SYEP jobs may be provided to the youth of New York City.

Require hi-tech firms receiving large state tax credits to train & hire local disadvantaged and minority group members

Several years ago, Global Foundries received the largest tax incentive package that New York State has ever granted, worth approximately \$1.5 billion for locating its chip plant in Malta, New York. While its stated commitment to work with local community colleges is admirable, it is unknown what the racial/ethnic makeup of local training and hiring is. Considering that the local Black and Latino population of the Capital District is disproportionately poor and disadvantaged (1 out of 3 CD Latino families are living below federal poverty guidelines), Companies like Global Foundries that receive state tax incentives and credits must be transparent in their hiring practices and procedures, and should give preference for training and employment programs to local low-income African American & Latino residents. Such information should be readily accessible to interested members of the community and should be reported on to the state legislature on a quarterly basis.

HEALTH

New York Health Plan

This proposed legislation will establish a Universal Single Payer Healthcare System for New York State. This proposal will ensure that patients are always placed before profits and each person can live by the maxim, “your health is your wealth.” It will enact universal health coverage for all, universal benefits for all, move away from fees and private greed towards a non-profit public model of care, usher in progressive taxation to fund the system, end costly Medicaid mandates on our counties, saving them billions of dollars, and establish our State as the model in Post-Obamacare Healthcare Policy.

Protecting Minorities and Immigrants from Tobacco Usage

Major disease prevention groups and leading immigrant advocacy organizations have called on New York State to use the federal Tobacco Settlement funding in the way it was intended: to fight tobacco use. Smoking rates in immigrant communities are substantially higher than the general population, and smoking related illnesses are over-represented in these communities. The latest research by Dr. Simona Kwon, assistant professor and director of the NYU Center for the Study of Asian American Health, tell us that 11% of all Asians in NYC reported smoking. However, smoking rates differ significantly by Asian subgroup – for example -- 23% of Koreans reported smoking (36% among males and 11% among females), and 11% of Chinese reported smoking (18% among males and 4% among females). New York State has only used a small percentage (16%) of the millions it gets yearly to fight smoking and to fund smoking reduction programs. Those programs are absent from minority communities as are anti-smoking media campaigns. Given that the state receives over \$2 billion in tobacco revenues annually, anti-smoking groups and service providers believe adequate revenues are readily available to beat this deadly addiction. According to a report released in 2013 by the National Center for Health

Statistics, eighteen percent of American adults were cigarette smokers in 2012, down from 18.9 in 2011.

Minority youth are targeted disproportionately by the media. Instead of contributing to this health disparity, programs and media campaigns should be presented with cultural and linguistic relevance in order to promote health equity across all communities. Some 24,000 lives are prematurely lost each year due to tobacco use in New York, while tobacco costs our State an estimated \$8.17 billion in health care costs, including \$2.7 billion in Medicaid expenditures by state and local governments.

Department of Health (DOH) – Outreach to Minority Communities

The governor proposes static funding levels in 2016 for Department of Health outreach in minority communities: \$266,000 for competitive grants to promote strategic planning or new or improved health care delivery systems and networks in minority areas, and \$36,750 for Latino health outreach initiative. Currently, ethnic and racial data collected by ACA Health Exchange is incomplete as many of the newly insured under the New York State Health Benefit Exchange have not been required to self-identify their racial and/or ethnic background. Without such information it is impossible to gauge the impact of outreach funding to encourage and help enroll traditionally uninsured ethnic and racial minorities.

Healthy Nutrition

The lack of access to healthy foods in underserved areas is a problem in New York and the nation. New York State residents struggle to access affordable, healthy food. This is particularly true for those living in low-income communities where the only food available is from fast food restaurants or corner stores. Inadequate access to fresh food has been linked to poor health outcomes in these neighborhoods, including high rates of obesity and diabetes.

New York Healthy Food Healthy Communities Fund (HFHC Fund)

The HFHC Fund is a \$30 million public-private partnership, seeded with \$10 million in New York State capital, that provides grants and loans to supermarkets, grocery stores, farmers markets, mobile markets and other healthy food retailers in underserved communities statewide. As of June 2014, the HFHC Fund has closed loans totaling over \$24 million and issued grants totaling over \$2 million for projects in urban and rural communities of New York. To date, five projects have been funded in New York City and nine projects have been funded or approved in other communities, including Buffalo, Rochester, Poughkeepsie, Syracuse, Mount Vernon, Red Creek, Highland Falls, Conklin and Broome County.

LIIF and The Food Trust were selected by Empire State Development Corporation through a competitive process to create and administer the program. The \$30 million program was capitalized with \$10 million from New York State and \$20 million from Goldman Sachs Bank. In addition, the Fund received operating grants from New York State, the New York State Health Foundation, and Goldman Sachs Urban Investment Group.

The HFHC Fund has been both a public health and economic success – however after 5 years, funding is nearly depleted. We are looking for \$15 million to be invested to continue the vital work of the program. It truly has helped bring fresh food to tables – and as an added benefit has helped create jobs at the same time.

ENVIRONMENTAL JUSTICE

Act on Climate

Due to extreme weather and public health emergencies our changing climate is already severely impacting New York and its people. Though the state has a new law requiring some state agencies to conduct a climate impact assessment before issuing permits or providing funding for projects, it is far too little and also fails to address the pollution that is fueling climate change. New York has a goal of reducing climate pollution 80 percent from 1990 levels by 2050 (see EO 24 of 2009), but there is no action plan to achieve the goal. The state needs a plan, and it needs one that protects those who are most vulnerable to the impacts from having to shoulder the burden of the cost of clean-up. A climate action plan must be created and it must embody the concept of climate justice

Enact the Child Safe Products Act

This bill has enjoyed broad and growing bipartisan support. In 2014, it passed the Assembly, but stalled in the Senate when co-leaders Skelos and Klein failed to bring it to the floor for a vote: despite having 40 co-sponsors. The bill bans certain chemicals for use in children's products because of the risks associated with them. Though overall rates of cancer incidences are decreasing, childhood cancers unfortunately are on the upswing. Children are at more risk due their greater exposure to chemicals, their rapid development and their incomplete defense systems. Research has documented lifelong health impacts, including cancer, allergies, reproductive organ malformation, infertility and neurological damage, that can result from exposure to certain chemicals as a fetus, infant or young child. For years New York State has been addressing chemical policy reform chemical by chemical, an inadequate way to address the problem since there are over 83,000 chemicals in the marketplace. This legislation changes the dynamic by targeting whole classes of chemicals.

Dump Dirty Diesel

The 2006 Diesel Emissions Reduction Act has never been fully implemented. The law requires the state's fleet and those working on state contracts to reduce diesel pollution from the vehicles and equipment they use. Under the guise of fiscal constraints, the Senate has attempted to repeal this law multiple times and has succeeded in delaying its final implementation. With billions of dollars of surpluses, it is time for this law to be fully implemented so those who breathe can enjoy better health with lower diesel pollution in the air.

Fund the Centers of Excellence in Children's Environmental Health

Environmental exposure is responsible for many childhood diseases such as allergies, asthma attacks, birth defects, leukemia and others. These Centers provide a range of services to parents, children and the community, including clinical care, educational outreach and collaboration on community issues. These centers need reliable funding to continue the work they do. The Centers should be funded from the state Environmental Protection Fund.

Maintain the Pesticide Reporting Law

The public has a right to know about the toxic chemicals that are being used in our communities. The pesticide sales use and reporting database was created in 1996 and is a critical tool for those studying the links between these chemicals, human illnesses and contaminated environments. The governor's Executive Budget attempted to scuttle this important law in 2014, but the legislature did not consent. This important law must not be weakened or repealed.

Creation of a Permanent Environmental Justice Advisory Group

Bill number **[2015: S.1525 Parker / A.3063 Peoples-Stokes]** would create a permanent environmental justice advisory group; provide that the function of the group is to ensure that no group of people, including a racial, ethnic, or socioeconomic group, bears a disproportionate share of the negative environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state, local, and tribal programs and policies; empower that advisory group to adopt a model environmental justice policy applicable to state agencies and to monitor agencies on compliance with such policies; specify responsibilities of state agencies; and establish an environmental justice interagency coordinating council.

Environmental Justice Act

[2015 S.1385 Parker / A.2996 Peoples-Stokes] is an act to amend the environmental conservation law, in relation to establishing the "New York State Environmental Justice Act." The purpose of the legislation is to develop and implement a procedure within the State's agencies, boards and commission to insure that all New York's communities are afforded fair treatment and meaningful involvement in environmental decision-making.

Increase funding for Environmental Protection Fund (EPF)

The Environmental Protection Fund (EPF) delivers resources to communities to help them recover from super storm Sandy, create parks, support family farms, keep waterways clean and much more. The Caucus applauds the governor's proposal to increase funding for the EPF by \$19 million.

DEC State Superfund Program

The State Superfund Program's 2003 reauthorization for \$1.2 billion over ten years becomes fully appropriated during the current fiscal year, and there is no appropriation for it in the Executive's 2015-16 budget proposals. Unfortunately, there are nearly 900 highly polluted sites on the state Superfund list and this number continues to grow. Superfund sites are some of the most contaminated and toxic in the state, and cleaning them up involves lengthy contract periods which can be hampered by uncertain funding. Spending authorization for the State Superfund Program needs to be renewed. This should be done either in the state budget or as part of a Brownfields reform package this legislative session.

Brownfield Tax Credits

The Brownfield cleanup program was designed to encourage the restoration of contaminated former industrial and commercial sites with the intent of stimulating economic growth in low-income neighborhoods, all while making these communities healthier and safer. Unfortunately, an Environmental Advocates of NY analysis of state tax and finance data in 2012 found that although \$1 billion has been spent since 2006, only 114 sites have been cleaned up. Now is the time for New York's leaders to reform Brownfield tax credits by delinking them from eligibility for the Brownfield cleanup program. Allowing a simplified process for certifying a cleanup without tax credits would result in more cleanups and allow the program to admit sites that are currently excluded, such as historical fill sites and sites contaminated by off-site sources.

EQUALITY

Gender Expression Equality

Transgender New Yorkers experience disproportionately high rates of discrimination, economic insecurity, housing instability and poor health. Transgender people of color, especially women, are most vulnerable. Transgender women of color make up 69% of anti-LGBT homicide victims and are 50 times more likely to be HIV positive than the general population. Discrimination and violence leads to an estimated average life expectancy of just 35 years. New York needs to provide protections for transgender and gender non-conforming New Yorkers by enacting the Gender Expression Non-Discrimination Act **[2015: S.61Squadron / A.4558 Gottfried]**, or GENDA. This bill will protect New Yorkers from discrimination based on "gender identity or expression" in employment, housing, education and public accommodations.

Discrimination against transgender New Yorkers costs the state up to \$7 million in Medicaid and housing program expenditures, not including the millions in state income tax revenues lost due to employment discrimination. New York needs GENDA.

Women's Equality Act

The Caucus supports the passage of the 10-point women's equality agenda—

1. Pay equity and provide greater protection against wage disparity.
2. End family status discrimination. Amend state law to prohibit employers from denying work or promotions to workers simply because they have children.
3. Stop sexual harassment in all workplaces.
4. Stop pregnancy discrimination. Pursue the creation of a specific protection in the Human Rights Law requiring employers to provide reasonable accommodations for pregnancy-related conditions, unless doing so would create an undue hardship.
5. Allow the recovery of attorney's fees in employment and credit and lending Cases. Pursue an amendment to existing law to include a provision for reasonable attorneys' fees for successful litigants in sex discrimination.
6. Better position the state to address source of income discrimination. Press for the creation of a task force to study the impact of a source of income discrimination on women.
7. Stop housing discrimination against victims of domestic violence.
8. Protect victims of domestic violence by strengthening order of protection laws.
9. Strengthen human trafficking laws.
10. Protect freedom of choice. Amend New York Law to codify the Roe v. Wade decision into state law.

Domestic Violence Survivors Justice Act [2015: S. 2036 Hassell-Thompson]

Over the past 30 years, domestic violence has been increasingly recognized as a national epidemic. Unfortunately, the significant advances made by the anti-violence movement have stopped short of reforming the unjust ways in which the criminal justice system responds to and punishes domestic violence survivors who act to protect themselves from an abuser's violence.

All too often, when a survivor defends herself and her children, our criminal justice system responds with harsh punishment instead of with compassion and assistance. Much of this punishment is a result of our state's current sentencing structure which does not allow

judges discretion to fully consider the impact of domestic violence when determining sentence lengths. This leads to long and unfair prison sentences for many survivors.

The bill requires a judge to apply the same test when determining resentencing eligibility for an incarcerated survivor who submits a resentencing application to the court. In order to be considered for eligibility, an incarcerated survivor is also required to include evidence corroborating the claim she was, at the time of the offense, a victim of domestic violence.

IMMIGRATION

Keep Translation Services for Spanish Language Interpretation in NYS

Governor Cuomo's Executive Order 26 was and is a welcomed change in state policy, especially for the majority of the non-English dominant, Spanish-speaking community of New York State. However, upon information and belief, it has come to light that New York State is contracting for Spanish interpretation services off-shore, ignoring the incredible human resource among Latino New Yorkers and the Latino state workers.

New York State government should use the opportunity created by this change in policy to create a ladder of opportunity for its own Latino state workforce by offering translation training and payment incentives to workers. The latest studies of state workforce diversity demonstrate that a significant proportion of the state's Latino workforce continues to languish at the lower end of the civil service grade spectrum, despite possessing (in many cases) a highly desirable language skill. A policy change which takes this into account and incentivizes in-house interpretation can kill two birds with one stone:

- Keeps interpretation jobs on shore; and
- Provides a promotional opportunity while leveraging the state's human capital—Spanish-speaking state workers.

Preventing Roadblocks to Employment

Immigrants and their children who have earned a college education should not face roadblocks that prevent them from finding jobs after college graduation. But this is exactly what is starting to take shape under a plan by private and public colleges to give a college exit exam. That grade can be requested by employers as a tool to measure job readiness. For hundreds of thousands of English language learners in New York, these tests are unfair and will create economic hardships. The push to establish a college exit exam that's being marketed as a screening tool for employers is dangerous and discriminatory.

Legislation to ban the exam known as the Collegiate Learning Assessment (CLA), has been introduced and will be reintroduced in the 2015 Session. However, the legislation will allow its confidential use by colleges if it's only used to improve student academic attainment through measuring how individual campuses can improve how well those schools are educating their students.

Aiding English Language Learners (ELL)

New York State has a high school graduation rate of 74%. Thirty-one states have higher graduation rates than us. But these numbers fail to show the crisis of the situation for English language learners who are dropping out of school in alarmingly high rates. About 34% of ELL students graduate high school, an overall drop of 4% from 2012. There are over 214,000 ELL students in New York, combined speaking over 160 different languages.

This crisis was created by years of neglect due to the marginalization of this special population. Today, based on the huge number of students that are impacted, there is a critical mass of failure that has been reached which threatens the future fiscal stability of our State.

TAXATION

Increase Revenue Sharing (Aid & Incentives for Municipalities)

The Caucus aims to reduce the pressure that is placed on local property taxpayers by increasing revenue sharing and the state share of cost of both education and Medicaid. This will greatly benefit Buffalo, Rochester, Syracuse, and others.

Repeal or Reform P.L. 86-272

We support the closure of loopholes and tax breaks that allow corporations to pay less in state income tax than small businesses.

Remove Tax Subsidies for Companies that Outsource Jobs

New York State should not provide a tax subsidy for companies that outsource jobs or reduce employment in the state. Tax breaks should go to those who create and maintain good paying jobs in the state.

Tax Relief in Property Tax to Longtime Residents

New York State should provide relief to longtime residents for whom property taxes on their primary residences represent an inordinate share of their income.

New State Tax Reduction Proposals

Governor Andrew Cuomo has proposed a tax policy package very heavily weighted toward tax cuts, with some cuts for households and some for businesses. In his FY 2015-2016 Executive Budget, the governor is proposing three major tax changes: a household property tax circuit breaker, an education tax credit, and a modest reduction in taxes on small corporations. The circuit breaker is a good idea, though linking it to a locality's compliance

with the property tax cap is highly problematic. The education tax credit is a fundamentally misconceived giveaway, and is also cynically linked to passage of the Dream Act. A tax rate reduction for small corporations has a modest cost that will be offset by three welcome measures to reduce tax avoidance and tighten up on a business sales tax credit.

Property Tax Relief Credit: Circuit Breaker

The governor takes a positive step forward in delivering property tax relief to homeowners and renters whose property taxes are high relative to their income. New York has many high-income households, and many of those who own expensive homes do pay high property taxes. However, relative to their incomes, such taxes likely are not burdensome. On the other hand, over 700,000 of New York's lower and middle-income households, those making less than \$100,000 per year, are paying more than 10 percent of their income in property taxes, according to a Fiscal Policy Institute analysis of American Community Survey data. Of households with income of \$25,000 or less, 63 percent pay more than 10 percent of their income in property taxes.

Nearly 240,000 households with income below \$50,000 a year pay more than 20 percent of their income in property taxes, and almost two-thirds of those have income below \$25,000. The Caucus believes the enactment of a property tax circuit breaker is a good starting point. However, the proposal should not be linked to compliance with the local property tax cap, which among other problems will make tax relief for struggling homeowners contingent on circumstances they cannot control. The renter credit should also be redesigned to be better targeted to provide more relief to lower-income renters.

Additional tax reform initiatives:

- Eliminating the Carried Interest Exemption under New York City's Unincorporated Business Tax
- Repatriate New York State Share of Tax Revenue Lost to Federal Carried Interest Loophole
- Tax Nonresident Hedge Fund Management Fees
- Restore the Capital Base Alternative Tax ("Corporate Minimum Tax") to the Corporate Franchise Tax
- Update LLC filing fees (applies to LLCs & non-LLC partnerships)
- New top brackets on Personal Income Tax (PIT) 11% at \$10M
- Repeal the Financial Services Investment Tax Credit
- Close the Pied-a-terre Tax Abatement Loophole
- Helicopter Commuter Tax

WELFARE SERVICES

Aging

More than one million elderly New Yorkers depend on Social Security for at least half their income and 571,000 depend on Social Security for more than 90% of their income, according to a study released by the Fiscal Policy Institute and the Economic Policy Institute. The report shows that Blacks, Hispanics and unmarried women are particularly dependent on Social Security. The study estimates the percent of income coming from Social Security for the median elderly married couple or individual for a number of different categories. The percent of income from Social Security for the “median” means that half the couples or individuals in that category will have a higher percentage of their incomes from Social Security, while half of the couples or individuals in each category will have a lower percentage of their income from social security. For example, half of non-married women in New York rely on Social Security for more than 84% of their income. Half of Hispanic elderly couples and individuals rely on Social Security for more than 82% of their income. Ensuring and maintaining Social Security and Medicaid is dire when it comes to the care of our elderly population.

Stop Financial Exploitation of the Elderly

2015: A.4037 Robinson / S. 2806

The recent New York State Elder Abuse Prevalence Study found that 141 out of 1,000 older New Yorkers self-reported that they have experienced an elder abuse event since turning age 60. This Bill will offer options for individuals to be protected in the event of suspected financial exploitation.

Support Increase in Funds for Senior Transportation Services

In addition to meal delivery to homebound seniors, these vehicles transport the elderly to important services and activities including medical/doctor appointments, food shopping, banking, adult day services and senior centers. Operating expenses include costs for insurance, maintenance and fuel. We request that the Legislature maintain funding for this important service.

Welfare Programs to be restored:

Restore Community Initiatives – The Executive eliminates \$13.83 million in funding for twenty-four community initiatives.

PCAP – Prenatal Care Assistance Program - PCAP is a prenatal outreach program to improve birth outcomes and reduce the high cost of low birth weight infants.

HPNAP – Hunger Prevention Nutrition Assistance Program - HPNAP provides funding to food banks, which supply soup kitchens and food pantries.

The Supplemental Nutrition Assistance Program - or Women Infant Children supports nutritious food to pregnant women and their young children with federal and state funding.

Fully Fund Public Assistance

The Caucus backs fiscal policies that support New York's neediest families and seeks to advocate for sufficient state funding to ensure that the public assistance caseload is supported as needed. Restore funding for TANF-funded initiatives eliminated or reduced in the SFY 2011-2012 budget that had funded workforce development programs (BRIDGE Program, Career Pathways Program, Wage Subsidy program and Transitional Jobs), domestic violence services and homeless prevention, and Preventative Services and Caretaker Relative program. Restore TANF funding for Adult Literacy Education (ALE) to total \$6.9 million.

