



THE NEW YORK CITY COUNCIL
HON. MELISSA MARK-VIVERITO
SPEAKER OF THE NEW YORK CITY COUNCIL

MARCH 2016

NEW YORK STATE LEGISLATIVE AGENDA

HON. JIMMY VAN BRAMER
MAJORITY LEADER

HON. JULISSA FERRERAS-COPELAND
CHAIR, FINANCE COMMITTEE
NEW YORK CITY COUNCIL

HON. KAREN KOSLOWITZ
CHAIR, STATE & FEDERAL LEGISLATION COMMITTEE
NEW YORK CITY COUNCIL



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OF
THE CITY OF NEW YORK
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Dear Colleagues in Government:

We are happy to share with you the New York City Council's State Budget and Legislative Agenda for the 2016-2017 legislative session.

This agenda outlines in greater detail some of the important budget and legislative priorities that we aim to achieve for our city.

Our goal, as always, is to ensure that we are consistently in Albany working alongside you to advocate for the needs of our residents.

The following items are some of the top priorities that we are fighting for:

- \$15 per hour minimum wage;
- Paid Family Leave;
- Passing the DREAM Act, so that all of our students have the same opportunity to pursue their dreams of a higher education;
- Opposing any changes to the approval process for issuing tax-exempt private activity bonds; and
- Opposing any cuts to CUNY and Medicaid funding.

We want to thank all of you for your leadership and support. As always, the City Council is committed to standing up and fighting for New York City and we look forward to continuing our partnership with you and to taking actions together that will protect and enhance the lives of all New Yorkers.

If you have any comments or concerns about the priorities outlined in this agenda, please do not hesitate to contact us at any time.

Sincerely,

Melissa Mark-Viverito
Speaker

Jimmy Van Bramer
Majority Leader

Julissa Ferreras-Copeland
Chair, Finance

Karen Koslowitz
Chair, State & Federal Leg.

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Budget Priorities

Aid to Low-Income Households

EXPAND THE NYC CHILD CARE CREDIT

The New York City Council (City Council) supports an expansion of the NYC Child Care Credit. Specifically, the credit should be expanded to include working households with incomes under \$45,000 so that the maximum credit is equal to the New York State credit. It should also include households needing care for adult dependents.

The City's child care credit is intended to offset the cost of child care for low-income working parents. The lack of affordable child care is a major obstacle to being in the workforce for many parents, particularly single parents. The federal and state governments have similar credits, which combined come to \$2,200 per child up through age 12 and adult dependent, to offset allowable costs of care. The federal credit, unlike the state and city credits, is not refundable, which means low-income families are typically unable to use the credit. The city credit, unlike the federal and state credits, is restricted to children age three and younger and doesn't include adult dependents. The need to care for seniors and other adults unable to care for themselves is another significant barrier to employment.

The maximum city credit is set at 75 percent of the state credit. A family with a household gross income¹ of \$15,000 gets a maximum credit of \$866 per year for 1 child and \$1,732 for 2 or more children. The City's child care credit begins phasing out at household gross incomes of \$25,000 for everyone, under all circumstances, and phases to 0 at \$30,000. Consequently, many low-income families are ineligible for the credit.

This proposal would increase the income threshold for the full credit to \$35,000, with the credit phasing out to 0 at \$45,000. It would also deepen the maximum credit from the current 75 percent to 100 percent of the state credit. This would increase the maximum benefit from \$866 to \$1,155 a year for 1 child. The average benefit would be around \$800. Finally, this proposal would expand the credit's coverage to include adult dependents. Expanding the credit for children alone is estimated to increase the number of recipients by 18,700 households – a 76 percent increase.

Fiscal Impact: The City Council Finance Division estimates a decrease of city revenues of approximately \$42 million annually. There is no New York State revenue impact.

MAKE THE INCREASED INCOME THRESHOLD FOR SCRIE/DRIE PERMANENT

In March and July of 2014, the New York State Legislature (State Legislature) passed legislation to increase the income eligibility threshold for the Senior Citizen Rent Increase Exemption (SCRIE) and the Disability Rent Increase Exemption (DRIE) from \$29,000 to \$50,000. The increase was funded by the State. However, the increase is only in effect for those applying to the SCRIE and DRIE programs for a 2-year period that began on July 1, 2014. Without further action by the State, the maximum qualifying income level for SCRIE and DRIE will revert to the previous amounts on

¹ Household gross income is the total federal adjusted gross income of all members of a household. The household needs to have earned income to qualify for any of these credits.

July 1st of this year. Therefore, the increased income threshold should be made permanent and linked to the consumer price index to account for inflation.

Fiscal Impact: The City Council Finance Division estimates that this will cost New York State \$7 million in State Fiscal 2016-2017.

SCRIE/DRIE RENT ROLL BACK UPON APPLICATION TO ONE-THIRD OF INCOME

Currently, the NYC Department of Finance (DOF) freezes the rent of SCRIE- and DRIE-enrolled tenants at the higher of one-third of their income or their prior legal rent. According to recent testimony provided to the City Council by DOF, a significant portion of applicants pay more than one-third of their income toward rent at the time they apply for the program; as a result, even once enrolled in the program many seniors and people with disabilities are rent-burdened (defined as paying more than 30 percent of their income in rent). To help alleviate this burden, the City Council supports legislation to ensure that no SCRIE or DRIE tenant is paying more than one-third of their income in rent once they are enrolled in the program.

Fiscal Impact: As of Fiscal 2015, there were 57,325 households enrolled in SCRIE and 9,124 households enrolled in DRIE.² In Fiscal 2015, the SCRIE program cost the City \$138.5 million in lost property tax revenue. The average frozen rent of senior citizens currently enrolled in SCRIE is \$755 per month, whereas the average legal rent is \$1,005. Accordingly, the average monthly benefit to each enrolled household is \$250. Although it is unclear how many SCRIE and DRIE applicants are rent burdened, it is estimated that the average monthly benefit to each recipient would increase slightly.

Tax Fairness

RESTORE THE NON-RESIDENT INCOME TAX (COMMUTER TAX)

The City Council calls for the reinstatement of New York City's nonresident income tax. Following the elimination of the City's "commuter tax" in 1999, individuals who work in the City but live elsewhere pay no tax to the City on the income that they earn within its borders. This modest charge amounted to 0.45 percent of wage earners' income, and 0.65 percent of the earnings of the self-employed.

The repeal of the commuter tax has cost the City billions in cumulative revenue. The increased revenue from the re-imposition of the commuter tax would help the City pay for the cost of police, fire, transportation and other essential services utilized not only by local residents but also by commuters who come to the City every day.

Commuter taxes are not unusual in the United States. New York State, New Jersey, Connecticut, and many other states tax all personal income earned within their borders. According to data from the Tax Foundation, there are 420 local commuter taxes in the United States, including in cities like Denver, Baltimore, Philadelphia, and San Francisco.

² DOF Fiscal Year 2015 Annual Report on Tax Expenditures, available at: http://www1.nyc.gov/assets/finance/downloads/pdf/reports/reports-tax-expenditure/ter_2015_final.pdf

Fiscal Impact: If the commuter tax is reinstated, the City can raise an estimated \$922 million in City Fiscal 2017. It would cost the typical commuter around \$2.80 a day.

CIRCUIT BREAKER TAX CREDIT

The State should update the Circuit Breaker Tax Credit so that it is available to New York City's low-income homeowners who pay a large percentage of their income in property taxes. Currently, homeowners in New York City can receive the credit if their annual income is \$18,000 or less and they own a home whose full value is \$85,000 or less. However, these monetary limitations, which have not been updated since the 1980s, make the credit inaccessible to the vast majority of homeowners whom it was intended to benefit. According to the U.S. Census Bureau, in 2013 the median income in New York City ranged from \$34,388 in the Bronx to \$69,659 in Manhattan. Meanwhile, according to Zillow, in 2015 the median sales price of a home in New York City was \$540,294.

A circuit breaker is useful because it is a targeted tool to reach those most in need of property tax relief. Property values in New York City continue to rise, but if the incomes of homeowners do not grow at the same rate then property taxes consume a growing share of household income. For some of the City's most vulnerable populations, such as senior citizens living on a fixed income, this could mean that property taxes ultimately become unaffordable, potentially leading to the loss of their home. In order to ensure that the Circuit Breaker Tax Credit achieves its purpose of providing relief to New York City's low-income homeowners, the State should raise both the income threshold and the home value threshold to be relevant in today's economy.

TAX CARRIED INTEREST

The State should enable the City to tax the carried interest earned by managers of private equity, venture capital and other private investment funds under the Unincorporated Business Tax (UBT). New York City has taken the Federal Government's lead in treating carried interest as investment income, which is not subject to the UBT. While carried interest constitutes a share of the fund's profits to incentivize performance, it functions as payment for services and should therefore be treated by the City as ordinary business income. There's an equity issue when all other partnerships and proprietors pay the UBT on their firms' net earnings, while highly profitable fund managers are excluded.

Fiscal Impact: The City Council Finance Division estimates an increase of city revenues of approximately \$200 million annually. However, this is a very volatile estimate and is a function of the stock market's performance. There is no New York State revenue impact.

OPPOSE THE TWO-PERCENT PROPERTY TAX LEVY CAP

The City Council opposes the extension of the two-percent property tax levy cap to New York City. While the cap is applied to other local governments in the State, the City has a different tax system. Outside of the City, local governments rely on two taxes: the property tax and the sales tax.³ According to data from Zillow, in 2013 the county with the highest median property tax bill in the country was Westchester at \$13,842, followed by Rockland at \$10,550 and, in fifth place, Nassau County at \$9,091.⁴ Because New York City has other taxes, including business taxes and a personal income tax, it has lower property taxes than other jurisdictions in the State. The owner of a \$620,000

³ Some governments have excise taxes on horse racing and utilities some have taxes on the sales of property and Yonkers has a personal income tax.

⁴ The rest of the top 10 were New Jersey counties in the New York metropolitan area.

<http://www.foxbusiness.com/features/2015/04/24/highest-and-lowest-property-taxes-by-county.html>

home in the City pays about \$5,290 in property taxes, while they would pay about \$19,500 for a similarly priced home in the surrounding counties.⁵ Other owner-occupied residential properties such as coops and condos are also favored by the City's property tax system.

If New York City were to be subject to a 2-percent levy cap, almost 50 percent of the savings would go to non-residential buildings, many of which are bringing in record rents for their owners. For example, Tiffany & Company could save about \$166,000 in taxes on their flagship 5th Avenue store in Fiscal 2017, while the Waldorf-Astoria would see savings of over \$665,000.

The New York City property tax system needs reform, but that reform should be thoughtful and careful, and address a whole host of issues. A levy cap will not address the inequities within the system or demystify the arcane assessment process. Instead, it would constrain our city's main source of revenue, forcing us to make cuts to vital city services.

ELIMINATE MSG EXEMPTION

The New York City Council proposes eliminating the property tax exemption for Madison Square Garden (MSG). Doing so would provide additional property tax revenue for city services as well as tax relief to city residents.

In 1982, the New York State Legislature enacted Section 429 to the State Real Property Tax Law, granting a full property tax exemption to MSG if certain conditions are met. Specifically, the law stipulates that the tax exemption would be granted to a facility located in New York City that would be used by both a professional National Hockey League (NHL) team and a professional National Basketball Association (NBA) team to play their home games. In order to obtain the exemption, the team owners would be required to enter into an agreement with the mayor stating that the teams would play their home games in New York City for at least ten consecutive years. At the time the exemption was granted, the City had been negotiating with the owners of MSG, who own both the New York Knicks and the New York Rangers, in an effort to provide financial assistance to these teams to ensure that they would continue to play their home games in the City.

Since 1982, the Knicks and the Rangers teams have been playing their home games at MSG in front of packed houses. As a result, the owners of MSG have benefited from a full property tax exemption for the facility it uses for all sporting events, entertainment activities, conventions, trade shows, and other events. Cablevision, the current owner of MSG, derives substantial revenue from these events. Unlike the MSG exemption, most other exemptions that the City makes available to encourage economic development and business retention are given for specified and finite period of time. Without city and state action, the owners of MSG will continue to save at least \$41.5 million a year for the foreseeable future.

Fiscal Impact: The New York City Council Finance Division estimates eliminating this exemption would raise \$41.5 million for Fiscal year 2017.

⁵ City Council Finance Division calculations based on effective tax rates cited in <http://observer.com/2016/01/de-blasio-and-state-legislature-tangle-over-property-tax-cap/>

EXEMPT FEMININE HYGIENE PRODUCTS FROM SALES TAX

The City Council supports ending the “tampon tax,” thereby bringing more gender equity to New York’s tax code. Currently, sales of tangible personal property are subject to New York City and State taxes unless they are specifically exempt. According to the NYS Department of Taxation and Finance, prescriptions (like antibiotics and narcotics) and nonprescription drugs and medicines (like pain relievers, antacids, and cough and cold remedies) are exempt from both sales tax.[1] Other medicinal products like acne preparations, sunscreens, and lip balm are also tax exempt, but feminine hygiene products are not because they fall into the cosmetic and toiletry products category – those ‘used for cleansing, personal grooming, beautifying, or altering your appearance.’

Feminine hygiene products are a basic necessity; women have no choice but to buy such products. Thus the economic impact of taxing these products is felt only by women. Tampons and similar products are tax-exempt in a few states, including Maryland, Pennsylvania, and New Jersey, and bills to do the same in other states have been introduced across the country. Removing New York City and State sales taxes from feminine hygiene products would make it easier for women to afford a necessary product that is essential to their hygiene and health.

Fiscal Impact: The City Council Finance Division estimates a decrease of state sales tax revenue of approximately \$4.95 million annually, and a revenue loss to New York City of approximately \$2.5 million annually.

CRIMINALIZE SALES TAX SUPPRESSION SOFTWARE

On June 3, 2015, the Manhattan District Attorney’s Office released a grand jury report relating to sales tax suppression software. This new software can use current technology (electronic cash registers and point of sale systems) to hide a portion of daily sales, hide all sales for an entire day, or alter details of particular sales to reduce a merchant’s sales tax obligation. This makes it appear as though their businesses have engaged in fewer and smaller transactions, and thus less revenue and profit, than actually received. For example, a merchant can set the software to hide the restaurant’s transactions for a particular day, making it appear as though the restaurant was closed for the day. The result is not only lower Unincorporated Business Tax, General Corporation Tax, and MTA surcharge tax obligations, but also an uneven playing field on which fraudsters who pocket diners’ sales-tax payments can offer lower food and beverage prices – and afford higher rents – than honest restaurants can. These computer programs are often embedded into the operating system of electronic hardware, known as phantom-ware, and can be maintained on a thumb drive or remotely manipulated off-premises through an internet link.

The City Council supports the grand jury’s recommendation to amend the NYS Penal Code to make it a felony to purchase, possess, install, maintain, or use automated sales tax suppression software, and create a felony-level conspiracy crime for those who conspire with merchants to defraud the government through suppression programs and devices.

[1] See Tax Bulletin Sales and Use Tax TBST-193:
https://www.tax.ny.gov/pubs_and_bulls/tg_bulletins/st/drugstores.htm

Economic Development

ECONOMIC DEVELOPMENT TAX EXPENDITURE EVALUATION

New York State should periodically review its economic development tax expenditures. These tax credits, deductions, and exemptions cost the State billions of dollars each year – a cost that has grown tremendously over time. Although they are used as alternatives to direct government spending (which receives extensive scrutiny), tax expenditures are rarely evaluated as closely.

New York State should create a process for a fair, systematic and transparent review of the effectiveness of tax expenditures, especially those related to economic development. Such a process would keep the State informed as to how well tax expenditures are working, what changes are necessary to make tax expenditures more effective, and whether or not ineffective tax expenditures should be eliminated.

From 2012 to 2014, 10 states and the District of Columbia passed laws that require regular evaluation of economic development tax incentives or will improve existing evaluation processes.⁶

Fiscal Impact: The City Council Finance Division estimates that the process of evaluation will have a minimal cost to the State.

GEOTHERMAL ENERGY TAX CREDITS

Geothermal energy is internal heat generated and stored in the Earth. This renewable energy source is an effective way to reduce the need for carbon-based energy. It can be tapped into and utilized in a range of ways, from large utility-scale geothermal power plants to small-scale geothermal heating and cooling systems installed in individual buildings or building complexes.⁷

In New York City, low subterranean temperatures make utility-scale geothermal power plants less feasible. In 2013, the City Council passed, and then-Mayor Michael Bloomberg subsequently signed, Local Law 32, which required the City to produce a study on the feasibility of developing geothermal energy resources. The study concluded that while there are potential opportunities to increase the use of geothermal systems throughout the city, geological costs and other obstacles may limit widespread installation of geothermal across all five boroughs. As a result, the City Council recently passed Local Law 6 of 2016, which establishes a screening tool that property owners can use to determine whether installation of geothermal systems would be feasible at their property and requires the City to conduct a feasibility analysis for installing geothermal systems whenever it constructs a new city-owned building or retrofits an HVAC system in a city-owned building.

The City Council supports the use of geothermal energy systems and calls upon the State to consider tax incentives to increase their use.

Education & Libraries

CAMPAIGN FOR FISCAL EQUITY (CFE)

The landmark "CFE v. State of New York" lawsuit found that the State's school finance system under-funded New York City public schools and denied students their constitutional right to a sound,

⁶ See The Pew Charitable Trusts. Tax Incentive Programs: Evaluate today, improve tomorrow, January 2015.

⁷ Union of Concerned Scientists, "How Geothermal Energy Works," webpage available at http://www.ucsusa.org/clean_energy/our-energy-choices/renewable-energy/how-geothermal-energy-works.html#.VfcR7tLBwXA

basic education. In order to comply with the Court of Appeals CFE ruling, in 2007 the State revised the formulas for distributing school aid (Foundation Aid) and increased the allocation. The State planned to increase school aid over four years to meet the CFE requirement; however, in the face of recession-induced budgetary shortfalls, school aid was frozen in 2009 and then cut over the next 2 years.

The State's revenues have sufficiently recovered from the recession for it to fully fund CFE support to New York City. The Enacted State Budget should include a plan to phase-in a \$2 billion increase in Foundation Aid over the next couple of years. Funding increases would support smaller class sizes, additional academic improvement services, the purchasing of vital instruments of learning, and pre-kindergarten.

Fiscal Impact: When fully phased in, this would cost New York State \$2 billion.

OPPOSE CUTS TO STATE SUPPORT FOR CUNY

The Executive Budget argues that, because New York City controls 30 percent of the CUNY Board of Trustees while contributing only 2 percent of public funding for the system's senior colleges and is no longer in "financial crisis" (in comparison with the 1970s), we should assume a 30-percent share of CUNY senior colleges' net operating costs, or \$485 million for Fiscal 2017. The State, however, has demonstrated long-standing financial support for CUNY, just as it has with the local college system in the rest of the State. Many changes were made to the financial relationship between the City and State in the 1970s; any reversal of those changes should be considered carefully on a case-by-case basis. Given the State's support for the SUNY system and decades-long support for the CUNY system, the City Council urges the State not to impose additional CUNY funding costs on the City.

OPPOSE EXTENSION OF THE NY-CUNY 2020 CHALLENGE GRANT PROGRAM

The City Council opposes the extension of the NY-CUNY 2020 Challenge Grant Program Act of 2011 (CUNY 2020). CUNY 2020 was developed in response to shared concerns across SUNY and CUNY institutions about rising operational and tuition costs. On the one hand, New York public universities suffered deep budget cuts during the most recent recession, with limited options for making up those losses. In 2010, CUNY imposed steep tuition increases for both community and senior colleges of \$500 and \$830, respectively. CUNY 2020 was introduced to stabilize the University's fiscal position without relying on additional drastic tuition hikes. Moderate, predictable tuition increases were to be paired with higher per-capita base aid from the State. For CUNY's community colleges, the plan seems to have worked: campus budgets have become more stable and students can now enter the 2016-2017 school year without the burden of yet another tuition bump. However, the State failed to keep its promise to increase per-student base aid at a rate commensurate with the tuition increases.

CUNY is a vital resource to New Yorkers, with a mission to "remain responsive to the needs of its urban setting." Nearly half of CUNY's 530,000 students come from families living on \$30,000 a year or less. A university system of this size and serving this population certainly requires a secure budget – but not at the expense of its student body. We call upon Governor Cuomo and the State Assembly to work with CUNY and SUNY to find a better, more sensitive way to stabilize the budgets of our senior colleges.

EXTEND TAP ELIGIBILITY TO 10 SEMESTERS

Since 1961, New York State has offered financial support to qualified postsecondary students, filling a tremendous need for hundreds of thousands of young adults and their families. Over time, however, the nature of higher education and of students' abilities to support themselves while pursuing degrees has changed. By 2014, only 19 percent of students enrolled in public 4-year degree programs nationwide were graduating within 4 years, while only 5 percent of students in associate programs graduated within 2 years.⁸ Given these statistics, the State should increase the maximum period of eligibility for students to receive Tuition Assistance Program (TAP) grants from 8 to 10 semesters, which would better reflect the needs of the current generation of college students and allow more students to finish their degrees without the burden of crippling debt. At one time, TAP was available to all full-time undergraduates for 10 semesters; today, the additional 2 semesters are only available to students enrolled in specially identified programs.

Fiscal Impact: This year, the maximum TAP grant per year is \$5,165. By extending the maximum period of eligibility from 8 to 10 semesters for all full-time undergraduate students at 4-year institutions, the State would be able to provide students with a potential total of \$25,825 over the course of their college careers.

MAINTAIN SUPPORT FOR ASAP AT CUNY

CUNY's highly-acclaimed Accelerated Study in Associate Programs (ASAP) has demonstrated consistent success in boosting 2-year community college graduation rates by as much as 66 percent.⁹ As it continues to expand access to ASAP to include more campuses and students, the University relies upon the \$2.5 million in state funding that the program has previously received. The City Council supports CUNY in its request that the State maintain its level of commitment to ASAP in Fiscal 2016-2017.

Fiscal Impact: The City Council Finance Division estimates that the impact on the State would be \$2.5 million in Fiscal 2016-2017.

EXPAND SINGLE STOP TO MORE CUNY CAMPUSES

CUNY's Single Stop Initiative provides comprehensive social, legal and financial services to CUNY students facing high levels of need. Single Stop and CUNY staff help eligible students access public assistance and tax credits, prepare and file taxes, and make short- and long-term financial plans at no cost. Since its inception, Single Stop has expanded to serve all seven community colleges and, most recently, John Jay College of Criminal Justice. Yet more sites are needed to meet the level of need among CUNY students. The annual cost to operate a Single Stop site has reached \$303,000. The City Council calls upon the State to support the installation of a Single Stop at Medgar Evers College in Brooklyn, which serves one of the highest-need student populations of all CUNY campuses.

Fiscal Impact: The City Council Finance Division estimates that the impact on the State would be \$303,000 in Fiscal 2016-2017.

INCREASE BASE AID FOR COMMUNITY COLLEGES

CUNY's 7 community colleges currently receive base aid from New York State at a rate of \$2,597 per full-time equivalent (FTE) student – a full \$78 less in nominal dollars than the State paid in

⁸ Complete College America, "Four-Year Myth: Make College More Affordable. Restore the Promise of Graduating on Time" (Indianapolis: 2014).

⁹ Scrivener, Susan and Michael J. Weiss, "More Graduates: Two-Year Results from an Evaluation of Accelerated Study in Associate Programs (ASAP) for Developmental Education Students" (New York: MDRC, 2013).

Fiscal 2009. (Adjusted for inflation, this increases to a difference of \$472 per student.) An increase of \$250 per student in base aid would fund performance improvement plans and provide much-needed support to New York City's community colleges. CUNY community colleges received a total of \$214.3 million in base aid in Fiscal 2015-2016. If rates remain the same, these schools will only receive \$219.5 million to serve an estimated 84,500 students; the requested increase, however, would add \$21.1 million in support in Fiscal 2016-2017.

Fiscal Impact: The City Council Finance Division estimates that the impact on the State would be an additional \$21 million in Fiscal 2016-2017 (above the estimated \$219.5 million it is already likely to spend).

SETTLE CUNY CONTRACTS FOR FACULTY AND STAFF

Across the City University of New York, faculty and staff have spent years working without a contract, some since as long ago as 2009. Negotiations between CUNY administration and employees have spanned years, with a final settlement dependent upon salary increases retroactive to 2010, when the most recent contracts expired. Whereas the Governor has funded such salary increases for faculty across SUNY colleges, his Administration has yet to do so for CUNY. The Council encourages all parties to continue the negotiation process and calls upon the State to support a swift settlement with \$350 million to fund retroactive salary increases for all CUNY employees, in addition to providing the necessary funding to support these increases in the long term.

INCREASE FUNDING FOR LIBRARIES

New York City's three library systems each receive funding from the State under formula aid provided to every public library system that meets minimum standards set by the NYS Education Department. Aid levels depend on the Census and local needs, but are currently still below pre-recession levels and are inadequate to meet all borough needs, despite increases in each of the past several budgets. Increasing unrestricted state formula aid and local services aid for library operating budget expenses is needed to ensure that libraries can provide the level of services that they did before the funding was cut due to the recession.

Housing & Infrastructure

OPPOSE THE NEW APPROVAL PROCESS FOR ISSUING TAX-EXEMPT PRIVATE ACTIVITY BONDS

The 2016-2017 Executive Budget for New York State proposes a new approval process for New York City and other municipalities to issue tax-exempt private activity bonds (PABs).¹⁰ The Budget includes a new process requiring the as-of-right volume cap allocation received by the NYC Housing Development Corporation (HDC) to be subject to approval by the Public Authorities Control Board (PACB). The five members of PACB are appointed by the Governor to serve one-year terms, with one member representing the Governor and acting as the Chairperson. The Governor appoints the four remaining members based on the recommendations of the Majority and Minority Leaders of the State Legislature.

The PACB could decide to approve more projects in other municipalities, leaving less for projects in New York City. Because private activity bonds are used almost entirely for affordable housing projects in the City, the passage of this legislation could result in less funding for such projects. City officials and builders of affordable housing argue that the State would be adding uncertainty, delays,

¹⁰ New York State Executive Budget FY2016-17, Transportation Economic Development and Environmental Conservation Article VII Legislation, Part R; Page 181

and politics to the production of affordable units while potentially inhibiting the City's ability to implement its housing plan.

The Governor has stated that the goal of the proposal is to ensure that counties use tax-exempt financing to attract companies from outside the State rather than from each other. Since the City uses PABs almost entirely for low-income housing projects, the City Council urges the Governor to reconsider this proposal as it relates to the City.

421-A Program

The 421-A property tax exemption for multifamily housing construction expired in January of this year. The City has an ambitious but necessary program for the construction and preservation of affordable housing. The old 421-A program was far from perfect but there is a need for a tax incentive program to ensure we are building enough market rate and affordable rental housing to meet the need. The City Council urges the Legislature and the Governor to try again to reach a workable compromise on 421-A.

NY/NY IV SUPPORTIVE HOUSING AGREEMENT

In the past few months, both Mayor de Blasio and Governor Cuomo have introduced plans to create supportive housing units. The City's plan will fully fund the creation of 15,000 units over the next 15 years, while the Governor's Executive Budget proposes an investment of \$9.7 billion to establish 94,000 units of affordable housing and \$10 billion to support homeless programs, including operating resources and services, across the State.

While the Governor's Executive Budget allocates \$10 billion statewide toward homeless programs, it is unclear how much of that will go toward New York City and it would be unsustainable for us to carry the full cost of our supportive housing program. Rather than implementing two separate plans, the City Council calls for an agreement on a NY/NY IV supportive housing plan that mirrors the current funding structure of NY/NY III, whereby the State and the City share the costs of one citywide supportive housing plan.

STATE OPERATING SUBSIDIES TO NYCHA

In 1998, New York State terminated its annual operating subsidies to the New York City Housing Authority (NYCHA) for 15 public housing developments that were constructed with state funding and that had been historically maintained by the State. In 2003, the City followed suit and stopped providing operating subsidies for six city-funded public housing developments. As a result, NYCHA was forced to cover all of the annual operating and capital costs of 21 developments comprised of 20,139 units. In 2010, NYCHA worked with the NYC Housing Development Corporation (HDC) to close a \$400 million Low-Income Housing Tax Credit (LIHTC) "federalization" transaction to activate \$65 million in federal operating subsidy for 11,743 of the 20,139 unsubsidized units and provide funding for capital repairs for all 20,139 units. The transaction also enabled the remaining 8,396 unsubsidized units to be converted to Section 8 voucher funding, but only if residents volunteered to accept vouchers. The 3,434 units referenced above converted to Section 8 vouchers, but to date, 4,962 units are unconverted and remain unsubsidized. The City Council is asking the State to provide a dedicated operating funding stream for these 4,962 units, which are the only (and last) units in NYCHA's portfolio that need a dedicated source of money.

Fiscal Impact: At a minimum, the State should fund the operating costs of the 4,962 public housing units that are currently underfunded. At an average annual operating cost of \$5,000 per unit, the total cost to the State would be \$24.8 million per year, according to City Council estimates.

STATE CAPITAL FUNDING FOR NYCHA

Although the State historically provided capital funds for its NYCHA developments, in 2001 state contributions were reduced from \$15 million to \$6.4 million¹¹. Since then, the State has sporadically allocated money to NYCHA, most recently \$100 million in capital funds in the 2015-2016 Enacted Budget. City Council budget allocations have continued to attempt to help fill these critical capital gaps. Most recently, in Fiscal 2016, the City Council has planned to commit \$117.1 million in capital dollars, with additional funding added by the Borough Presidents (\$12.5 million) and the Mayor (\$335.5 million). The City Council calls upon the State to show its commitment to the restoration and maintenance of the public housing stock by matching the City's total capital commitment of \$466.2 million.

Fiscal Impact: At a minimum, the State should match the City's current capital commitment of \$466.2 million.

INCREASE SUPPORT FOR THE HOMELESS RENTAL ASSISTANCE PROGRAM

Beginning in the autumn of 2014, the de Blasio Administration introduced six new rental assistance programs collectively referred to as Living in Communities (LINC). Each LINC program is targeted toward a specific subset of the homeless population living in shelter: working families with children (LINC I); families with multiple shelter stays (LINC II); domestic violence survivors (LINC III); seniors over 60 years of age (LINC IV); working adult families/working single adults (LINC V); and families with children reunifying with host families (LINC VI). Total funding for LINC for Fiscal 2016 is approximately \$77.4 million for rental assistance and aftercare services.

Currently, the State provides funding for LINC II and a small portion of aftercare services for LINC III, while the City funds the full cost of the remaining LINC programs. Additional state support is needed to extend the duration of the subsidy beyond five years, which would reassure landlords and make them more willing to accept LINC clients.

INCREASE STATE FUNDING FOR NY TRANSIT NEEDS

According to NYC Department of City Planning, as of July 2014, New York City's population had increased by 315,900 residents (or 3.9 percent) over the April 2010 decennial census count of 8,175,133, and is projected to grow to 9 million by 2040. This continuing growth means more demand for city services, and for transit in particular. However, funding limitations have prevented the City's transit system from growing in proportion with the increase in population growth. The recent agreement between the City and the State to fund the MTA 2015-2019 Capital Plan has brought these issues into relief.

The unmet needs of the transit system over the past decades, set aside as the City and State worked together to bring the system into a state of good repair, have left it bursting at the seams as record ridership stretches it to capacity. Overcrowding on the City's subways and buses makes commutes more difficult for everyday New Yorkers.

The mobility provided by the City's transit network connects citizens to jobs, businesses, education, recreation, and health care, and is critical to the economic growth of our communities. In recognition of these facts, the City Council urges the State to increase funding for the region's transportation

¹¹ Community Service Society, Strengthening New York City's Public Housing: Direction for Change, *available at*: <http://www.cssny.org/publications/entry/strengthening-new-york-citys-public-housing-directions-for-change>

network. Specifically, funding for the next phase of the 2nd Avenue Subway project, which was reduced from \$1.535 billion to \$535 million, should be fully restored. The currently reduced budget will only cover the preliminary engineering and design costs of the project, pushing actual construction into the next Five-Year Capital Plan.

Social Services, Youth & Seniors

HUNGER PREVENTION AND NUTRITION ASSISTANCE PROGRAM

With the federal budget cuts to the Supplemental Nutrition Assistance Program (SNAP), more New Yorkers are relying on food pantries to meet their nutritional needs. Additional funding for the Hunger Prevention and Nutrition Assistance Program (HPNAP) is needed to address the increase in need and rising food costs. HPNAP provides lines of credit directly to food banks and the United Way to procure food, and a funding increase of \$16.5 million to the \$28 million baselined could provide approximately 675,000 additional meals for New York City residents.

NATURALLY OCCURRING RETIREMENT COMMUNITIES

As New York City's population continues to grow older, it is important to provide resources such as Naturally Occurring Retirement Communities (NORC) nursing programs to our elderly residents so that they can retire with comfort here in the City. The City Council supports the New York State Assembly's 2016-2017 budget proposal, which renews \$951,000 in NORC funding and includes an additional \$2 million to expand these important community-based programs.

Fiscal Impact: According to City Council estimates, it will cost \$2,951,000 to enact the New York State Assembly's budget proposal for NORCs.

FOSTER CARE REFORM (A7756A)

One of the greatest challenges that youth aging out of foster care in New York City face is affording housing. This legislation would increase a current state-mandated preventive housing subsidy, which has not been increased since the law was first enacted in 1988,¹² from \$300 to \$600 per month. The subsidy is currently provided to youth aging out of foster care and families facing disruption to unity from an absence of stable housing. This legislation would also enable youth aging out of foster care to benefit from the subsidy until after the age of 24 instead of the current age limit of 21. Passage of this bill not only benefits the City's youth in foster care but at-risk families as well.

INCREASE STATE FUNDS FOR RUNAWAY & HOMELESS YOUTH

In Fiscal 2016, New York State contributed nearly \$1.4 million to support beds serving runaway and homeless youth in New York City – an increase of 75 percent from its Fiscal 2015 contribution of \$786,000. As the City further increases its commitment to serve and protect this vulnerable population, the City Council calls upon the State to follow suit. An increase to \$2.4 million in Fiscal 2017 would fund an additional 21 new emergency shelter and transitional independent living beds, giving more runaway and homeless young people the resources they need to get off the streets and stabilize their lives.

Fiscal Impact: According to City Council estimates, the total state impact would be \$2.4 million in Fiscal 2016-2017.

¹² <http://bds.org/wp-content/uploads/3.17.15-NYC-Council-Committee-on-General-Welfare-Testimony.pdf>

CONTRIBUTE TO NYC YEAR-ROUND YOUTH EMPLOYMENT PROGRAMS

While both New York City and State have a longstanding history of supporting youth employment programs during the summer months, the City Council is committed to developing year-round jobs for youth. Through the pilot year of Work, Learn, Grow (WLG), our first year-round youth employment initiative, more than 6,200 14- to 24-year-olds have benefited from extended career readiness training and paid work opportunities across the five boroughs, developing skills over time and building meaningful relationships with employers. The City allocated \$16.2 million to WLG in Fiscal 2016. The City Council urges the State to join in supporting this initiative with at least the same level of support it provides for the Summer Youth Employment Program (SYEP).

Fiscal Impact: In Fiscal 2016, the State contributed \$15.5 million, or 19.4 percent, of the City's total budget for SYEP. With a \$3 million investment next year, the State could support an additional 900 to 1,100 year-round jobs for youth in New York City.

Healthcare

NEW YORK CITY'S MEDICAID CONTRIBUTION

The State Executive Budget makes New York City responsible for a larger share of Medicaid expenses. The shift would cost the City \$299 million in Fiscal 2017 and \$504 million in Fiscal 2018, with the cost continuing to increase by approximately 2 percent annually thereafter. The State has argued that after years of taking on increasing expenses for the City's Medicaid recipients, New York City should take on more responsibility, particularly since more than 50 percent of Medicaid expenditures are coming from the City. Growth in Medicaid spending in New York City has been much lower as compared to other parts of the State in the last five years. New York State has control over all aspects of the Medicaid program, including the administration, rate-setting, and the authority to execute spending controls. Shifting a greater cost burden to the City creates major financial hurdles. The City Council calls on the State to work with the City to find solutions to reform the Medicaid system and identify efficiencies instead of shifting more costs to us.

SUPPORT FOR NYC HEALTH + HOSPITALS

NYC Health + Hospitals (H + H) has been experiencing a multitude of challenges to its long-term financial sustainability, due in large part to changes at the state and federal level in how health care is funded and delivered, including reduced reimbursement rates under Medicare and Medicaid, reduced lump sum Medicaid subsidies, and other changes related to the Affordable Care Act. As a result, H + H has had to revise down its revenue projections for Fiscal 2016 through Fiscal 2019.

Increase State Aid to H+H under Medicaid's Disproportionate Share Hospital

Legislative action is needed to fix the inequity in funding formula and distribution schedule that H + H receives as part of Disproportionate Share Hospital (DSH). DSH funding, part of the State's Medicaid program, is a lump sum payment made to eligible hospitals to cover total unreimbursed costs for care provided to uninsured and Medicaid patients. H + H, a safety net hospital system, is the single largest health care provider for uninsured New Yorkers. DSH funding has declined over the past fiscal year due to the Affordable Care Act's role in increasing the number of insured in the City. DSH funding is first distributed to voluntary hospitals, which are private or not-for-profit hospitals that have increased the number of Medicaid and uninsured patients served. As a result of increased funding for voluntary hospitals and the declining total state/federal aid provided through DSH, H + H's share of total DSH funding has significantly declined. This is a serious threat to H + H's ability to fully finance its operations.

Change the Current Definition of a Safety Net Hospital

Legislative action is needed to change how the State defines a safety net hospital. The new definition should eliminate the current restrictions that cause H + H to be the last to receive DSH funding. Current federal law requires cuts to DSH funding beginning in Federal Fiscal 2018 (or October 1, 2017). If the State does not change the criteria used to determine eligible hospitals and the formula to distribute DSH funds before that timeline, it could lose federal DSH funds. Current state law would result in H + H being the first to be cut because of the language concerning the funding distribution.

Legislative Action Excluding H + H from Receiving Funds Under the Vital Access Provider Funds Should be Eliminated

The Vital Access Provider (VAP) Program provides operating assistance to financially distressed hospitals, nursing homes, diagnostic and treatment centers, and certified home health agencies. Currently, H + H is excluded from receiving VAP funds and instead received \$152 million of \$213 million requested in Interim Access Assurance Fund Program. In the same time period, the State awarded \$245 million in VAP funding to non-H + H hospitals. Funding should be awarded based on losses incurred providing primary and preventive care to indigent patients and for losses incurred in serving special needs populations. Access to such funding would greatly improve H + H's financial stability.

Provide H + H with Additional Funding Under the NYS Delivery System Reform Incentive Payment Program (DSRIP)

The purpose of the Delivery System Reform Incentive Payment Program (DSRIP) is to restructure how health care is delivered throughout the State, with the primary goal of reducing avoidable hospital use by 25 percent over 5 years. OneCity Health (H + H's program) was awarded \$1.2 billion over 5 years – which is 25 percent less than was expected based on the size of the network and scope of the proposal submitted to the State. Although the State has acknowledged this shortfall and committed to providing an additional \$400 million, H + H was required to develop new proposals and the receipts of those funds are still pending.

Increase Investment to Address New York's Hepatitis C Epidemic

Hepatitis C, is the leading cause of serious liver disease and a leading cause of death among people with HIV/AIDS. It affects 250,000 people in New York State, many with a history of injection drug use. An estimated half of all New Yorkers do not know their status, and among those who do know their status, many do not receive treatment or care, contributing to the significant increase in hepatitis C-related mortality over the past 10 years.

Despite the scale of the epidemic, the NYS Department of Health's viral hepatitis programs have been flat-funded at less than \$1.5 million in recent years. The State budget should at least double the funding for AIDS Institute Hepatitis C programs, prioritizing prevention among young people who use drugs, linkage to care and patient navigation, and epidemiological surveillance. Doing so would enable it to better understand the scale of the epidemic and the origin of new infections, and allocate resources most effectively.

Fiscal Impact: According to City Council estimates, doubling the NYS Department of Health's viral hepatitis programs would cost the State \$3 million.

PATH TO ACCESS TO TREATMENT, HOUSING AND SERVICES (S5534A)

On any given night, hundreds of individuals living with HIV reside in the New York City shelter system because, without an AIDS diagnosis, they are not sick enough to qualify for current housing and services programs. Passing PATHS (Path to Access to Treatment, Housing and Services) would

enable approximately 10,000 more New Yorkers to receive real rent subsidies – the difference between homelessness and housing – and move us closer to reaching our shared goal of ending the AIDS epidemic by 2020.

INCREASE FUNDING FOR HIV/AIDS EFFORTS

New York State currently directs \$2.5 billion per year toward addressing HIV/AIDS. To ensure that the State ends the AIDS epidemic by 2020, it should commit an additional \$200 million per year to expand HIV testing, treatment access, and Pre-Exposure Prophylaxis (PrEP) availability.

Additional funds are needed to effectively implement the Ending the Epidemic framework and to provide supportive housing to the more than 112,000 individuals in the State currently living with diagnosed HIV/AIDS. Funding from the Federal Government for housing assistance for people living with HIV nationwide has remained effectively stagnant for more than 5 years at less than \$300 million annually.

Legislative Priorities

Increase the Minimum Wage to \$15 per Hour & Labor Law

INCREASE THE MINIMUM WAGE TO \$15 (A7257A/S5602A)

If the federal minimum wage (\$7.25 since 2009) had been raised since 1968 at the same rate as growth in productivity, it would be about \$18.50 per hour. Despite various proposals, the federal minimum has not gone up in over six years. While the State's minimum wage increased on December 31, 2013, to \$8.00, and \$9.00 at the end of 2015, the purchasing power of the minimum wage is not enough for people to live on. Last year, at Governor Cuomo's urging, the State Wage Board ordered a gradual increase to \$15 for fast food workers and an increase in the tipped minimum wage from \$4.90 to \$7.50. However, many New Yorkers are still not making enough to get by. Increasing the minimum wage will help minimum wage earners to better support their families, while reducing income inequality and the need for government support.

Legislation has been introduced in the State Legislature that would gradually raise the State's minimum wage over the next 5 years to \$15, with higher increases at first for New York City and the Metropolitan Area than the rest of the State. The City Council urges the State Legislature to pass this legislation and has adopted resolutions calling on the State to increase the minimum wage and/or allow for a higher local minimum wage for New York City.

LOCAL ENFORCEMENT OF LABOR LAWS

Labor violations are a significant problem regularly faced by low-wage New Yorkers and include wage theft, non-payment of overtime or the minimum wage and diversion of tips, and a lack of enforcement of workplace safety standards. In New York City, approximately \$1 billion in wages are stolen from workers each year, according to estimates from the National Employment Law Project. While the State has strengthened wage theft laws and the NYS Department of Labor has done significant work enforcing the law, it is simply not large enough to tackle this problem. For this reason, the City Council calls upon the State Legislature to pass legislation that would give the City the authority to enforce all state labor laws. The City Council passed a resolution on April 28, 2015, to this effect.

STRENGTHEN THE WAGE THEFT ACT (S2232C/A5501A)

Even when they sue and win judgments for wage theft against their employers (or former employers), many employees frequently have trouble collecting the money the court or agency ordered their employers to pay. This legislation would strengthen the Wage Theft Protection Act by amending five sections of the law (Lien Law; Labor Law; Attachment under the Civil Practice Law and Rules; the Business Corporations Law; and the Limited Liability Company Law) to provide victims with financial tools to increase the likelihood that they will collect on wage theft judgments. The City Council urges the State to pass this legislation to help some of New York City's most vulnerable workers.

Paid Family Leave Act

PAID FAMILY LEAVE ACT (A3870/S3004)

The Family Medical Leave Act (FMLA) was passed by Congress in 1993 and signed by President Bill Clinton. This groundbreaking legislation gives employees of businesses with 50 or more employees the right to 12 weeks of *unpaid* leave for personal or family illness, family military leave, pregnancy, adoption, or the foster care placement of a child. As beneficial as FMLA has been, many workers are not covered by it or cannot make use of it because they cannot afford to take unpaid time off.

The City Council therefore strongly supports the passage of legislation by the State Legislature that would expand the Temporary Disability Insurance (TDI) program to require employers to provide *paid* family leave benefits. Such legislation would amend the law to allow for the State's Disability Benefits Fund to be used to pay for family leave for qualified employees. Providing paid family leave for workers in New York by expanding the current TDI program is an efficient, low-cost approach that will be simple for employers to implement.

Immigration Reform & Immigration Services

SUPPORT SYRIAN REFUGEES

New York City has a long history of embracing its immigrant community, especially those fleeing violence and seeking refuge. Immigration is not only our past, it is our present and future as well. The City Council commends New York State for its steadfastness and calls on it to continue to reject the xenophobia and discrimination that has led 31 states to oppose letting Syrian refugees into their borders and work toward providing aid and comfort to all refugees.

NYS DREAM ACT (A4311A/S1251)

The City Council urges the State Legislature to pass the NYS Dream Act, which would make higher education more accessible to immigrant families by allowing undocumented immigrants to access existing state financial aid and other critical resources to help pay for their higher education. This legislation would also create a special commission responsible for raising private dollars to establish a scholarship program for eligible college-bound students who are the children of immigrants. The NYS Dream Act would also eliminate the requirement that an applicant for a general or academic performance award be a U.S. citizen, a lawful permanent resident, or a refugee. In order to be eligible for these programs, applicants would need to establish, among other things, that they have taken steps to legalize their status or would do so if given the opportunity. Lastly, the NYS DREAM Act would allow undocumented parents with valid tax identification numbers to participate in the 529 family tuition account under the State's College Tuition Savings Program.

NYS VIOLENCE AGAINST WOMEN ACT (A72/S3189)

Undocumented immigrant women are especially vulnerable to domestic violence; such women are often reluctant to report such violence for fear that disclosing their immigration status could lead to deportation and separation from their families. Therefore, the City Council calls for legislation that would protect domestic violence victims by maintaining the confidentiality of their immigration status. Under this legislation, law enforcement agencies and officers, government social service agencies and their staff, political subdivisions of the State, and peace officers would be prohibited from inquiring about a domestic violence victim's immigration status, except as may be necessary to investigate the offense. If they inadvertently learn the victim's immigration status, they would be prohibited from reporting it to local, state or federal law enforcement. Additionally, a judge in a domestic violence case would be able to take the perpetrator's threats of deportation against the victim as an aggravating factor when issuing a sentence.

Rent Laws, Housing & NYCHA Reform

REPEAL URSTADT LAW (A1759/S2831)

Current state law prohibits municipalities from strengthening rent regulation laws, despite rent regulation being primarily a matter of local concern. Passage of this legislation would allow the City to establish or adjust maximum rents, classify housing accommodations, regulate evictions, and enforce its relevant local laws or ordinances.

VACANCY DECONTROL REPEAL (A1865A/S4474)

Under current law, landlords can remove units upon vacancy from rent regulation when rents rise over the deregulation threshold. This law incentivizes tenant harassment and the falsification or inflation of renovation costs. According to available data, over 300,000 rent-stabilized apartments have been removed from regulation in New York City and surrounding counties. The City Council supports legislation that would repeal vacancy decontrol and retroactively apply to certain deregulated apartments.

CLOSE THE PREFERENTIAL RENT LOOPHOLE (A3809/S2828)

A preferential rent is a rent that a landlord agrees to charge that is less than the legal regulated rent that the owner could lawfully collect. This bill would close a loophole in the rent laws that allows landlords to impose the statutory rent under either vacancy or lease renewal, resulting in preferential rent tenants facing unexpected rent increases. This legislation would only allow for an increase upon vacancy when the vacancy was not caused by the landlord failing to comply with the warranty of habitability.

MAJOR CAPITAL IMPROVEMENTS AS TEMPORARY SURCHARGES (S2830)

Currently, where an owner completes a major capital improvement (MCI) required for the operation, preservation or maintenance of a building, they may increase the rent to cover the cost of the improvement, with the increase becoming a permanent part of the legal regulated rent. The City Council supports legislation to make the MCI increase a surcharge that ends after the cost of the improvement is recovered.

ELIMINATE THE STATUTORY VACANCY BONUS (A5567/S951)

Currently, when a rent-regulated apartment becomes vacant, the owner is permitted to increase the rent by 20 percent, bringing the apartment closer to the deregulation threshold, thus contributing to the lack of affordable housing in New York City. The City Council supports legislation that eliminates the statutory vacancy bonus.

LIMIT RENT INCREASES FOR RENT-CONTROLLED APARTMENTS (A398/S5040)

Currently, rent increases in rent-stabilized apartments are set by local rent guidelines boards using a formula that takes into account a wide range of economic factors. Rents in certain rent-controlled apartments, however, automatically increase by 7.5 percent each year. The City Council supports legislation that would set the percentage rent increase available to owners of certain rent-controlled apartments to the lesser of 7.5 percent or an amount equal to the average of the previous 5 rent guidelines board increases.

INCREASE NYCHA ACCOUNTABILITY AND TRANSPARENCY (A1936/S2470)

The New York City Housing Authority (NYCHA) is a publicly-funded public corporation and authority that provides housing to more than 600,000 residents of New York City. The City Council supports legislation to impose more governance and reporting requirements on NYCHA. This legislation would specify the duties of the members of NYCHA's Board, including requiring them to apply their fiduciary duties in the best interest of NYCHA, its mission and its residents. It would also impose additional responsibilities on NYCHA, such as:

- establishing guidelines for the disposal of personal and real property;
- developing a public system to track capital projects, disposition projects and maintenance, and repair projects;
- submitting and making publicly available an annual independent audit report and other reports, including a list of all real property belonging to NYCHA and of dispositions of real property;
- establishing a whistleblower program and formally establishing the Office of the Inspector General, which would report to the NYC Department of Investigations;
- providing a process to ensure that federal funds allocated for resident assistance are actually expended;
- requiring NYCHA to comply with the NYC Building Code, and requiring New York City to enforce the Building Code as applied to NYCHA; and
- allowing NYCHA to contract with the Dormitory Authority of the State of New York to construct, reconstruct, renovate or rehabilitate NYCHA buildings and structures.

INCREASE NYCHA SAFETY (A1040)

Despite housing only 4.8 percent of New York City's overall population, a disproportionate amount of the City's crime takes place in NYCHA developments. The City Council supports legislation permitting the NYS Division of Housing and Community Renewal (DHCR) to issue grants to public housing authorities or agencies for use in improving security in public housing developments. This legislation would also require periodic safety inspections by DHCR, as well as an annual report to the State Legislature outlining the state of safety and security at public housing developments and identifying those buildings that failed the periodic safety inspection. Additionally, this legislation would require NYCHA to report statistics on crime and prosecution levels at the developments that benefited from security upgrades, further improving transparency.

Women's Equality

REPRODUCTIVE RIGHTS (A6221/S4432)

The City Council strongly supported the Women's Equality Act, which had 9 of its 10 components passed separately in 2015. The final component that has not yet been passed is the alignment of New York State law with Roe v. Wade. This legislation would codify existing federal law in New York to ensure that state law protects women's rights to reproductive decisions. The City Council strongly urges the passage of this legislation.

Discrimination

GENDER EXPRESSION NON-DISCRIMINATION ACT (A4558-A/S61-A)

The City Council calls upon the State Legislature to amend the Executive, Civil Rights, Education, and Penal Laws to provide explicit prohibitions against discrimination based on gender identity or expression. The City Council supports legislation that includes gender identity or expression as a protected class against discrimination in the areas of employment and licensing; apprenticeship and training programs; public accommodations; housing; education; the sale and leasing of private housing and commercial space; real estate; volunteer fire department membership; applications for credit; and domestic workers. The City Council also supports such legislation amending the Penal Law to include offenses involving gender identity or expression as subject to treatment as hate crimes.

BANNING CONVERSION THERAPY (S121/A4958)

The City Council supports Governor Cuomo's recent executive order banning coverage of lesbian, gay, bi-sexual and transgender conversion therapy by public or private health care insurers. We believe it is also necessary to pass legislation that designates engaging in sexual orientation change efforts by mental health care professionals on patients under 18 years of age as professional misconduct.

Being lesbian, gay, bisexual or transgender is not a disease, disorder, illness, deficiency, or shortcoming. Mental health professionals treating sexual orientation as such can cause severe emotional and mental distress to their patients, especially in adolescence.

Election Reform

VOTER EMPOWERMENT ACT OF NEW YORK (A5972)

The City Council supports legislation to streamline the voter registration process. The Voter Empowerment Act would create automatic voter registration of eligible consenting citizens at designated government agencies; institute online registration and online access to registration records; permit the pre-registration of 16- and 17-year-olds; permit automatic transfers of registration of New Yorkers who move within the State; and move the deadlines for registration and party enrollment closer to the date of the election. The abovementioned reforms would make voter registration significantly more convenient for New Yorkers and increase their chances of participating in elections.

CONSOLIDATE FEDERAL & STATE PRIMARY ELECTIONS

The 2009 Military Overseas Voter Empowerment (MOVE) Act requires that absentee ballots for uniformed service members and U.S. citizens residing outside the United States be mailed no later than 45 days before a federal election. While New York is in compliance with the MOVE Act for

federal elections, state election law does not currently meet these requirements. By stipulating that primary elections for state and local offices shall be held in September, current state election law potentially disenfranchises overseas and military voters and forces local boards of election to administer multiple primary elections, which depresses voter turnout and costs local governments millions of dollars in unnecessary costs.

Therefore, City Council urges the State Legislature to enact legislation consolidating primary elections for federal, state, and local offices in the month of June, thus protecting the franchise for our men and women in uniform and American citizens living abroad.

INSTANT RUNOFF ELECTIONS (A5571)

The City Council calls upon the State Legislature to pass legislation that would create an instant runoff voting system for citywide primary elections. The 2013 municipal election cycle contained three election dates: the primary election on September 10th, the runoff election on October 1st, and the general election on November 5th. The runoff election was required under state law, which requires a runoff primary election for a citywide elected office when no candidate for that office receives 40 percent of the vote. Because no Democratic candidate for Public Advocate received more than 40 percent of the vote, a runoff election was held at a cost of \$13 million – more than the cumulative budget of the Public Advocate’s office over 4 years. Moreover, the possibility of a runoff election for any office that year led to the use of lever voting machines during the primaries out of concern that the NYC Board of Elections would not have enough turnaround time to use the electronic scanners.

An alternative to this wasteful use of resources would be to institute instant runoff voting, whereby voters rank candidates for office in the order of their preference rather than casting a ballot for a single candidate. If no candidate receives a majority of first-choice votes, the candidate who receives the fewest votes is eliminated and those ballots are counted as votes for the candidate ranked second. If no candidate has a majority at that point, the process continues until a candidate has a majority of votes. This system would eliminate the need for a separate runoff election and has been endorsed by many good-government groups as more efficient and democratic.

EARLY VOTING (A8582A/S3813B)

The City Council urges the State Legislature to pass legislation establishing early voting in New York State. During the last several presidential elections, many polling sites across New York City were plagued by long lines and other irregularities, resulting in the disenfranchisement of voters who left their poll sites without voting. The reason for many of these irregularities is that presidential elections have a significantly higher turnout than other elections, causing poll sites to become overwhelmed. One of the most often cited recommendations to deal with this issue is to establish early voting, since doing so would reduce the number of people voting on election day, thereby reducing overcrowding. In states that have early voting, as many as 50 to 60 percent of voters have chosen to vote early, thus helping to avoid many of the problems experienced by our own city during high-turnout elections.

CLOSE NEW YORK STATE’S LLC LOOPHOLE FOR CAMPAIGN CONTRIBUTIONS

Pursuant to a 1996 opinion of the NYS Board of Elections, limited liability corporations (LLCs) are – for the purposes of campaign contributions – treated like individuals and thus allowed to contribute more than 12 times more to political campaigns than their corporate and partnership counterparts. This loophole reduces the effectiveness of the State’s campaign finance laws. The City Council

supports efforts to close this loophole, thereby strengthening the State's campaign finance system and creating a more fair and transparent election system.

STATE LEVEL PUBLIC CAMPAIGN FINANCE

The current New York State campaign contribution limit for an individual giving to a candidate running in a primary and general election for statewide office is up to \$65,100, and between \$8,800 and \$18,000 for a candidate running for state legislative office, as compared to \$5,400 for a candidate running for federal office. The New York State contribution limit for direct corporate contributions to candidates is \$5,000, as compared to an absolute ban on such contributions under New York City and federal law. New York State's current contribution limits, combined with the lack of a public campaign financing system, have the potential to hinder electoral competition and increase the risk or appearance of corruption by allowing wealthy individuals and corporations to spend large amounts to fund political campaigns.

Public campaign financing provides candidates with resources to run competitive races, improves election transparency through more stringent disclosure requirements, and reduces the risk of corruption and the appearance of impropriety by decreasing the potential for undue influence from wealthy contributors. The City Council urges the State Legislature to establish a public campaign finance system for state elections.

SAME-DAY VOTER REGISTRATION (A5891/S2391)

New York State consistently has one of the lowest voter turnout rates, ranking 49th among states in the 2014 midterm elections. Among other obstacles, missing registration deadlines can cause potential voters to lose their opportunity to vote. Evidence shows that same-day voter registration, already enacted by 15 states and the District of Columbia, increases voter turnout. For example, 4 of the top 5 states for voter turnout for the 2012 presidential election had same-day registration. Furthermore, from 1980 to 2012 the average turnout rate for presidential elections in states with same-day registration was 10.3 percent higher than that of states with registration deadlines. The City Council supports enacting same-day registration in New York to increase voter participation.

NO-EXCUSE ABSENTEE VOTING

A 2010 U.S. Census Bureau survey cited "no time off/too busy" as the most common reason for not voting. Currently, New York State limits voting by absentee ballot to a small group of voters who are unable to vote on Election Day: those who will be out of town, ill, disabled, detained in jail or hospital, or have primary caretaker responsibilities of someone who is disabled. Allowing no-excuse absentee voting would increase voter participation by creating a voting period of more than one day and the convenience of voting from home. Therefore, the City Council supports allowing no-excuse absentee voting.

Environment

LIMIT GREENHOUSE GAS EMISSIONS (A6072/S205-A)

Perhaps no challenge poses a greater long-term threat to our city, state and future generations than climate change. To address this challenge, New York City enacted a local law to reduce greenhouse gas emissions 80 percent by 2050, relative to a baseline year. The City Council calls upon the State to continue its strong track record on climate change by passing legislation requiring the NYS Department of Environmental Conservation to promulgate rules and regulations establishing limits on greenhouse gas emissions.

SOLAR INCENTIVE PROGRAM

The City Council supports legislation to establish a \$1.5 billion solar incentive program, which would solidify New York’s commitment to solar energy by creating a stable and predictable funding mechanism with the flexibility to encourage the development of residential-, commercial-, and industrial-sized photovoltaic systems through 2025.

STREETLIGHT REPLACEMENT SAVINGS ACT (A5356)

Although outdoor lighting represents one of the largest categories of energy use and costs for municipalities, utility ownership of streetlight equipment often prevents local governments from making cost-effective investments in efficient lighting technologies like LEDs that can reduce energy waste and unnecessary spending, thus helping to ease the burden on local taxpayers. The City Council supports legislation that would authorize municipalities to assume ownership rights of their street lights by acquiring them from a public utility. This legislation would give the City the opportunity to take advantage of cost and energy use savings that might be obtained through more efficient lighting technologies and management strategies.

EQUITY IN LOCATING ENVIRONMENTAL FACILITIES (A1973/S3205)

There has been an inequitable pattern in the siting of environmental facilities in low-income, minority, “environmental justice” communities. The City Council supports legislation that addresses the issue of environmental equity by requiring the NYS Department of Environmental Conservation to modify its permitting process, monitoring, and enforcement standards to address high concentrations of environmental facilities in racial minority and economically distressed communities. This legislation would also require all who plan to construct or manage environmental facilities in racial minority and economically distressed communities to submit an economic development plan to determine whether such action may cause or increase a disproportionate or inequitable burden on those minority communities or economically distressed areas that are directly or significantly indirectly affected by the action.

Transportation & Infrastructure

MOVE NY

New York City’s current bridge and tunnel tolling system is unfair. Areas of New York City that are relatively less dense, less congested, less affluent, and less accessible by mass transit (like the Bronx and Queens, for instance) are separated by tolls as high as \$15 round trip, while other drivers are able to drive for free over the East River bridges into the incredibly clogged streets of Manhattan, thereby adding to congestion. The current system also creates a series of perverse incentives for drivers: motorists, including trucks, often opt to take less efficient routes through local streets in order to avoid the tolled East River crossings (which are generally better connected to highways), further adding to the congestion, pollution, and safety concerns in local communities. The City Council calls upon the State Legislature to adopt a plan such as the one proposed by Move NY that would make the tolling system more fair by imposing tolls to enter the congested and transit-accessible central business district while lowering tolls on the outer-borough bridges. In addition to the environmental and safety benefits of reduced congestion, such a plan also stands to generate funding for much-needed investment in our roads and transit system.

AGING & LEAKING PIPELINES (A7965)

Much of New York City’s aging gas pipelines, nearly half of which were installed prior to 1940, are susceptible to cracking and fracturing, which can lead to climate-warming methane leaks, lost gas (with the cost borne ultimately by customers), and the risk of combustion. The tragic 2014 East

Harlem gas explosion shed a glaring light on the risks associated with old and poorly maintained gas pipes. This bill would put the onus on gas providers to accelerate their efforts to make New York's gas pipeline system safer and more reliable. It would also require gas corporations to file plans to address aging or otherwise leak-prone gas pipelines and to submit annual reports on the progress made in replacing their potentially problematic pipes.

Economic Justice, Economic Development & Consumer Affairs

END THE WORK EXPERIENCE PROGRAM IN NEW YORK (A5936/S3597)

The Work Experience Program (WEP) in New York City is administered by the NYC Human Resources Administration (HRA) and is designed to place public assistance recipients in work experience assignments in exchange for cash assistance. However, in order to receive the maximum Temporary Assistance for Needy Families block grant from the Federal Government, a state must meet a 50 percent work activity engagement rate for all households receiving public assistance. Yet WEP participants are not considered employees, do not receive a paycheck, and are not eligible for the Earned Income Tax Credit, collective bargaining, unemployment, or social security benefits.

HRA is currently in the process of phasing out WEP and replacing it with other approved work activities. However, in order to officially end WEP, the NYS Social Services Law must be amended. In September 2014, the City Council passed Resolution No. 257-A in support of state legislation to end WEP.

EXPAND OPPORTUNITIES FOR MINORITY AND WOMEN-OWNED BUSINESSES & EMERGING BUSINESS ENTERPRISES (A8044-A/S5924-A)

The City Council urges the State legislature to support the enhancement of opportunities for minority- and women-owned business enterprises (M/WBEs) and emerging business enterprises. This legislation would authorize New York City to establish quantitative metrics for evaluating bids submitted by M/WBEs. It would also give us the discretion to make purchases valued at \$200,000 or less without utilizing a competitive bidding process. Furthermore, it would enable the City to create a capacity-building program for businesses locally certified as M/WBEs. Additionally, this legislation would authorize an officer, board or agency in New York City to establish guidelines governing the qualifications for bidders seeking to bid or enter into public contracts. If an officer, board or agency in New York City maintains lists of qualified bidders, they would be able to restrict bidding to such prequalified lists.

ENSURE FAIR DEBT COLLECTION (S1281)

The City Council urges the State Legislature to pass the Fair Debt Collection Practices Act to further secure New York's position as a leader in consumer protections. In comparison to federal law and the NYC Administrative Code, current state law governing fair debt collection practices is too broad to ensure compliance by creditors and debt collectors, and thus fails to provide consumers with robust protections. The Fair Debt Collection Practices Act would bring state laws in line with federal and city law by (1) providing a detailed description of permissible debt collection practices, (2) requiring specific notice to debtors, and (3) detailing procedures for a debtor to dispute a debt. Additionally, the Act would authorize the New York State Attorney General to enforce its provisions and, most significantly, would grant a private right of action to individual debtors.

PUSH BACK ON FRAUDULENT DEED TRANSFERS (S5722)

The City Council urges the State Legislature to pass legislation increasing safeguards that protect against fraudulent deed transfers. As detailed in a recent *New York Times* expose, deed theft and deed

fraud scammers continue to flourish across New York City. Scammers will approach a distressed homeowner with an offer to help resolve a mortgage default or a lien on title, sometimes requesting only a signature to secure the services. Too often, this signature is enough to file and record a fraudulent deed transfer with the City Register, and the theft is complete. This legislation would increase consumer protections to guard against deed fraud. In short, the legislation would: (1) amend the NYS Criminal Procedure Law by creating a new pre-trial motion that would allow district attorneys to void fraudulent deed transfers, (2) amend the NYS Executive Law to require notary publics to submit to fingerprinting for criminal background checks and to keep notarial records that verify the identities of parties to deed transfers in New York City, (3) define presentation of false evidence of identity to a notary public as a violation of the NYS Penal Law, and (4) amend the NYC Administrative Code to incorporate the relevant parts of S5722.

REDUCE FRAUDULENT MORTGAGE FORECLOSURES (A6549/S265)

The City Council urges the State Legislature to pass legislation requiring lenders, assignees, and mortgage loan servicers to submit an affidavit to the court before commencing foreclosure proceedings to help reduce the occurrence of fraudulent, robo-signed, and illegal foreclosure filings.

In a mortgage foreclosure action, the plaintiff must establish that (1) it owns the note or bond secured by a mortgage on real property, (2) that the defendant has defaulted on the terms of the mortgage, and (3) that all contractual and statutory preconditions to foreclosure have been satisfied. Plaintiffs, however, often plead that they have been delegated the authority to bring foreclosure action by the actual holder of the note and mortgage, thereby obscuring the identity of the actual holder. This proposed legislation would create a new statutory precondition by adding Sec. 1304-A to the NYS Real Property Actions and Proceedings Law. This section would require the lender, assignee or a mortgage loan servicer to submit a signed affidavit to the court 30 days before commencing a mortgage foreclosure action affirming that it holds the note or bond on which the action would be based and thus has standing to commence such action. This legislation would also impose criminal sanctions for failing to comply with this provision, thereby further discouraging fraudulent foreclosure filings.

Veterans

LIMIT RENT INCREASES FOR DISABLED VETERANS (A4162/S3160-A)

The City Council calls upon the State Legislature to enact legislation permitting disabled veterans who are not receiving public assistance but are entitled to the possession, use or occupancy of a dwelling unit to be considered heads of households for purpose of tax abatement eligibility for rent-regulated property. Currently, municipalities are authorized to grant partial tax abatements for persons 62 years or older who are the head of household and live in dwelling units subject to rent control or rent stabilization where the increase over the legal regulated rent exceeds one third of the householder's income. These tax abatements play an important role in keeping rents affordable for senior citizens by limiting rent increases. As many disabled veterans live on fixed incomes, extending the benefit to disabled veterans who are the head of household and who meet the applicable income requirements would help protect them from burdensome rent increases, allow them to stay in their homes, and provide them with a proper standard of living.

PERFORM A STUDY ON HOMELESS VETERANS IN NEW YORK (A434B/S2575B)

The City Council calls upon the State Legislature to enact legislation that would require the NYS Division of Veterans' Affairs to conduct a study to determine the number of homeless persons in New York State who are veterans. Veterans, particularly those with post-traumatic stress disorder and traumatic brain injuries, are more likely than the general public to become homeless. The study would also provide an important analysis of gender as it relates to veteran homelessness, as well as determine the number and placement of children of homeless veterans. The U.S. General Accountability Office found that female veterans are four times more likely than their male counterparts to end up homeless. Homeless female veterans who are single mothers encounter significant barriers to securing adequate shelter, daycare services, and steady employment, thereby having a substantial impact on those families with children. Such a study would provide a clearer picture of how many homeless veterans with children live in New York State and enable the development of solutions to assist these families. Lastly, the study would include data on the unemployment rate of New York State veterans.

NYS RESTORATION OF HONOR ACT (A9293/S6087)

The City Council supports legislation creating a streamlined process for lesbian, gay, bisexual and transgender veterans who have been dishonorably discharged from the U.S. military solely due to their sexual orientation or gender identity to restore their eligibility for state veteran benefits for which they would otherwise be entitled.

JUSTICE FOR OUR VETERANS ACT (A2421/S3914-B)

The City Council supports legislation to amend the NYS Criminal Procedure Law, in relation to establishing an alternative resolution program for service members and veterans accused of certain felonies. The Justice for Our Veterans Act would establish procedures to ensure that veterans in the criminal justice system receive necessary treatment to address military service-caused physical or mental illnesses that may have played a role in the charged offense. If a veteran completes the court-ordered treatment plan, the court has the option to reduce or dismiss the charges in appropriate cases.

Criminal Justice Reform

RAISE THE AGE OF CRIMINAL RESPONSIBILITY

New York State currently sets its age of criminal responsibility at 16. As a result, adolescents are prosecuted in the adult court system, regardless of the crime, where they are subject to adult sentences and may receive a criminal record. Having a criminal record makes it difficult for these young people to obtain jobs, financial aid, and public housing, and/or to be admitted into colleges. In addition, they are far less likely to receive rehabilitative services in the adult system and have a much higher risk of re-offending than those who go through the juvenile system. Research on adolescent development shows that young people's brains are not yet fully developed and that they have a limited capacity to make reasonable judgments and calculate risks. Many believe that because of their diminished capacity, young offenders should not be treated as adults in our criminal justice system. In early 2015, Governor Cuomo's Commission on Youth, Public Safety & Justice unanimously recommended that the State raise the age of criminal responsibility to 18. The City Council urges the State Legislature to make this issue a top priority in the coming session and to raise the age of criminal responsibility to 18.

BAIL REFORM (A8551/S6061)

Roughly 85 percent of the inmates at Rikers Island are there because they cannot post bail, often for petty crimes. The City Council supports legislation to completely overhaul the pre-trial detention

system. While this legislation would not significantly change the factors that a judge considers when making pre-trial detention decisions, it would completely eliminate the concept of money bail and leave only the option of remanding without bail, releasing, or releasing with conditions such as obeying an order of protection or a curfew. This legislation would also require judges to (1) use the least restrictive means of ensuring the defendant's appearance, (2) to presumptively release those charged with misdemeanors or non-criminal offenses, and (3) state on the record why they remand any defendant on a misdemeanor or non-criminal offense. It would also require the use of independent agents to interview and evaluate defendants as candidates for release prior to any detention decision being made. These agents would make recommendations regarding release, with judges being required to state on the record if they deviate from those recommendations. The City Council supports this effort to reduce unnecessary pre-trial detention.

INDEPENDENT PROSECUTOR

In July of 2015, Governor Cuomo signed Executive Order 147, which appointed the New York State Attorney General as a special prosecutor in cases relating to the deaths of civilians caused by law enforcement officers. The City Council supports this executive order; however, we believe it is necessary for Executive Order 147 to be codified into law to ensure that a special prosecutor will continue to oversee cases involving the deaths of civilians beyond Governor Cuomo's tenure as governor. For this reason, the City Council supports passing legislation that codifies Executive Order 147 into law.

COMMUNITY RE-ENTRY & REINTEGRATION FOR THE FORMALLY INCARCERATED

The City Council applauds Governor Cuomo's decision to fully implement the NYS Council on Community Re-entry and Reintegration's 12 recommendations, which are aimed at easing re-entry and reintegration for individuals who were formally incarcerated.

The 12 recommendations include: (i) adopting new anti-discrimination guidance for New York-financed housing; (ii) setting uniform guidelines that evaluate qualified applicants for state occupational licenses; (iii) creating "fair chance hiring" for New York State agencies; (iv) amending 10 New York State licensing and employment regulations; (v) including the formerly incarcerated as a target population for supportive housing; (vi) streamlining the application process for documents creating a presumption of rehabilitation; (vii) providing a path to obtaining Department of Motor Vehicles-issued ID for people exiting state prison; (viii) launching a job search effort aided by new technology; (ix) giving individuals in state prison the ability to save more money to use after release; (x) creating new housing and treatment capacity for mentally ill people leaving state prison; (xi) increasing the number of individuals leaving prison who are enrolled in health care coverage; and (xii) allowing individuals returning home to live with spouses and partners.

The City Council urges the State Legislature to pass legislation that would codify these 12 recommendations, where appropriate, and help ensure that these practices continue, notwithstanding future administrations.

DISCOVERY REFORM (A2973)

Discovery is the process in litigation in which opposing sides share their evidence with each other. A New York State Bar Association task force issued a report in which they stated that "overhauling criminal discovery in New York is urgently needed and long overdue. New York is so far outside the mainstream on this crucial issue that a leading treatise places it among the fourteen States that provide defendants in criminal cases with the least discovery in the nation." The City Council supports legislation to codify many of these recommendations, including that police reports be

provided immediately to the defense and that certain exculpatory and other crucial information be provided to the defense within 15 days of arraignment, including written testimony by any prosecutorial witness, the criminal record or pending criminal case(s) of any prosecutorial witness, and any promises made to such witnesses in exchange for their testimony. These same rules would apply in reverse for defense witnesses.

Gun Control

ONE-GUN-A-MONTH LIMIT & WAITING PERIOD FOR PURCHASES (A7026/S2443)

Currently, New York City limits the purchasing of firearms by an individual to 1 per 90-day period. The City Council strongly supports legislation limiting buyers to 1 handgun a month and requiring a 10-day waiting period before a buyer can take possession of a firearm throughout the State, as long as the legislation retains the City's ability to have a more stringent waiting period. While limiting the purchase of one handgun a month is less strict than New York City's limit, restricting an individual's firearm purchasing power throughout the entire state will help make the City safer because it will reduce straw purchases and trafficking by giving law enforcement officials additional time to perform background checks. It will also help guard against impulsive acts of violence.

MICROSTAMPING (A6192A/S1113A)

The City Council strongly supports legislation requiring all semiautomatic handguns sold or delivered in New York to be equipped with a feature that imprints a unique code onto the shell casing every time a gun is fired. Passing this legislation will assist in solving crimes and help further deter straw purchasers and gun trafficking.

Legalization/Decriminalization of Marijuana

LEGALIZATION OF MARIJUANA (A3089A/S1747)

The City Council supports the Marijuana Regulation and Taxation Act, which would (1) legalize marijuana possession and limited personal cultivation for adults 18 years of age or older, (2) place an excise tax on certain marijuana sales, and (3) repeal certain provisions of the law relating to the criminal sale of marijuana and drug paraphernalia. This legislation would regulate, control, and tax marijuana in a manner similar to alcohol, generating millions of dollars in new revenue and saving millions of dollars in criminal justice resources each year. Passing this legislation would reduce the racially disparate impact of existing marijuana laws and end the cycle of branding nonviolent New Yorkers as criminals.

REDUCE THE RACIAL DISPARITY OF MARIJUANA ARRESTS (A6218A/S137A)

The City Council supports the Fairness and Equity Act, which would amend the NYS Penal Law by decriminalizing the possession of less than 25 grams of marijuana even if it is burning or in public view. In addition to addressing other issues of fairness and equity, passing this legislation would end the unnecessary and disproportionate arrests of black and Latino New Yorkers by ensuring that possession or sharing of small amounts of marijuana can never result in a criminal penalty, unless an actual sale takes place. This provision would combat the harsh collateral consequences that result from these arrests, while helping to ensure that New York's penal laws are enforced equally and fairly.

Synthetic Marijuana

CRIMINALIZE THE SALE OF SYNTHETIC MARIJUANA (S6039/A8409)

The City Council supports legislation that would criminalize the sale of synthetic marijuana. Synthetic cannabinoids (also known as synthetic marijuana, K2, or spice) are a range of herbal mixtures sprayed with chemicals in order to produce mind-altering effects. While synthetic cannabinoids are illegal, manufacturers have found and exploited numerous legal loopholes to keep these dangerous products on the street. The City Council has passed three bills that crack down on businesses caught selling this drug while not criminalizing the user.

Syringe Possession

FULLY LEGALIZE SYRINGE POSSESSION & REFORM THE EXPANDED SYRINGE ACCESS PROGRAM (S4099/A5471)

Harm reduction programs, including syringe exchange and wraparound services, are credited with reducing HIV and hepatitis C transmission, preventing overdose deaths, linking people to healthcare (including drug treatment), and saving the State millions of dollars. Amid an increase in heroin and other injection drug use, now is the time to ensure that laws and other policies do not create barriers to services.

New York State should repeal the criminal law on syringe possession. Despite more than 20 years of legal syringe access programs, thousands of New Yorkers are still being arrested for syringe possession, fostering fear and undermining service delivery in vulnerable communities. The Expanded Syringe Access Program, which allows pharmacy syringe sales, should also be reformed to remove the limit of 10 syringes per transaction and to allow program advertising.

Youth Services

EXPAND DUTIES OF THE NYS OFFICE OF CHILDREN AND FAMILY SERVICES (S62/A4989)

Lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) runaway and homeless youth face a unique set of challenges. Often times they find themselves homeless because they have been thrown out by parents who do not accept their sexual or gender orientation. LGBTQ runaway and homeless youth are also more likely to experience social and personal problems, including alcohol abuse, suicide attempts, and being bullied in school. Such youth are also more likely to suffer physical and mental abuse.

In an effort to address the needs and challenges faced by runaway and homeless LGBTQ youth, the City Council strongly supports the passage of legislation expanding the duties of the NYS Office of Children and Family Services. Specifically, this legislation would require employees of programs that provide services to runaway and/or homeless youth to complete training on issues concerning LGBTQ youth, with an emphasis on the correct terminology to use, how to address issues relating to homophobia and transphobia from other youth in shelters, and how to deal with families of LGBTQ youth.

Long-Term Residential Care Facilities

EXPAND OVERSIGHT & REGULATION OF LONG-TERM RESIDENTIAL CARE FACILITIES (A5820)

The City Council calls upon the State Legislature to pass legislation that strengthens the NYS Department of Health (DOH) enforcement of safety conditions and standards of care in adult care facilities. DOH enforcement data indicates that facilities are not being held accountable for regulatory violations, as a very small percentage of violations found during inspections lead to enforcement actions. The maximum fine for violations, which has not been raised since 1977, is capped at \$1,000 per day, but not per violation. Under this penalty scheme, a facility with one violation and a facility with many violations are subject to the same penalty cap. Further, facilities are able to escape an enforcement action because state law allows facilities 30 days to correct or submit a plan to correct before incurring any fines, unless the violation endangers a resident. The maximum penalty for a violation should be raised to \$5,000 and DOH should be permitted to assess penalties per violation, in addition to the existing daily penalties. DOH should also have the discretion to issue a reduced penalty for a violation even if a facility corrects or is planning to correct the violation within 30 days.

This legislation should be accompanied by an increase in funding for the NYS Long-Term Care Ombudsman Program (Ombudsman Program). As required by the 1978 Amendments to the Older American Act, the State operates an Ombudsman Program that advocates for the health, safety, welfare and rights of residents of nursing homes, adult homes and other similar adult care facilities. Program responsibilities include identifying and resolving residents' complaints, representing residents' interests before governmental agencies, and seeking administrative, legal, and other remedies to protect residents. While New York State has the largest nursing home population in the country, its Ombudsman Program is severely underfunded and understaffed compared to other states' programs. In 2013, California (with the second largest nursing home population) contributed close to \$4 million to its program, while New York State gave less than \$250,000 – less than one-tenth of the amount California provided. In order to fulfill its mandate to advocate for and protect long-term care facility residents, state support for the Ombudsman Program should rise at least to the level that California provides.

Mental Health

MENTAL HEALTH SERVICES (A4793)

People who are mentally ill and released from state mental hospitals, prisons or jails seldom have health insurance coverage at the time of their release. Furthermore, because they are prohibited from applying for Medicaid until their release, there is a time lapse between application and acceptance into the program. Without follow-up medical care immediately following their release, these individuals are likely to be re-incarcerated or re-hospitalized. To help better address and meet the needs of this vulnerable population, the City Council supports the passage of legislation amending the NYS Social Services Law, in relation to the medical assistance presumptive eligibility program. If enacted, this legislation would ensure that uninsured persons discharged from psychiatric inpatient care at a state hospital or released from prison or jail have continuous access to medical care for their mental illness by presuming that they are eligible for Medicaid coverage for care, services and supplies to treat a mental illness for up to 90 days.

Education

RETAIN/EXTEND MAYORAL CONTROL OF NEW YORK CITY SCHOOLS

In 2002, the New York State Legislature passed and the Governor signed legislation that established mayoral control of the New York City public school system. In 2015, mayoral control was reauthorized and is due to sunset again in June 2016. Without reauthorization from the State, mayoral control will end and governance of New York City public schools will return to the pre-2002 configuration.

The New York City Council supports the extension of mayoral control of New York City schools and urges the State Legislature to initiate a reauthorization process that would allow for consideration of any needed changes in the law.

OPPOSE RAISING THE CAP ON CHARTER SCHOOLS

The cap on charter schools is currently set at 460 statewide. In 2015, the State Legislature increased the New York City cap by 50 schools. New York City is required to provide free space to all new or expanding charter schools, either by co-locating the charter in a city school building or by paying rent for a private space (the lesser of the actual rental cost or a total amount up to \$2,775.40 per pupil in 2015-16). However, there are not many city schools that are sufficiently underutilized to accommodate such co-locations. In fact, most schools are near, at, or over capacity. The City will increasingly have to pay rent for charter schools in private space. Raising the cap will create an undue financial hardship for the City. For this reason, the City Council opposes raising the cap on charter schools.

REMOVE STANDARDIZED TEST RESULTS FROM TEACHER PERFORMANCE EVALUATIONS

In 2010, the NYS Board of Regents (the Regents) adopted the Common Core State Standards, which are modeled on national benchmarks. These standards called for standardized testing measures and using student test scores in teacher evaluations. In response to concerns raised by policy makers, parents, and teachers, Governor Cuomo formed in 2015 a task force to examine the Common Core's value. The findings of this task force point to a flawed system and recommend that the State discontinue using test scores to evaluate teachers through the 2018-19 school year to allow for time to develop new standards and testing.

In December of 2015 the Regents voted for a 4-year moratorium on the use of test scores in teachers' evaluations. While the City Council applauds the Governor for taking these first steps, such evaluations should be discontinued permanently. We do not believe there is value in using test scores for purposes for which they were not designed (such as teacher evaluations).

COMMUNITY SCHOOLS ACT (S5447/A6791)

The Community Schools Act will help ensure high-quality educational opportunities and improved educational outcomes for all students through investment in sustainable community schools. The legislation would allow for school-linked academic, health, mental health, nutrition, counseling, and legal services at New York City schools and eligible not-for-profit organizations that receive the approval of the NYC Schools Chancellor. The City Council supports an amended version of the Community Schools Act legislation that includes \$250 million investment in community schools.

SCHOOL HEALTH SCREENINGS (S1521/A6504)

This legislation would authorize schools to screen for childhood obesity and perform diabetes risk analyses for children with certain health risks as part of their health services. Additionally, it would require instruction in schools on good health practices.

SUPPORT EMPLOYEE PROTECTION PROVISIONS (A8019/S5984)

From 1979 to 2009, New York City Department of Education (DOE) bus contracts included Employee Protection Provisions (EPPs) requiring DOE school transportation contractors to give priority when hiring to employees who lost their job due to their employers' loss of their DOE bus contract. These employees were not only given hiring priority, but were also guaranteed the same wages and benefits that they had received prior to becoming unemployed. Following a 2011 decision by the New York State Court of Appeals, the DOE did not include these provisions in the solicitation for new bus contracts. To protest the elimination of EPPs, school bus company employees went on strike in January 2013 for more than a month.

This legislation would require the DOE to include EPPs in school bus contracts, thus preventing future labor disputes and service disruptions while helping to protect the experienced workforce.

AMENDING STATE CURRICULUM TO INCLUDE LESSONS ON CLIMATE CHANGE

According to the National Center for Science Education, "it is important for the science of climate change to be taught, both in formal and informal educational environments, in order for future citizens to be able to make scientifically informed decisions about the consequence of climate change." Thirteen states have already changed their curriculum to include that climate change be taught as early as middle school; however, New York State is not one of them. The City Council calls upon the NYS Education Department to include lessons on climate change in school curriculums from kindergarten to 12th grade. Changing the curriculum will provide our students with the knowledge and skills that they need to navigate a changing world.