



NEW YORK STATE COUNCIL OF CHURCHES 2022 LEGISLATIVE ASK

Founded in the late 19th Century, the New York State Council of Churches is comprised of nine partner denominations including: American Baptist Churches, Empire Baptist Missionary Convention of New York, The Episcopal Church, Evangelical Lutheran Church of America, Presbyterian Church, USA, The Reformed Church in America, The Religious Society of Friends (Quaker), United Church of Christ, and the United Methodist Church.

We also are pleased to partner with secular groups along with people of other Christian denominations and of other faith groups to seek a more just society. While our network of 7,500 congregations, which covers the entire state of New York is theologically and politically diverse, we are committed to addressing structural racial and economic injustices in our society in all of its forms.

What follows is our 2022 Legislative Ask which offers guiding principles for our work along with very specific asks in seven major policy areas. We hope that this document will serve as a helpful resource for people to live out their faith in the public and square and for our legislators as they make choices and shape legislation which will help build a more just New York.

If you have questions about the Council and its many ministries or this legislative ask, please contact The Reverend Peter Cook, Executive Director at Pcook@nyscoc.org or 508-380-8289. You can also refer to our website at WWW.Nyscoc.org.

TABLE OF CONTENTS

Guiding Principles	Page 3
Economic Development, Taxes, Wages, Affordable Housing, Education and Our Children	Page 5
Criminal Justice Reform	Page 15
Health Care	Page 21
Labor Rights	Page 26
Voting Rights	Page 35
Immigration	Page 40
Environmental Justice	Page 43

GUIDING PRINCIPLES

As people of faith, we are here to address structural economic and racial injustice in our state. We believe that there are limits to what charity can do and that we only see significant progress to help people who are poor and low wealth and people of color when we change laws and policies to improve their lives. We recognize that over the last forty years we have seen a growing divide between the wealthy and the low and middle-income people. We aim to close that divide.

Economy, Taxes and the Social Safety Net

We are grateful that the state of New York has seen a sizeable increase in tax revenue and Federal assistance. While we hope that more money will be coming from the Federal government through Build Back Better, we want the state to make wiser choices about how to use the money they already have received. We think more emphasis should be placed on investments in permanently higher fair wages (not bonuses), affordable housing, and child-care and fewer investments in tax breaks for large corporations and placement of too much money in rainy day funds. Other savings would include postponing middle class tax cut (which are too small and do not benefit low-income people) and ensure that the increase of state income tax on millionaires and billionaires and the corporate does not sunset but is made permanent. Direct help to New Yorkers in the form of better wages, child care, housing, and health care will add much more to house hold budgets than a tax cut.

Environment

There are a robust set of proposals from many groups about how the state should address the climate crisis. We are asking that you work with your colleagues to come up with a coherent plan for greenhouse gas reduction. Towards this end there are a robust set of proposals (Climate Can't Wait) from many groups about how the state should address the climate crisis.

We ask that your go the 12 Climate Can't Wait with a goal in mind of investing 15 billion a year paired with enforceable timelines for greenhouse gas reduction. We are also looking at requirement that 40% of funds be directly invested in disadvantaged communities, ending fossil fuel subsidies and investments in fossil fuel infrastructure, and avoiding false solution like waste-to-energy projects. All along, we ask you to remember that social justice communities including people of color, have been disproportionately damaged by environmental hazards like bad air, toxins in homes and public spaces, and poor water quality.

Labor

While there has been some reduction in unemployment at the end of the pandemic, we must remember that we still have dramatically more unemployment than before the pandemic. We must directly address this problem. In that spirit, we ask that legislature enact legislation and support policies which ensure that worker's wages are not stolen and that there is a **permanent increase** in pay for home-care and other workers. Increased pay must be paired with regulations to ensure more reasonable hours and better working conditions. We also support the proposal a gradual allowance for overtime for farm workers over a ten-year period as proposed by the Farm Wage Board and a corresponding tax credit for overtime as proposed by the Governor.

Health Care

We believe health care is a human right and should not be driven by profit. We believe that rules for Medicaid can be adjusted to ensure that more people, including the elderly and disabled, are covered. It's important that undocumented workers have health coverage. We think that hospital prices should be much more controlled to free up dollars for better wages and other state investments in our economy. In the long term, we think passage of the New York Health Act is the best approach to ensuring more comprehensive and less costly coverage and should replace our current health care system which is far too costly and lags well behind other countries in coverage including long-term care.

Criminal Justice

All criminal justice reform policies should be based on the idea of restorative justice instead of revenge and perpetual punishment. We must recognize that communities of color are disproportionately incarcerated. We reject efforts to weaken bail reform, Less is More, and Raise the Age as a way to increase public safety. We think there are much better policy choices to make us safer in the realm of criminal justice reform (ie parole reform, Clean Slate, investments in family courts, Treatment not Jails). We also think more robust investment in our social safety net (housing, health care, food insecurity, childcare, education) is a more effective approach to fighting crime than revenge-based and austerity-oriented policies.

Immigration

Immigrants, including undocumented immigrants, contribute greatly to our culture and economy and should be accorded dignity and respect. As taxpayers, they should have the same access to the services afforded New York and United States citizens. We need to much more adequately support immigrants of limited financial means with their legal costs.

Voting Rights

Everyone New Yorker who is eligible to vote should be able to vote. Our voting laws should, wherever possible, lower barriers for voting and not increase them. We also need to embrace public financing of elections which is possible beginning in 2024 to ensure elected office is accessible to a wider variety of people regardless of income.

ECONOMIC DEVELOPMENT, AFFORDABLE HOUSING EDUCATION, WAGES AND OUR CHILDREN

Introduction and Theological Reflection/Anti Racist Focus on our Work

The New Deal, indebted to Keynesian economics, was premised on the idea that if you invest in people by strengthening social programs to meet basic needs and combine it with progressive taxation, prosperity becomes more widespread and prevents wealth from being concentrated at the top. Ever since 1980 with the election of President Ronald Reagan, both Democrats and Republicans, to varying degrees have rejected bottom up and middle out economics and instead embraced variations of supply-side economics premised on the idea that if you offer tax breaks to people and corporations at the top of economic ladder the benefits will “trickle down” to everyone else. President Reagan’s famous quote “The nine most terrifying words in the English language are, ‘I’m from the government, and I’m here to help’” or President Clinton’s “ending welfare as we know it”, which significantly frayed the social safety net, were both rooted in a distrust of government and a much greater faith in the free market to solve our economic challenges.

The shift to neo-liberalism, which continued with subsequent efforts to continually cut taxes which primarily benefited the wealthy, resulted in massive wealth inequality where wages for poor, low wealth and middle-class people remained stagnant while there was an explosion in wealth at the top of the economic ladder.

Instead of going back to a Keynesian investment in affordable housing, education, health care, and a steady increase in the minimum wage, we gave more and more money to entities which did not yield optimum tax revenue and failed to make transformational investments in the economy. People of color saw a steady loss in wealth and, in many cases, saw a loss of their homes because of unregulated mortgage brokers and predatory lenders. The principles of Build Back Better, where we return to bottom-up investments in our people, marks a distinct departure from the neo-liberal project which still heavily influences state budgets and governance including in New York.

As people of faith, we reject scarcity and instead embrace the promise of God’s abundance that there is more than enough for all. We must also embrace the principle of sharing with one another for the common good. One vision of shared prosperity can be captured by the early church where “awe came upon everyone, because many wonders and signs were being done by the apostles. All who believed were together and had all things in common; they would sell their possessions and goods and distribute the proceeds to all, as any had need. Day by day, as they spent much time together in the temple, they broke bread at home and ate their food with glad and generous hearts, praising God and having the goodwill of all the people.”

Principles

- We favor a return to a much more robust investment in the social safety net which we believe will allow households to reduce the expenses of basics like housing, child-care, and education and free up their budget for other necessities.

- We believe paying more just wages is morally right and produces much better benefits for the economy than tax breaks for the rich.
- We call for a rejection of tax breaks and subsidies for corporations which yield much less return on the dollar than bottom up and middle out investments.
- Affordable housing, education, and investment in children and the elderly is “economic development” and yields a better economic return than trickle down-supply side economic approaches.

State Legislative Requests:

Reworking New York State’s Approach to Economic Development

New York State and its local governments currently spend in the neighborhood of \$10 billion annually on a broad array of economic development programs throughout the state. There are dozens of different programs that provide a myriad of benefits, from cash grants to tax exemptions, tax credits (including many that are refundable and therefore paid in cash), and tax-exempt bonds. The vast majority of these benefits go to big businesses in the name of job creation and economic growth, but the results are very far from clear.

It’s time for New York to begin to redefine “economic development” as improving the quality of life for regular New Yorkers and challenge traditional tax abatement and corporate subsidy style economic stimulus. The state and local governments need to realize true economic development is about investments in public goods like early childhood education, childcare, K-12 and higher education, the public workforce, Homecare and affordable housings.

Pass the Database of Deals

For years many groups have proposed creating a single “Database of Deals,” managed by ESD, for all state subsidies to businesses, including grants, loans, tax credits, tax-exempt financing, as well as discounted energy. Senator Comrie and Assembly member Wallace’s bill ([S5711/S8325](#)) provides a model for statutory change to create a Database of Deals. Instead of the aforementioned Database of Deals, the state recently released a Database of Economic Incentives which sorely misses the mark.

New Yorkers should have access to a Database of Deals that provides transparency and accountability for the dozens of business subsidy programs. This should be a companion to the programs’ own reporting requirements, which often are ignored. In a May 2017 [audit](#), NYS Comptroller DiNapoli found ESD failed to meet more than half of the reporting requirements for tax credit and job creation programs, including independent evaluations of the efficacy of economic development programs, general overviews, and program-specific reports.

The state must ensure that the Database of Deals bill includes a uniform definition of “job” that applies to all state subsidy programs. Without a uniform definition of “job,” it is impossible to

create an apples-to-apples cost per job that allows different subsidy programs and deals to be compared with each other.

IDA's Need to Stop Giving Away School Funding

According to an analysis by Good Jobs First, Schools in upstate New York (excludes NYC) lost \$377 million in tax revenue to IDA projects/PILOTS in 2019. We know that 87 school districts lost between \$1 million and \$10 million in FY 2019; and three of these — Peekskill, New Rochelle, and Rensselaer — lost over \$10 million. All are relatively poor, and two have large shares of Black and Latinx students.

Mandate that school districts be consulted and have final say in implementing tax abatements. The state needs to recognize the symbiotic relationship that schools and cities have. Thus, a healthy community coalition would necessarily involve the input and influence of the local school district. Providing school districts to have the final say on tax abatements would give them unilateral authority over their own property tax base, instead of reallocating authority to an unelected, undemocratic institution like the IDA.

Change the statutory language to mandate that community services have representation on IDA boards. As IDA decisions have ripple effects throughout the community, from impacting housing prices to affecting district revenues, the local school districts, unions, neighborhood and other community groups should be included in decisions to abate taxes for new development. Thus, there must be at least one school representative on IDA boards to represent their interests and present potential drawbacks and actions to make sure that economic development policies benefit all institutions within a community.

Other reforms needed:

Empower the State Comptroller to Review All State Contracts: Pass the bill restoring most if not all of the State Comptroller's "pre-audit" power to review state contracts ([S6809 \(Reichlin-Melnick\)](#) / [A7925 \(Zebrowski\)](#)).

No More Non-Disclosure Agreements: Pass legislation banning public officials or public advisory groups from signing Non-Disclosure Agreements related to subsidy and economic development deals ([S1196 \(Gianaris\)](#)).

Claw backs: The state should require mandatory claw backs for every single incentive offered, including instances where the state spends capital money on behalf of a prospective tenant, for broken promises on jobs, wages, relocation, etc.

Support Economic Development programs that Work: Smaller scale programs like the Innovations Hot Spots Program (small business incubators that share services and work closely with universities) make more sense than traditional mega-deals and there are also long-overlooked and underfunded programs that have a successful track record such as the Entrepreneurial Assistance Program (EAP) and the Community Development Financial

Institutions (CDFI) fund. These two programs have been in operation for decades and are designed to provide training and technical assistance to women and people of color who want to start their own business (EAP) and provide the capital needed to create these small enterprises (CDFIs).

Redefining Economic Development

Rather than chasing smokestacks or throwing tax cuts at business, the state's economic development policy should be focused on smart investments that improve the local economic climate, with careful accounting of benefits to local communities. The goal must be overall economic growth, not the mere shifting of activity from one area or one state to another.

We must also accept the fact that what ultimately makes for the best business climate is investments in public schools and institutions of higher education, labor force development, transportation, parks, and other infrastructure that build a skilled labor force and attract business owners and workers based on quality of life. It is these fundamentals that will make the biggest difference in whether or not New York State is an attractive place for employers to locate and employees to live. What we typically call "economic development" is, in the end, marginal to what makes New York an attractive place to do business.

Affordable Housing as Economic Development

New York Housing Conference, in their report, [Universal Rental Assistance: Economic and Fiscal Impact Study](#), makes the case for housing investment and assistance as one of the very best choices for revitalizes our economy. "Making rental assistance universal to all in need would represent one of the boldest policy initiatives to combat poverty and economic inequality in American history." The report shows how economically transformative making access to housing assistance universal would be. The report found that New York would expect the following benefits with a full housing safety net:

- Financial support and improved health and other outcomes for low-income households;
- Greater equity, well-being, and access to opportunity;
- A reduction in chronic homelessness where 92,000 people live on the streets with thousands more uncounted and doubled or tripled up in apartments;
- Increased local economic activity and additional jobs;
- Additional local and state tax revenues;
- A boost in affordable housing production.

In total, more than 300,000 New Yorkers would be lifted out of poverty, the overwhelming majority of whom would be Black or Latino.

Investment in Affordable Housing and Homelessness Alleviation. While we commend Governor Hochul for proposing an investment to produce 100,000 units of new housing, including 10,000 supportive housing units for supportive services for high-risk populations, (like runaway youth and formerly incarcerated individuals), in her five-year housing plan, we believe the state investment must be markedly larger. 300,000 new rental and owner-occupied homes including 30,000 supportive housing units for a total of 15 billion over five years would be a

much more transformative investment. According to Rachel Fee, Executive Director of New York Housing Conference, “The Governor’s budget includes \$92 billion in capital but the housing plan makes up just 7.5% of the total- less than transportation, higher education, economic development, and parks and environment capital spending. The entirety of NY State’s capital budget for the plan is \$5.7 billion, which includes the \$4.5 billion in housing plan funds and \$1.2 billion balance of capital funding is based on 5-years of projected funding.””

Additional 2 billion Rent Relief from Emergency Rental Assistance Program (ERAP)

Because of the pandemic, massive numbers of New Yorker’s fell behind on their rent and became a risk of eviction. With the first round of ERAP funds depleted, we hope for additional Federal money which is questionable. In the meantime, we support the reallocation of existing Federal funds given to the state to provide relief to those who filed to secure rent relief because of depletion of ERAP funds. Rent relief for 2 billion for aid to renters and landlords at-risk be prioritized.

Housing Access Voucher Program Senator Kavanaugh [S2804](#) and Assemblymember Cymbowitz [A3701](#). We need a Housing Access Voucher Program so that families are spending no more than 30% of their household income on housing. In its [Universal Rental Assistance: Economic and Fiscal Impact Study](#), New York Housing Conference, supporting the Biden Administration’s massive expansion of Section 8 Voucher program under Build Back Better, made a case that vouchers could be singularly the most effective way to eliminate homelessness and dramatically reduce housing insecurity would be one of the best economic drivers for the state. Unfortunately, the Federal response is far from certain making this a perfect time for New York to advance a program like the Housing Access Voucher Program or HAVP as laid out in Senator Kavanaugh’s bill S2804. HAVP is a permanent, statewide Section 8-like rental assistance program, wherein half of vouchers are dedicated to help homeless New Yorkers and the remainder go towards eviction prevention.

Investment in Public Housing. The Governor Hochul’s budget fails to address any of NYCHA’s \$40 billion capital shortfall representing unconscionable living conditions, systematic outages and warranting a federal monitor. No new money is proposed for NYCHA from either the state or NYC, which reflects a tenuous assumption that we can wait for a large investment in NYCHA from the Federal Government through Build Back Better to rescue us. In addition to proposed increase in allocation for public housing outside of New York City (which must be increased even more), we ask for 1.5 billion for New York City Housing Authority (NYCHA) be matched by 1.5 billion from New York City.

Zoning Laws. The 2020 Decennial Census Survey revealed that New York has two of the top ten most segregated metropolitan regions in the country. Throughout the state, exclusionary zoning is a common force for preventing the production that can help alleviate the supply shortage we face. Because of this, we believe that the Transit Oriented Development Act of 2022 and Accessory Dwelling Unit Legalization need to be implemented now.

- **Transit Oriented Development Act (or TODA)**, proposed by the Governor, must be adopted and strengthened by the legislature. The policy should not have opt-out clauses, and both incentives and financial penalties that will allow it to avoid the pitfalls faced in other states.
- **Accessory Dwelling Unit law** Assemblymember Epstein [A4854](#) Senator Harckham, [S4547](#) allows for the building of accessory units attached to owner occupied homes which will increase housing stock while ensuring that neighborhoods are more economically and racially diversified. The ADU proposal should ensure non-discrimination, and if the units receive any state or Federal subsidy, must be affordable.

Recent legislation by Senator May [S7635](#) would also enhance the state's ability to encourage affordable housing production with the creation of a NY Housing Appeals Board.

In this same vein, we would like to see the state not just encourage localities to use its land more effectively, but also take advantage of all of its own assets. The utilization of state-owned land to create housing opportunities should be a major part of this conversation to add to our housing stock.”

Fair Representation in Court (Right to Counsel) Assemblymember Joyner, [A07570A](#) and Senator May, [S06678A](#)). Every year, at least 80% of the civil legal needs of low-income New Yorkers go unmet. According to the Brennan Center, fewer than 20 percent of low-income families with civil legal needs are able to obtain the services of counsel to help them gain access to the courts. As we continue to experience a foreclosure crisis and an affordable housing crisis in New York, we must ensure that our most vulnerable populations are receiving proper representation when they cannot afford to obtain such representation on their own. While we support Governor Hochul's proposal to include an expansion of legal assistance for those facing evictions, we believe the proposed \$35 million allocation for the Eviction Prevention Legal Assistance Program, which will offer free legal assistance to renters below 200 percent of the Federal poverty line, is too small and should be more like \$500 million. The expanded money through the statewide Right to Counsel legislation, introduced by Senator Rachel May and Assembly Member Latoya Joyner, would ensure that every tenant in New York State has the right to a lawyer when facing an eviction and:

- Covers every tenant across the state, regardless of income;
- Covers any legal proceeding that could result in a tenant losing their home;
- Requires that tenants be represented throughout their entire case, not just when they show up in court. This includes legal advice, advocacy, and assistance;
- Requires the State to contract with non-profit legal services organizations to provide Right to Counsel and with non-profit community-based organizations to provide tenants' rights education and tenant organizing.

Expand incentives and ease regulations for repurposing hotels and faith-based property

The Housing our Neighbors with Dignity Act (HONDA) was codified into law by former New York Gov. Andrew Cuomo in August, 2021. It set aside \$100M in the state budget and provided New York's Division of Housing and Community Renewal the ability to approve nonprofits' purchase and conversion of New York City hotels in distress. The program, however, has received just one applicant. [Politico reports](#), Housing Commissioner RuthAnne Visnauskas told a state Senate budget hearing that legislators won't add more funds to it because of the lack of interest.

Under the rules of the program, at least 50% of the units in a conversion would be for homeless people and the rest set aside for people making up to 80% of the area's median income. The program would be far more successful if a relaxation of certain building code requirements were allowed but the easing of these requirements were opposed by former Mayor Bill DeBlasio. Current requirements for a kitchen with a full-sized refrigerator, cooktop and sink make it cost-prohibitive. Some advocates were also concerned that easing the regulations would cut corners and make the housing for homeless New Yorkers sub-standard. More money was required. Moreover, the program was only geared to New York City and did not touch properties in the rest of the state.

We ask for more money for hotel conversion not just in New York City but throughout the state where distressed hotels litter the landscape. We also think there should be some common sense easing of building regulations to make conversion more possible.

Most importantly, we note that there are many other commercial properties all over New York state that could be converted.

As a Council, we also think the state should focus more of its resources on helping faith-based organizations use part or all of their property to build affordable housing. We recommend that pre-development money be provided, to help congregations do pre-development analysis so that they can effectively enter a development agreement with an affordable housing provider without being fleeced. We ask legislators to study the pre-development process of the Interfaith Affordable Housing Collaborative (WWW.IAHC.NY) and its program to furnish recoverable pre-development loans to congregations. We also commend the NYS Attorney General's Mission Based Affordable Housing Initiative which has provided pre-development grants to congregations outside of New York City.

Housing Non-Discrimination for Justice-Involved. Governor Hochul announced her support of Fair Chance for Housing, a first step to help curb housing discrimination against people with conviction histories.

Social Housing Governor Hochul signaled her support for a new social housing pilot program that would bolster the development of permanently affordable, community-controlled housing accessible to low- and moderate-income people. This pilot project has the potential to help grow the stock of community land trusts, limited-equity cooperatives, and other shared-tenure housing models across New York State.”

Pass Good Cause Eviction to Keep Renters in Their Homes Senator Salazar [S3082](#)
Assemblymember Hunter [A5573](#)

Today, many residential tenants from across New York State are being evicted for unjustifiable reasons. Residential renter-tenants, the biggest constituency in our state, lack basic rights that will allow them to renew their expiring lease and to not be priced out of their homes. Landlords across our state are displacing tenants in-order to gain higher profits. The de facto evictions happen via non-renewal of their leases. These non-renewals are displacing individuals and families in order for owners to rent out their units to higher income tenants. [Good Cause Eviction](#), already instituted in the cities of Albany, Hudson, Poughkeepsie, and Kingston, would go statewide and prohibit landlords from evicting tenants. It would also give most tenants a right to an extension on their housing rental lease unless a landlord has good cause to reject them. It would also limit how much landlords could raise the monthly rent, preventing them from exceeding the rate of inflation. Good cause has been successfully in effect for many years in the State of New Jersey.

Radically revise 421A to ensure most housing built is permanently affordable

Instituted in the 1970's, the 421A tax break is intended to encourage big real estate in New York City to build affordable housing. Overall, 421-A costs New York City around \$1.4 billion per year in forgone taxes. Of the roughly 185,000 housing units covered by 421-A, nearly 50% of those units are market-rate condos while only about a quarter of units are rent-regulated "affordable" units. Again, of these regulated units, the vast majority are income-targeted at 130% of Area Median Income (AMI) which is over twice the median household income for New York City (\$58,000). 421-A program is available to almost any new residential building of more than five units and projects that qualify for the exemption must set aside 20 percent of their units as "affordable" units.

The Governor has proposed altering the current 421A Program to create Affordable Neighborhoods for New Yorkers Tax Incentive program (ANNY). Affordability Options: Rental buildings with 30 units or more would be required to have at least 10 percent of units to be affordable to households with incomes at 40 percent of AMI, 10 percent affordable at 60 percent of AMI, and 5 percent at 80 percent of AMI. Rental buildings with less than 30 units would be required to have at least 20 percent of units affordable to those with household incomes at 90 percent of AMI. Homeownership buildings (i.e., co-ops and condos) would require 100 percent of units to be affordable at 130 percent AMI.

Critics of the Governor's proposal suggest it still does not go far enough and that tax dollars lost on the program would best be invested directly in affordable housing for low and moderate-income people. Supporters contend that the program would still have a significant affordable housing benefit and should be one of many tools to address the affordable housing crisis at all income levels. For more background, please read [Proposed 421-A Replacement Is In For a Fight, Key Lawmakers Signal](#) in New York Focus.

Access to meaningful HIV Shelter Allowance and Affordable Housing Protection Statewide S8003 and A9003. This is a 30-day amendment to the Governor’s budget for Relevant Aid for Localities to provide equal access in the rest of NYS to meaningful HIV emergency shelter allowances and affordable housing protection currently available in NYC only. It will cap tenant rental contribution at 30% of their income.

Child Care and Early Childhood Education as Economic Development

In numerous surveys, businesses in New York have continued to suggest that childcare is one of the most pressing problems they face when trying to retain and recruit employees. In a 2020 [survey of 80 businesses](#) across the seven-county north country region, childcare was identified as a top priority by employers. They indicated this was a pre-COVID issue impeding recruitment efforts and affecting employee attendance, and that it was only exacerbated by the pandemic.

Unlike most traditional economic development programs, investments in high-quality early childhood education can generate [up to \\$7.30 per dollar invested](#). Access to stable, high-quality child care also helps parents [improve their labor productivity](#) by increasing work hours, missing fewer work days and pursuing further education.

Research demonstrates that the entire community benefits as well as from investments in early childhood education. In fact, the availability of early childhood education programs attracts homebuyers and [increases property values by \\$13 for every dollar](#) invested in local programs and reduces grade retention and is shown to [save school systems money](#) for K-12 education. Participants in high-quality early childhood education also show [long-term gains](#) in the form of lower rates of incarceration (46% reduction), lower rates of arrest for violent crimes (33% reduction) and a reduced likelihood of receiving government assistance (26% reduction). below, it is undeniable that investing in early childhood education and childcare services has an immense return on investment when compared to other economic development programs.

For the good of New York families, child care providers, businesses and the state’s economy, this is the year NY must take large steps toward phasing-in Universal Child Care. To be clear, what is needed are not bandaids applied to the current broken system, but swift transformation to universal. As Treasury Secretary [Janet Yellen](#) recently recommended: “It’s past time that we treat child care as what it is – an element whose contribution to economic growth is as essential as infrastructure or energy.” New York needs a transformational [\\$5B investment and Article VII language](#) in the one-house and final budgets to set New York on a short path to universal child care.

Homecare as Economic Development

Another caregiver service that should be viewed as economic development is homecare. We need to create greater access to homecare for our family members who require these services. Rigorous academic studies have found that public funding to raise home care wages would require significant resources, but those costs would be surpassed by the resulting savings, tax revenues, and economic spillover effects. The net economic gain would total at least \$3.7 billion.

Lifting wages would also help fill nearly 20,000 vacant home care positions each year and would create nearly 18,000 jobs in other industries by boosting local economic activity. These findings align with past studies on public investment in the care sector, which have found large effects on economic activity and on job creation both within and beyond care industries.

The “Fair Pay for Home Care Act,” ([S5374](#), [A6329](#)) would raise home care wages to 150% of the minimum wage. Research has found that raising annual home care wages would end New York’s massive home care shortage within the next five years — allowing older adults and disabled people to live and age safely at home. [[CUNY](#)] The Fair Pay for Home Care Act currently has bi-partisan support in the Assembly and the Senate, and Andrea Stewart-Cousins recently stated she plans to make home care funding a priority. [[Spectrum, 10/15/21](#)]

Currently, 42% of the state’s home care workers live in or near poverty. The Fair Pay for Home Care Act would lift over 200,000 home care workers out of poverty wages. [[PHI](#)] The bill will overwhelmingly improve existing jobs and create new jobs for women and people of color: currently, New York’s care sector is 91% female and 77% people of color. As the country and state wrestle with historic racial injustice, along with the disproportionate impact of COVID on communities of color, Fair Pay for Home Care is an investment in equity, and lifting up a historically underpaid workforce. [[PHI](#)]

As New York faces widespread unemployment, the Act would bring 200,000 new home care workers into the field over the next decade and additionally create 180,000 jobs in other sectors and industries via increased spending and economic activity. [[CUNY](#)]. The Act would pay for itself and generate billions for New York's state economy through new income and sales tax revenue, economic spillover, and reductions in Medicaid and social assistance. [[CUNY](#)]

SUNY/CUNY as Economic Development

According to a [March 2021 report from the New York City Comptroller](#), tax dollars in CUNY are a wise investment:

- Nearly 80% of CUNY graduates stay in New York.
- CUNY graduates working in New York State earned a combined \$57 billion annually (\$67,000 on average) in 2019, \$28.6 billion more than students would have earned without a post-secondary degree.
- CUNY graduates working in New York State paid an estimated \$4.2 billion in state income taxes.
- CUNY graduates represent 10% of the private workforce in New York State.

In 2020 the Brookings Institution listed 12 CUNY campuses that provided its students with the [greatest upward mobility to the middle class](#).

CRIMINAL JUSTICE REFORM AND GUN VIOLENCE PREVENTION

THEOLOGICAL AND ANTI-RACIST RATIONALE FOR OUR WORK:

As people of faith, we emphasize the grace and forgiveness we have been shown and give witness to renewal and restoration. We are called by our Creator to the difficult task of choosing these qualities over mere vengeance and punishment. We believe each person is created in the image of God and should be treated as such. Therefore, we believe that transformation of individuals and transformation of systems are both possible. Since persons of color make up a disproportionate percentage of the prison population in the state of New York, we critique systems of punishment and revenge and systems that impact people of a certain race or class unjustly. Since we believe that the worst act in an individual's life should not continue to forever define that individual, we support the concepts of the concepts of restorative and reparative justice.

Principles

- We know that transformation of individuals and transformation of systems are both possible.
- We support the concepts of restorative and reparative justice. These are implicit in the very definition of “corrections.” However, when society’s emphasis remains solely on retributive justice, the returning citizen is seldom afforded the opportunity to experience redemption and to be able to transition into becoming a positive contributor to their family and community.
- The worst act in an individual’s life should not continue to forever define that individual.
- We oppose the “forever” punishment that leaves people returning to their communities unable to find a job or a home.
- We oppose punishment not in proportion to the crime, such as mandatory sentencing, up-charges by prosecutors, and technical parole violations.
- We critique systems of punishment and revenge and systems that impact people of a certain race or class unjustly.
- Our communities will become safer as we treat each other as children of God by investing in that is needed for all to thrive. We believe that in order to attack the real roots of crime, we need to place the emphasis on greater investment in struggling communities by doing the following:
 - Investing in affordable housing
 - Providing living wage jobs
 - Addressing partial and inequitable funding for public education
 - Making a robust investment in affordable childcare for working parents

- Providing the best medical care and mental health services for underserved communities including mental health services and drug interventions that help those in crisis.

Because of our adherence to the principles outlined above, we oppose punishment not in proportion to the crime, such as mandatory sentencing, up-charges by prosecutors, and technical parole violations. We believe that the “forever” punishment prohibits people returning to their communities in order to be gainfully employed and contribute to the betterment of the community.

STATE LEGISLATIVE REQUESTS

NO FURTHER CHANGES TO BAIL REFORM

VOTE NO on **A6933** (Tannousis) and **S3310** (Gallivan) which restores judicial discretion relating to bail reform;

Rolling back reforms to bail will not make us safer and will only return us to jailing people for being poor. The statistics do NOT link non-cash bail with recent crime increases or public tragedy.

Recent tragedies in the news, such as the killing of two young police officers in Manhattan, are *not* connected with bail reform. While we understand the fear and outrage over killings such as these, only about 2% of people released without bail go on to commit a serious crime before their previous case is adjudicated.

Studies in other states have shown that those released without bail are *less* likely to commit another offense than those held for lack of bail. Criminalizing poverty makes criminal activity more likely. This criminal activity is often this is due to loss of income, housing, employment, by those jailed for lack of cash bail. We do not agree that further changes to bail reform laws is synonymous with releasing dangerous criminals into the community.”

https://www.thedailynewsonline.com/top_story/state-gop-blasts-bail-reform-inaction/article_42c30e05-898d-5c4a-9277-568caf829d4b.html

NO CHANGE TO LESS IS MORE

VOTE NO on any further changes for “Less is More.” Returning parolees to prison for minor or technical offenses, like missing a curfew or coming late for an appointment has been proven to actually increase recidivism as those returned to prison are again going to lose their jobs (or prospects for jobs), lose touch with their families and loved ones, and possibly their homes or apartments. <https://thecrimereport.org/2020/03/05/the-hidden-driver-of-recidivism-technical-violations-of-probation-or-parole/>

SUPPORT RAISE THE AGE

VOTE YES on full funding of support programs for “Raise the Age,” no further rollbacks.

The FY 2022 Executive Budget includes \$250 million in appropriation authority to support estimated State and local costs for comprehensive programs, including diversion, probation, and other programming services for 16- and 17-year old-youth who will be involved in the juvenile justice system

['Raise the Age' falling short on transforming troubled youth \(timesunion.com\)](https://nynmedia.com/content/opinion-rolling-back-raise-age-isnt-answer)
<https://nynmedia.com/content/opinion-rolling-back-raise-age-isnt-answer>

VOTE NO on NYC Mayor Eric Adams proposal that certain gun crimes by juveniles be tried in adult court. **<https://imprintnews.org/justice/juvenile-justice-2/new-york-city-mayors-gun-violence-plan-rolls-back-reforms/62271>**

TREATMENT NOT JAIL

VOTE YES on **S2881**(A Ramos) and **A8524** Forrest Fund “Treatment Not Jail” to divert people with substance abuse and mental illness issues into treatment.

Those who live with mental illness, substance use disorders, and other disabilities can be diverted from jail terms into treatment for any offense. Treatment Not Jail amends the CPL to grant judges the discretion to order diversion for all defendants, regardless of the nature of their impairment. It will ensure that drug and alcohol relapse and mental health crises are not punished with incarceration.

<https://www.etcny.org/treatment-not-jails>

TUITION ASSISTANCE PLAN (TAP)

VOTE YES on **S4464** (Jackson) and on **A2322** (Aubrey) which supports Tuition Assistance Plan (TAP) funding for incarcerated students in New York State.

Up until the “get tough on crime” mid-90’s New York allowed incarcerated persons in need to receive tuition aid for college programs taken while in prison. Restoring need-based college financial aid to help people in prison prepare to re-enter society is a moral imperative. These programs are associated with benefits such as improved public safety, increased cost-savings for the State, greater likelihood that upon release, formerly incarcerated people have a better chance at finding employment.

PAROLE, CLEMENCY AND PARDON REFORM

Principles

- Shortening the time before an incarcerated person can appear before the parole board;
- Reducing of the time that must be served so incarcerated persons can be released sooner;
- Allowing the governor to adjust sentence;
- Making clemency and pardons more gender balanced, racially balanced and available to unauthorized immigrant workers

REFORM OF CLEMENCY AND PARDON PROCESS

VOTE YES on **A9145** (Solages/Quart) and **S07667** (Myrie/Salazar) to fund the Governor Hochul's proposed reforms to the clemency process. The reform of governor's clemency process is embodied in the Clemency Justice Act of 2022. The governor's executive order establishes a new clemency review board drawn from members of law enforcement, public defense, the judiciary, and clergy, and former convicts. The governor proposes to report to the legislature every six months on clemency applications and their disposition and to issue clemencies at least four times a year, rather than just at the end of the year. <https://www.msn.com/en-us/news/crime/final-reprieve-hochul-grants-clemency-to-10-individuals-before-the-new-year/ar-AASfJNw>

ELDER PAROLE

VOTE YES on **S15A** (Hoylman) and **A8855** (sponsored by Davila) which addresses elder parole. This Elder Parole bill would ensure that people classified by NYSDOCCS as older adults who have already served 15 years can appear before the Parole Board for case-by-case consideration.

<https://www.nydailynews.com/opinion/ny-oped-let-more-aging-new-yorkers-out-of-prison-20220125-pxuhfzkw4rcmlhsgfikj3mstim-story.html>

FAIR AND TIMELY PAROLE

VOTE YES on **S7514** (Salazar) and on **A4231A** (Weprin) which address fair and timely parole. This Fair & Timely Parole bill would restore the board to its original purpose, requiring that people are evaluated based on who they are today, and not solely their original conviction from however many years and decades ago.

CLEAN SLATE

VOTE YES on **S1553C** (Myrie) **A6399B** (Cruz) which provides for a *clean slate* for those convicted once they become eligible.

These bills will automatically clear a New Yorker's conviction record once they become eligible. The civil damage a conviction record can inflict is often wide-ranging and enduring—permanently barring many individuals from basic opportunities like stable jobs, licenses to practice trades, and safe, secure housing. New Yorkers should not be punished beyond their sentences and should be full and fair participants in economic and civic life.

<https://www.cleanslateny.org/>

JAILS TO JOBS PROPOSAL

VOTE YES to fund Governor Hochul’s “Jail to Jobs” proposals.

There are many details to be worked out, but all the proposals under “Jail to Jobs” would assist the incarcerated and formerly incarcerated to define goals, practice skills useful in the outside world, receive educational credits and real pay, and return to the community prepared to be productive members of society.

<https://www.adirondackdailyenterpriser.com/news/local-news/2022/01/campaign-launched-to-raise-pay-secure-labor-rights-for-prisoners/>

<https://www.governor.ny.gov/news/governor-hochul-announces-jails-jobs-new-initiative-improve-re-entry-workforce-and-reduce>

ADDITIONAL PROPOSED LEGISLATION

We request that you **VOTE YES** on each of the following:

Wrongful Conviction Act

S266, Myrie, cosponsored by 20, in Codes Committee
A98 Quart, Kim, Taylor, De La Rosa. 37 Cosponsors. Referred to Codes C

We request that you **VOTE YES** on each of the following:

Eliminate mandatory minimums

S7871 Myrie, 7 cosponsors. Referred to Codes Committee
A9166 Meeks, 12 cosponsors. Referred to Codes Committee

Second Look Act

S7872 – Salazar, 8 cosponsors, referred to Codes
A8894 – Walker, 10 Sponsors, referred to Codes

Earned Time Act

S7873A, Cooney Referred to Senate Crime Victims, Crime and Correction
A8462B, Kelles and 15 cosponsors. Referred to Correction

Minimum Wages for Prisoners

S3138 Myrie and 14 cosponsors. Referred to Senate Crime Victims, Crime and Correction
A1275 Perry and 25 cosponsors. Referred to Correction

End Predatory Court Fees Act

S3979C Salazar, 21 Cosponsors. Referred to Codes
A2348B, Niou, 26 cosponsors Referred to Codes

Common sense measures to reduce gun violence, including full background checks on all purchasers and working with neighboring states to shut down the “Iron Pipeline” that moves guns from states with less strict laws into New York.

<https://www.governor.ny.gov/news/governor-hochul-announces-three-part-agenda-prevent-and-reduce-gun-violence-and-violent-crime>

<https://ovs.ny.gov/snug-counseling-and-support>

HEALTH CARE

The Theological and Anti-Racist Rationale for our Work:

As people of faith, we embrace a moral duty to ensure everyone has the chance to live a life of health and wholeness. Making sure health care is accessible and affordable is the only way to accomplish that goal. The Hebrew Bible lays out a concern for the most marginalized and most vulnerable in society—the widow, the orphan, the stranger—the need to cancel debt. We ask that legislation consider these important values as they relate to healthcare.

Health care is not equal for all people in our country. It is a fact that people of color have poorer health outcomes which are directly tied to investment of resources. A growing body of research shows that centuries of racism in this country has had a profound and negative impact on communities of color placing those within these populations at greater risk for poorer health outcomes.

We ask you to consider this when voting on upcoming legislation that has the potential to create a more equitable and just health care system for all people.

Principles

- It's not fair that people with insurance have to pay higher health insurance premiums in order to cover people who are uninsured.
- Health care is a human right. Everybody deserves the same quality of health care regardless of their ability to pay.
- In the United States we pay 50% more for health costs and have poorer health outcomes, while not covering everyone.
- We spend an excessive amount of our health care dollars on administrative overhead, which would be dramatically reduced with a single payer health system.
- High premiums, deductibles, and co-pays take a significant chunk out of household income and lead to medical bankruptcy and less money being available for other house expenses.

State Legislative Requests:

1. **New York Health Act A.6058/S.5475. Sponsored by Assemblyman Richard Gottfried and Senator Gustavo Rivera. Provides a public single payer system that covers every New Yorker.**

This would provide comprehensive coverage for all residents or full-time workers in the state, regardless of immigration status. Patients will have the freedom to choose the nurses and doctors they want and make healthcare decisions with them, not insurance companies. This plan will be funded through a graduated tax on income, based on one's ability to pay. This sliding scale will be cheaper for at least 90% of New Yorkers. Most businesses will see lower healthcare costs too. Public hospitals and clinics in New York will receive fair payment for the patients they serve. You will never have to delay care because of a copay or deductible ever again. It is well documented that there are different standards of care based on the kind of insurance you have (or

don't have). With the New York Health Act, everyone will be treated equally and covered with the same high-quality plan. It would also result in decreased administrative costs and a reduction in costs of prescription drugs and devices by as much as 40%.

2. Medical Debt Protection Act [S5622/A7363](#) (Senator Gustavo Rivera, Assemblyman Richard Gottfried)

This would prohibit hospitals from placing liens on New Yorkers' primary residences or garnishing working New Yorkers' wages to collect on medical debts. People should never lose their homes or means of living based on debt incurred because of seeking essential healthcare. As "non-profit" entities, New York hospitals should not be taking such aggressive and predatory actions, when they enjoy the benefits of being a "non-profit." As people of faith, we believe by forcing New Yorkers to choose between their homes or wages on one hand, and life saving medical treatment on the other is immoral.

3. HEAL = Hospital Equity and Affordability Law (s 7199, A8169) sponsored Senator Andrew Gournardes and Assemblymember Catalina Cruz.

High hospital prices are the largest driver of escalating healthcare costs. But these prices do not reflect quality of care or the cost of providing treatment. Instead, they reflect the market power of ever-consolidating private hospital systems. HEAL would prohibit the worst contract provisions that hospitals use to drive up cost and deny healthy market access and competition. Currently, wealthy private hospital systems use their market power to insist on contract provisions that hide the costs of healthcare from health plans and consumers, force plans to accept and include low quality or high-cost services in their plans, and force the termination of innovate, high quality treatment programs all in the service of private hospitals revenue. HEAL will disallow these provisions and allow health plans, especially union plans, to access high quality and affordable care.

4. Medicaid Eligibility for Older Adults and People with Disabilities

- Raise the maximum income that Medicaid beneficiaries who are also enrolled in Medicare are permitted to earn from 84% of poverty to 138% --the same as other Medicaid recipients
- Eliminate the asset limit for Medicaid for age 65+ and adults with disabilities to comport with every other Medicaid recipient not already subject to the asset limit.

Both provisions will allow 200,000 additional low-income New Yorkers to access Medicaid coverage which is the primary state-funded plan to provide low-cost health coverage for low-income people.

Historically, senior citizens and disabled people in New York have been subject to two restrictions on Medicaid eligibility: an income limit of roughly 84% of the federal poverty level (\$11,200 for a single adult in 2021) and a limit on total assets of \$15,900. (Some assets, such as residences, are excluded from the limit.)

The Affordable Care Act, also known as Obamacare, expanded Medicaid eligibility by raising the income limit to roughly 138% of the federal poverty level (\$17,775 for a single adult in 2021) and removing asset limits for many Medicaid beneficiaries. But the ACA's Medicaid expansion excluded people who were already eligible for Medicare — namely, seniors and disabled people. As a result, the lower income limit and the asset cap have remained in place for these groups.

When individuals with incomes or assets beyond those limits turn 65 or become disabled, they lose their Medicaid status, and must instead enroll in Medicare, the federal government's insurance program for senior citizens and disabled people.

This means that they also lose the ability to access several categories of care that New York's Medicaid program provides. However, Medicare does not cover hearing, vision, and dental care, and, particularly importantly for seniors and disabled people, home and long-term care.

Enrolling in both Medicare and Medicaid allows continued access to those services, but people covered by Medicare but not Medicaid must purchase pricey supplemental plans, which can cost thousands of dollars per year, a sum out of reach for individuals at or near the poverty line.

This risk of low-income New Yorkers losing Medicaid coverage due to age or disability has been on hold since the federal government declared Covid-19 to be a public health emergency in January 2020, due to federal regulations preventing states from disenrolling Medicaid beneficiaries during the emergency.

“According to Valerie Bogart, a lawyer who directs the Medicaid program of the New York Legal Assistance Group, this prohibition has led to over 50,000 New Yorkers maintaining their Medicaid coverage despite being technically ineligible. For months, she and other health advocates have been bracing for that population to lose access when the public health emergency ends. At the same time, they've been lobbying state government to expand eligibility parameters.”

Governor Hochul's proposals would avert severe public health costs. When removed from Medicaid rolls, she says, “people stop going to the doctor, stop filling prescriptions, stop getting preventative care. You don't go for that test to find out if you have cancer, because you can't pay for the treatment.”

5. Postpartum Medicaid Access and Improvements to Child Health Plus.

- Expand postpartum Medicaid access from sixty days to a year. At present, Medicaid recipients only have access to Medicaid postpartum care for 60 days. Eligibility needs to be increased to one year.
- Remove the \$9 monthly premium for children covered by Child Health Plus at the 200% FPL eligibility level
- Expand the benefit package by adding certain services not currently covered by Child Health Plus.

6. Modify or Lift Global Medicaid Cap

At present the Medicaid cap on state expenditure has been pinned to a 10-year rolling average of the consumer price index. Demand for services exceeds the amount from the 10-year average. As population is aging and many low-income people end up on both Medicare and Medicaid, the system is not able to keep up with demand. To make Medicaid more of an entitlement subject to actual demand, a 5-year rolling average would now be pinned to the special rate projected by the Federal Government for Medicaid growth.

New York's Medicaid spending cap has been in place since 2011. It was presented as a mechanism to limit growth in Medicaid spending and instill discipline in Medicaid budgeting. The cap was set at an arbitrary, fixed moment in time and not designed to keep pace with program growth. It has allowed the administration to justify Medicaid cuts and drastic changes that diminish access to services. The cap should be replaced with intelligent budgeting which would allow the state to make necessary investments and adjustments reflective of real world needs and conditions. If the cap is kept in place or some alternative is enacted, the state should be required to report on Medicaid spending on a monthly basis rather than quarterly.

We appreciate government effort to modify cap (a big improvement over the current system) but we would like to get rid of the cap entirely because of entitlement.

7. Increase the income limit for the Qualified Medicare Beneficiary Medicare Savings Program.

Increasing income from 100% of the Federal poverty level to 200% allows one to get help from the state to pay Medicare premiums. In Medicaid as you raise the general eligibility level, it helps cover deductible and co-pays for Medicare.

N.B. The Immigration Legislative Requests include Coverage for All New Yorkers. We include it here, as well:

Coverage For All New Yorkers. A880/S1572 (Sponsored by Assemblyman Richard Gottfried and Senator Gustavo Rivera) Creates a state-funded Essential Plan for ALL New Yorkers up to 200% of the federal poverty level who are currently excluded because of their immigration status

Right now, undocumented immigrants can't access federal programs like Medicaid due to their status unless they are pregnant or in an emergency situation. Nor can they qualify for the Essential Plan, which is the state-funded option on the insurance marketplace created with the Affordable Care Act, due to the need for a valid visa.

This would extend healthcare (which should be seen as a human right) to all New Yorkers, regardless of immigration status. Our immigrant workers have been on the front lines during the covid crisis, but many cannot access healthcare. We see this as inhumane. By ensuring that people have adequate health care, can reduce the increased pressures on emergency rooms and other safety net services, benefitting all as a result. The expansion of the Essential Plan include extending post-pregnancy Medicaid coverage from 60 days post-pregnancy to one year, including

coverage for all eligible immigrants regardless of documentation. All low- income women should be covered regardless of documentation status.

LABOR RIGHTS

THEOLOGICAL AND ANTI-RACIST RATIONALE

Guided by our faith traditions, we seek to respect the inherent dignity of each of our sisters and brothers with whom we live in community on this earth. We recognize that much of the richness of our economy developed over time is due to the hard work of slaves whose uncompensated labor generated massive wealth. Moreover, low wage workers, many of whom were/are persons of color and undocumented/documented immigrants, have become unwitting philanthropists to business. The pandemic has been especially hard on these workers many of whom were classified as “ESSENTIAL” and were forced to work without protective gear and the vaccine. They became infected, were among the hospitalized, and many died. Families suffered without income and loss of breadwinners. All people have the right to a dignified and respectable life, which includes the means to obtain necessities, such as food, clothing, shelter, education, healthcare, safe environment and economic security. Since all workers have a right to rest or leisure, they should be able to work a reasonable amount of time in order to provide for themselves and their families.

Legislative Request Principles:

- The economy exists for the people and not the people for the economy.
- It is immoral for us to steal wages from working people
- People need good working conditions and must not be asked to work unreasonable hours.
- When employers underpay their workers or worse engage in wage theft, they effectively ask the government to carry more of the cost for supporting these employees as they must rely more and more on the safety net. For example, under paid people end up needing SNAP and deeper housing subsidies. Many become more vulnerable to homelessness and incarceration raising adding to great government cost and subsidizing businesses which pay low wages.

State Legislative Requests:

Excluded Worker Fund ([A9037/S8165](#)) establishes worker unemployment insurance for workers who ordinarily do not qualify because of their immigration status. Presently, the bill is in the Finance Committees of both the Assembly and the Senate.

Still Excluded: There are many thousands of undocumented immigrant workers across New York State who lost income due to COVID but are still not getting any government help. The Excluded Workers Fund allowed those who were able to receive funding to get back to a more normal life after a year of pain and loss. However, according to information gathered by the Fund Excluded Workers Coalition, there remain gaps in our safety net system that shut out many of New York’s most vulnerable workers, especially, black, brown, and immigrant workers in precarious low-wage industries.

We are supporting a proposal which would add \$3 Billion to replenish Excluded Workers Fund and to make it permanent in the 2022-2023 State Budget. These monies will:

- Cover anyone who loses their job and are unable to access unemployment insurance because of their immigration status;
- Pay domestic workers and day laborers who are excluded from benefits because of their work class;
- Compensate self-employed workers like street vendors or house painters who face adverse events. Special consideration will be given to making sure people who should get unemployment insurance, such as misclassified workers, do get regular unemployment insurance.

The success of the Excluded Workers Fund (EWF) let our communities survive and recover from the pandemic. Working families across New York were able to finally pay down debt, address medical needs, buy school supplies, put food on the table, and have the freedom to leave abusive partners and unsafe working conditions. Yet the \$2.1 billion only covered a fraction of the total eligible workers. Adding \$3 billion to the fund will make it easier for all workers who could be eligible for the fund to get access to it.

While many workers received life-changing support from the EWF, tens of thousands of New Yorkers were left out because just nine weeks after opening applications, the Department of Labor closed applications for the fund following surging demand that depleted the full \$2.1 billion allocated. The DOL has estimated that 75,000 applicants were denied due to insufficient funds. Outside of NYC, community organizations did not have enough time to hire staff, complete sufficient outreach, and assist workers with applications. The EWF absorbed the pitfalls of other programs, and served a larger population than anticipated. Workers who should have had access to unemployment or Pandemic Unemployment Assistance, but didn't know they qualified and thus didn't apply for them, successfully applied for EWF. Workers who would have been eligible under the first iteration of the EWF, but were denied due to outstanding policy issues. People paid off the books, workers not listed on their lease or utility bills, and New Yorkers affected by Hurricane Ida who struggled to apply.

For more information go to WWW.fundexcludedworkers.org

We are invited to **sign on a letter calling on New York State to help these essential but still excluded workers. You can read the letter [here](#) (which is geared to Long Islanders) but can be adapted for your region. To add your name to the letter, please send an email Richard Koubek, at rkmicahli@gmail.com with your name, title and congregation.**

A Permanent Fix: *And to get a permanent fix, we are also calling for enactment of the "Excluded No More" bill that would open New York's Unemployment Insurance to all excluded cash workers - documented and undocumented immigrants and even US citizens - who are self-employed cash workers such as housekeepers or landscapers or day laborers, but who cannot receive unemployment compensation when they lose their jobs.*

FARM WORKER OVERTIME

We strongly support the Farm Laborer Wage Board's ruling to lower the current 60-hour overtime threshold for farm laborers over a 10-year period, which would reach 40 hours by 2032. The threshold would be lowered by four hours per week every two years beginning in 2024

We are supporting the Governor's over time incentive credit of 130 million graduate over 10 years.

The board's decision will be sent to state Department of Labor Commissioner Roberta Reardon, who has the final say and could modify the recommendations.

According to the Times Union:

“In 1938, Congress agreed to the Fair Labor Standards Act, which established a federal minimum wage and the modern-day 40-hour work week. President Franklin D. Roosevelt brokered a deal with Southern Democrats to see the passage of his New Deal Era legislation by removing farm workers and domestic workers from those thresholds. It was not until the 80s that farm workers began becoming entitled to a minimum wage.”

Some farm owners argue that workers on visas, which make up a relatively low percentage of the overall workforce, wanted to work as many hours as possible and would leave the state if they could make more money elsewhere. A Cornell University study, which found similar outcomes, relied on convenience samples and small data collection; the university declined to release its data or surveys.

Labor rights groups argue that it's essential farm workers be given the right to have similar free time as the rest of the workforce. It also noted that if the hours were reduced to 40 per week before overtime kicks in, it could mean that farms would be more competitive to draw employees locally. The decision comes after lawmakers passed a "Farm Laborers Fair Labor Practices Act" in 2019. It created a 60-hour overtime threshold and the right to a day off. A concurrent lawsuit also granted farmworkers the right to organize

FAIR PAY FOR HOME CARE [A6329A/S5374A](#)

As faith leaders from across New York State, we urge you to end the home care crisis that is plaguing our communities. We are responsible for caring and supporting our community and congregants — and this includes their care outside our places of worship.

Our faith traditions teach that caring for others with love and kindness is a sacred way to serve. Those who do that holy work also deserve love and kindness, in the form of fair pay and working conditions that allow them to care for others while also caring for their own families.

Every day, we speak with members of our parishes, temples, mosques and synagogues who struggle to find home care. We also have home care workers among our congregants. We hear from aging adults who are scared they will be forced into nursing homes because they cannot find home care workers. We hear from disabled people who are often unable to get out of bed or feed themselves because there are no home care workers to care for them. And we hear from family members and loved ones who fear for their grandparents, parents, and children because there are no home care workers to hire. Home care workers make it possible for our congregants and community members to join us in worship.

It's clear to us from our daily conversations that home care is nearly impossible to find — and the numbers reflect our experiences. A recent report found New York faces the [worst home care shortage](#) of all fifty states: 25% of home care clients are [unable to find home care workers](#), and nearly 20% of [home care positions are currently unfilled](#).

There is no question that home care workers are leaving the sector to find work elsewhere because the pay is far too low. Many of our congregations include home care workers, and those who have left the work as well — and we hear the same refrain: they love their jobs but cannot survive on the poverty wages. Home care workers perform valiant, tireless work — lifting aging adults in and out of bed, helping feed, clothe, and bathe them. Yet the state insists this work is worth just \$13.20 an hour in most regions of New York. Over 40% of homecare workers live in or near poverty due to chronically low wages, and [57% rely on public assistance](#). With so many home care workers living below the poverty line, we understand their desire to find employment elsewhere. We need you to act now, so these workers stop leaving.

As faith leaders, we urge you to show moral leadership and end the home care crisis. Including Fair Pay for Home Care (A6329A/S5374A) in the New York State budget is the logical solution — the Act would [wipe out the home care shortage](#) within five years, create [200,000 new jobs](#), and [pay for itself](#) by moving workers off of state programs like food assistance and other social services. Elected officials across the state, and across party lines, support Fair Pay for Home Care — because they know this crisis is threatening all New Yorkers.

During Covid-19, New Yorkers need home care now more than ever. And in the years to come, this demand will only grow as our population ages. Between 2021-2040, New York State is projected to grow by 3% —but the [65-and-over population will grow by 25%](#), while the number of adults over age 85 will grow by 75%.

As faith leaders, we have been heartened to hear your voice support for women, immigrants, people of color, and communities that have been ignored for far too long. We urge you to match these powerful words with action and fund Fair Pay for Home Care now.

SWEAT SECURING WAGES EARNED AGAINST THEFT BILL ([S2762/A766](#))

Presently, we are seeing a statewide crisis in wage theft. It is estimated that in New York, in a given year, workers endure about a billion dollars in lost wages. Wage theft is a crime that has been largely ignored or flouted. That means countless workers are paid under the minimum wage and/or don't receive overtime pay. Many are not paid for all the work they do. Others have their tips misappropriated by their bosses. When workers file complaints or lawsuits, they often cannot collect on those judgments because their employers have shut down their businesses or transferred their assets to avoid paying. SWEAT will allow workers to freeze the employer's assets and collect their pay. Several industries in New York oppose passage of the legislation; they say workers lie about their wages. We need to support our workers in securing their hard earned, just wages.

WAGE THEFT IS A SERIOUS PROBLEM - AND SWEAT OFFERS A STRONG REMEDY WITHOUT HARMING LAW-ABIDING EMPLOYERS

An estimated \$1 billion of wages stolen from workers in New York State each year. In 2015, the state Department of Labor announced that it recovered \$30.2 million for victims of wage theft in

NYS.1 This was a mere 3% of the total wage theft. Most employees do not come forward against law-breaking employers because they fear retaliation, and because it is widely known that actually recovering your stolen wages is extremely unlikely.

THE WAGE LIEN, A TOOL FOR COLLECTING OWED WAGES, SIMPLY EXPANDS EXISTING MECHANIC'S LIEN

Summary of Provisions of Bill A766/S2762

By the Secure Wages Earned Against Theft Coalition (SWEAT)

Legislation introduced by Assembly Member Linda B. Rosenthal and Senator Jessica Ramos provides essential tools to victims of wage theft whose employers may seek to evade responsibility by dissipating corporate or personal assets to frustrate collection of a judgment.

Expand the Lien Law to Provide a Remedy to More Employees

The bill would allow workers from all industries to utilize liens against an employer's property to ensure payment of any court judgment or order by the New York Department of Labor for wage violations. The Lien Law already provides liens for workers in the construction industry (mechanic's liens) for non-payment of wages arising out of the improvement of real property.

This bill uses the existing legal framework of mechanic's liens to include claims against the property of any employer who fails to follow state and federal wage-hour laws. To obtain the lien, the employee would have to provide a detailed factual statement about the claims. The ability to file a lien will reduce the likelihood that employers will dissipate their assets during litigation or a government investigation. The lien would be valid for one year and could be extended during the pendency of litigation or investigation by the New York Department of Labor or Attorney General. After the lien is filed, an employer may challenge the validity the lien by forcing the employee to initiate a court action or a Department of Labor investigation within 30 days of the employer's demand, or requesting a court to vacate the lien if it is invalid on its face.

Modify the Standard that Courts Use to Determine Whether to Hold an Employers Assets During Litigation.

Current New York law allows a judge to "attach" a defendant's assets during the pendency of litigation. A court order of attachment holds the assets so the owner cannot transfer them without court approval. It is a critical tool to prevent employers from disposing of property after being sued and before a court renders a judgment. However, New York's court practice rules currently impose on employees, who are not provided access to their employer's financial information—an unduly high burden to obtain attachment. The current standard requires the employee to show that the employer has an "intent to defraud" the employees by transferring or hiding property. Under judge-made precedent, proving "intent to defraud" is almost impossible under

these circumstances, and experience shows that employers who have successfully defeated motions for attachment have then proceeded to transfer their assets during litigation. This bill would adopt the standard currently in place in Connecticut allowing plaintiffs to obtain an attachment if they are likely to succeed with their claims.

Remove Unnecessary Roadblocks that Make it Difficult to Hold the Largest Owners of Privately Held Corporations Liable for Wage Theft

While the ten largest shareholders of privately held corporations and the ten largest owners of limited liability companies can be held personally liable for wage theft, existing laws make it unnecessarily difficult for workers to hold the owners liable. Although current law requires employees to give notice to the owners within 180 days of the end of their employment, the law provides no mechanism for the employees to learn the identity of the owners. In addition, current law requires an employee to get a final judgment against the corporate entity, which then must fail to pay the judgment, before the employee can even begin a case against the individual owners. The requirement of two successive lawsuits is inefficient and unaffordable for low-wage workers. This bill removes these unnecessary hurdles by providing that wage theft victims can pursue remedies against the largest owners of non-publicly traded business corporations and LLCs at the same time that they pursue remedies against the corporate entity without advance notice.

Similar to the existing Lien Law provisions that allow workers to obtain a mechanic's lien, SWEAT, contains numerous protections for Employers who could be subject to liens.

- An Employee's application to create the lien (notice of lien) must be a detailed, sworn statement of the facts and circumstances that give rise to the claim.
- If the lien appears invalid on the face of the documents filed, the Employer can immediately contest the lien's validity.
- The Employer also can dispute the lien by sending a notice to the Employee stating that she must either file a foreclosure action or an action to obtain judgment in 30 days. If the Employee doesn't do either, the Employer can discharge the lien.
- The Employer can post a bond to eliminate the lien.
- If a Court determines that a lien is willfully exaggerated, the lien is void.

Answers to common employer challenges to SWEAT

Won't SWEAT encourage Employees to file frivolous lawsuits?

No. The requirements of the lien application include details about the wage claim means Employees will be prepared for litigation before filing liens. If a lien is shown to be willfully exaggerated, it will be declared void. SWEAT just creates a new step to ensure an Employee can collect on claims once the claims are proven.

Those who discredit workers' wage claims, calling their lawsuits frivolous, are actually trying to divert attention from the fraudulent claims and contempt of court that countless scofflaw employers commonly use to avoid responsibility for stolen wages--with no consequence.

What about the reports of repeat plaintiffs in the catering industry?

Wage theft is chronic in some industries, particularly the hospitality industry. Often, the violations involve the mis-appropriation of tips.

A. The law is clear that if an employer imposes a service charge or administrative fee that is not meant to be a tip for the employee, the employer must provide written notice of this to customers.

B. Employers and third party services are increasingly cutting into employee gratuities by implementing various fees for service. If they violate the above provisions of the labor law, the employee has every right to protect their tips.

C. Employees hired by third-party companies often work for multiple employers on a temporary basis. When they face wage theft, the employers are responsible for unpaid wages.

Does SWEAT create Liability for More Parties?

No. The labor laws already determine who can be held liable for wage theft, and it is only persons with significant control over the terms and conditions of other employees' jobs. The Business Corporation Law and Limited Liability Company Law already provide that the ten largest owners of privately held business corporations and limited liability companies can be held personally liable. SWEAT only reduces unnecessary hurdles for workers to access these remedies.

Will SWEAT make it impossible for a business to get credit?

No. If an employer cannot pay the wage claim, it can post a bond to lift the lien while the wage claim action is pending.

SWEAT will create additional costs and burdens on employers because even if the employer prevails in the lawsuit, it will have to undertake additional costs to have the lien removed.

Not true. An employer will not incur costs to remove the lien if the employer defeats the wage claim in court. Section 11 of SWEAT amends Section 17 of the Lien Law such that with an employee lien, "the lien will be automatically extinguished if, after a dismissal with prejudice of the wage claims on which it is based, the lienor fails to file a notice of appeal within the prescribed period to file a notice of appeal." *See Proposed Section 17(2)(d) of the Lien Law.*

Will SWEAT decrease the number of investors that businesses can turn to, because the investors may not want to risk their assets or a lien in the event an employee claims that wages were not properly paid?

No. Investors of certain companies are already potentially liable for judgments. SWEAT does not create any new liability for anyone. SWEAT does not create an opportunity to get a lien against an investor's property unless the investor was so involved in running the company that they would be deemed an "employer" within the meaning of the labor laws.

SWEAT will give unions too much leverage in any negotiations with the employer because unions could threaten to bring wage claims and file liens against employer property.

Not so. Unions can already threaten to bring wage claims if warranted. But if the claims are not warranted, there really is no leverage, as liens without basis can be discharged.

Won't SWEAT increase bankruptcies by employers and individuals in order to get rid of liens?

No. Most employers try to resolve claims without having to file for bankruptcy if they can, and would do the same under SWEAT. If an employer is on the verge of bankruptcy, the employee wage lien will help ensure the employee actually gets paid for unpaid wages.

Will SWEAT affect employers that comply with the law and pay all wages due and keeping accurate records?

No. In fact, SWEAT helps honest businesses because it holds accountable the scofflaw businesses that make it difficult for law-abiding businesses to compete. If a law-abiding employer is served with a baseless wage lien, the employer can promptly file a verified petition and proof of payment of all wages owed to have the lien discharged.

The SWEAT bills passed in both houses in the 2019 legislative session but were not signed by former Governor Cuomo. We are asking the Legislature to bring the bills to vote as soon as possible so our low wage workers are able to claim their just wages for the work they do.

In her Budget Proposal, Governor Hochul indicated that she intends to propose legislation to increase criminal penalties for employers who knowingly or intentionally commit wage theft violations. We welcome such penalties as a complement to the provisions of the SWEAT bill. It is important to stress, however, more proper funding of government agencies charged with enforcing existing and proposed laws is required for enforcement to be effective.

24 HOUR CAMPAIGN [A3145/S359](#)

Many New Yorkers depend on in-home care for aging relatives and other family needs. Too often the general public is unaware of their working conditions and their wages.

A home care worker shared her story:

"66-year-old Lai Yee Chan's aching body reminds her of the 22 years she has worked as a home care attendant for the Chinese Planning Council, including a grueling marathon of 24-hour shifts that could last five days at a time. The shifts were demanding, forcing her to be confined to her charges' homes, attentive to every need at any time. Countless days spent indoors left her bones brittle from lack of sunlight and the vital vitamin D it brings. The years of inconstant sleep gave

her chronic insomnia and caused her eyesight to deteriorate. Yet, with three children to support, and her husband quitting his job to watch them, she feared asking for a more reasonable work schedule. At the time, because I had to support my family.” Working 24 hours destroy one’s health and inevitably affects the entire family. Often workers were assigned to multiple 24-hour shifts in a row keeping them away from their families. Immigrant workers who reported to authorities about the hour violations were threatened with deportation.

Legislation in this session seeks to place limits on the maximum amount of hours a home care aide may be required to work without voluntary consent to such an assignment. The 24 hour shift will split to a maximum of two 12 hour shifts.

ENFORCE HOME CARE WORKER WAGE PARITY LAW

Legislators must also take action to ensure that the Home Care Worker Wage Parity Law be enforced to protect homecare workers from further wage theft. This law requires that agencies comply with the labor law in order to receive state funding. For those agencies that continue to refuse to comply with the law, legislators should withhold state funding and work to ensure that patient care is not interrupted while at the same, justice is done for homecare workers

VOTING RIGHTS

The Theological and Anti-Racist Rationale for our Work:

As people of faith, we believe all people are made in the image of God. We believe in the fundamental value of each individual. We are called to unite all communities in bonds of mutual care, and to avoid tribalism and “us vs them” divisions.

We believe all persons regardless of race, creed or color, have a right to express their opinions, all have a right to be heard and their wishes respected, and all have a right to have their needs acknowledged. We cannot rest until all Americans have full access to “life, liberty, and the pursuit of happiness.” The New York State Council of Churches considers access to voting, to freely choose who will represent us in our democratic republic, to be a bedrock value.

Principles

- We oppose all attempts to hinder voter registration and voting, especially when those restrictions “happen” to fall most heavily on the poor, the elderly, the young and people of color.
- We oppose any further restrictions on registration and voting, as there is no indication of any election fraud now or in the past, and plenty of evidence that would-be voters have been discouraged, disqualified, or turned away due to prejudice and partisanship.
- We support measures to make it easier to register to vote, easier to find a polling place nearby, easier to cast an absentee ballot or to vote early.
- To ensure that all are heard, not just the wealthiest among us, and we support efforts to limit the influence of large campaign donors, by limiting the size of contributions allowed and implementing public financing of campaigns which would reward candidates for seeking small donations from a large number of people.

Legislative Asks

1. Support withdrawing old amendments in New York which could trigger the convocations of a National Constitutional Convention

As detailed in [this letter](#), The Council joins advocates to embrace an effort to stop politicians and billionaires from counting NY as a state that approves a call for an Article VII Constitutional Convention.

Proponents of Article V conventions and wealthy right wing special interest groups are dangerously close to forcing the call of a federal constitutional convention. By counting old “general calls” for Article V conventions still on the books in states like New York with previous calls from several states to enact a federal balanced budget amendment, they believe they can reach the threshold 34 states.ⁱ

2. Reform redistricting and reapportionment process to ensure independent, nonpartisan maps.

The New York State Council of Churches supports the creation of an independent, nonpartisan board to oversee the decennial redistricting and reapportionment. The people should choose their representatives. Politicians should not be allowed to choose their voters. We propose the creation of a truly independent citizen's commission, similar to the one created in California, where there is an independent commission with partisan balance. 14 members: 5 Democrats, 5 Republicans, 4 unaffiliated with either major party. Majority and minority legislative leaders can only strike applicants from a pool chosen by nonpartisan state auditor's office. First 8 chosen randomly, final 6 chosen by first 8.ⁱⁱ

<https://www.commoncause.org/independent-redistricting-commissions/>

<https://www.uniteamerica.org/strategy/independent-redistricting>

<https://www.cityandstateny.com/politics/2022/02/takeaways-new-redistricting-proposals-new-york-state-senate-and-assembly/361442/>

<https://news.yahoo.com/york-redistricting-panel-surrenders-over-110356857.html>

3. Same Day Registration and Absentee Voting including Restarting Constitutional ballot measures.

- We support the current proposals to allow voter registration up to ten days prior to an election (now 25 days).
- Move New York's voter registration deadline from 25 days to the current constitutional limit of 10 days. **(S.2951)**. *Passed Senate 1/10/2022*.
- Extend the expansion of no-excuse absentee voting implemented in response to the COVID-19 pandemic. **(S.7565 & A.8432)**. *Passed Senate 1/10/2022;; Passed Assembly 1/19/2022*.
- [**New System of electronic application for and submission of absentee ballots**](#)
- [**Other states using electronic absentee ballot applications and submissions:**](#)
- Restart the multi-year constitutional amendment process for no excuse absentee voting and same day voter registration (propositions 3 and 4)ⁱⁱⁱ

4. The New York Voting Rights Act (S.1046A/A.6678A).

5. Restoration of voting rights to currently incarcerated citizens (S.3073/A.6646).
This is a multi-year legislative priority that requires a constitutional amendment.

6. Allow poll sites on New York college campuses (S.4658/A.454A). *Passed Senate 1/10/2022.*

7. **Ban hybrid voting machines that pose significant security risks.**
(S.309A/A.1115A).
8. **Direct election officials to count eligible votes on affidavit ballots cast in the correct county (reforms the “wrong church” ballot disqualification rule)**
(S.284/A.642B) *Passed Senate 1/10/2022.*
9. **Prohibit use of Campaign Funds by former elected officials who are convicted, impeached or subject of an impeachment inquiry.**

We support [S7874 Biaggi](#) and [A8371A Steck](#) which “relates to the disposition of campaign funds raised by an elected official who has been convicted of a crime committed while in public office or has been impeached or the subject of an impeachment inquiry.”

The bill would close a gap in our state’s laws relating to the disposition of campaign funds. This bill addresses the issue of what should be done with campaign funds raised by an elected official who has been convicted of a crime while in public office or has been impeached or resigned while the subject of criminal investigation or of an impeachment inquiry. Unfortunately, this issue has been raised to frequently by the resignation of a series of executive and legislative elected officials in recent years. This bill provides a reasonable and balanced approach to a problematic situation. It prohibits spending money from an existing campaign account controlled by the resigned official for any political purpose. The account must be closed and the funds distributed either pro-rata to contributors or donated to charity within 2 years of resignation or conviction.

For the context of what gave rise to this bill, read: [Campaign Finance Complaint Filed with NYSBOE - Common Cause New York](#)

10. Implementation of Public Financing of Elections Rules

New York State adopted public financing for state elections in 2020. Candidates and campaigns will be able to start using the system in 2024 if they so choose. Main highlights of the new program include:

- Significantly decreased contribution limits for all candidates
- Candidates for statewide office will see a 74% decrease in contribution limits.
- Candidates for State Senate will see a 48% decrease in contribution limits.
- Candidates for State Assembly will see a 36% decrease in contribution limit

Access to an opt-in small donor public matching funds program

- Candidates for statewide office will be eligible for a \$6 – \$1 match on eligible donations.
- Candidates for State Legislature will be eligible for a tiered match ranging from \$12-\$1 to \$8-\$1.

Common Cause on Public Financing:

<https://www.commoncause.org/new-york/our-work/money-influence/expanding-public-financing-of-campaigns/>

Brennan Center on Public Financing:

<https://www.brennancenter.org/issues/reform-money-politics/public-campaign-financing/campaign-finance-new-york-state>

Brennan Center on Small Donor Public Financing:

<https://www.brennancenter.org/our-work/research-reports/analysis-new-yorks-big-donor-problem-why-small-donor-public-financing>

Opponents often express concern over “fraud” and “waste” and say we shouldn’t spend public funds on politicians. These same opponents are often among the biggest current campaign donors. They are aware of how an emphasis on small donors and lower contribution limits could limit the influence they have long enjoyed through private, \$50,000 a table fundraisers.

<https://news.littlesis.org/2014/01/16/business-group-opposing-public-campaign-finance-unshackle-upstate-is-a-big-political-spender/>

11. Enforcing LLC Laws Concerning Campaign Contributions

Under NYS law, Limited Liability Corporations which make campaign contributions are required to report who owns the LLC and what percentage of the ownership they hold. In the vast majority of cases, the Board of Elections is not enforcing this law and millions of dollars of “dark money” are pouring into campaigns with no way to ascertain exactly who contributed it. Some LLCs seem to have been created just to make large, anonymous campaign contributions.

<https://www.thecity.nyc/2022/2/9/22924530/hochul-llc-law-campaign-cash>

ⁱ An Article V convention is a dangerous threat to the U.S. Constitution, our democracy, and our civil rights and liberties. There are no rules, guidelines, or even language in the U.S. Constitution on how a convention can be limited to any single issue, let alone how an Article V convention would even work. Once the convention is called, there then becomes an opportunity for a runaway convention that could potentially rewrite any constitutional right or protection currently available to American citizens. What we do know however, is that it is likely state legislatures would be granted wide powers in an Article V convention and of the fifty states, thirty are controlled by Republicans, only seventeen are controlled by Democrats.

Everything from federal environmental protections, education, voting rights, labor protections, entitlement programs, reproductive rights, racial justice and immigration protections is on the line. The effort to call the convention is being led by Kochs, Heritage Foundation, ALEC, Scott Walker. “Article V Convention:” 2/3 of the states (34) can call a constitutional convention to propose amendments without going through Congress. Up to 30 states have recently voted to call an Article V convention with goals such as imposing a balanced budget amendment on the federal government, imposing term limits on Congress, and limiting powers of federal regulation and oversight (vaguely referred to as “federal overreach,” or “states’ rights”)

[U.S. Constitution Threatened as Article V Convention Movement Nears Success \(commoncause.org\)](https://www.commoncause.org/)

An Article V Convention has never been done before and it is unclear if such a convention could be limited to a particular topic or open to all topics. It is unclear whether each state would have one vote (which would be favored by small states), or if voting would take population into account (favored by big states). The Constitution does not describe how to conduct an Article V Convention, provides no rules or procedures as to how delegates would be selected. Such a convention would likely be controlled by wealthy special interests who can afford travel, time away from regular jobs, lobbying “gifts,” etc.

ⁱⁱ The debacle of the 2022 redistricting commission was predictable. The current system in NY tends to heavily favor the party in power of equal numbers of Democrats and Republicans, the stalemate that threw the drawing of maps to the majority party in the legislature shouldn’t surprise any voters.

ⁱⁱⁱ Opponents say same day voting is too complicated for local Boards of Elections, that they will be “overwhelmed,” and that the door will be open to fraudulent voting.

No evidence has ever been found that fraudulent absentee voting changed the result of a modern election. Secretaries of State of both parties have all noted the security of our voting system and over 60 lawsuits claiming “fraud” have all been dismissed by judges appointed by both parties. The claim that absentee voting allows more fraud is baseless, as attested to in numerous states.

<https://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>

<https://www.elections.ny.gov/VotingAbsentee.html>

[Absentee Voting](#)

<https://www.ncsl.org/research/elections-and-campaigns/internet-voting.aspx>

IMMIGRATION

The Theological and Anti-Racist Rationale for our Work:

Almost every great faith tradition (Muslim, Judeo-Christian, Baha'i, Hindu, Sikh, Native American) has in their basic tenets a reference to **welcoming the stranger, the alien, the foreigner**.

The antagonism against the immigrant has its roots in the same systemic racism that has oppressed Black and indigenous people of this country since the first Europeans set foot on American soil. Simply put, the use of “whiteness” as a standard of superiority is rooted in the enslavement of African people in the United States. That “original sin” continues to be reinvented by discriminating against one group of “non-white” people after another whether they were born here or have come from other countries. The insidious basis for that discrimination is to attempt to bar the immigrant (*i.e.* the ‘non-white’ outsider) from access to the wealth and power that benefit “white America.”

Legislative Request - Principles:

The principles on which we base our 2022 legislative requests are as follows:

- Undocumented immigrants are not criminals. For too long, this country has held historical and cultural assumptions that a person who arrives in this country without the correct documentation is at best, suspect and, at worst, evil. *Ergo*, the term “illegal alien” continues to be used in Federal law.
- In fact, undocumented immigrants are valuable, contributing residents of New York State, and should have the same rights and protections as other residents. These rights include access to health care, protection from over-reaching immigration law enforcement officers, privacy protection, and a right to due process.
- Due to their difficult immigrant status, undocumented immigrants, are often economically distressed, and, yet, do not have the same safety nets as other low-income residents may have, including access to quality, affordable health coverage. Furthermore, their low income often means they cannot afford to hire a lawyer to represent them when they seek asylum or are faced with deportation proceedings.

State Legislative Requests:

While New York State has a justifiably proud history of welcoming the immigrant, much still needs to be done. An area of continuing and great concern revolves around the basic protections and rights of undocumented immigrants who reside in New York.

Specifically, we are requesting that you support bills and budget items that:

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- Provide adult undocumented immigrants with the same access and information to health care coverage as other New York State residents.
 - Protect all undocumented immigrants, wherever they reside, from abuse and illegal incursions by federal Immigration law enforcement.
 - Provide government-appointed counsel to immigrants facing deportation proceedings.
 - Ensure that non-citizens involved in criminal or family court proceedings are informed of the possible consequences of their cases to their immigration status.
 - Expand pro-bono legal assistance to low-income immigrants.

Recommendations for the 2022 Legislative Session:

Health Care Access and Assistance

- **State-funded Essential Plan A for ALL New Yorkers up to 200% of the federal poverty level, regardless of immigration status (A880/S1572).** By allocating \$345 million New York policymakers can make them eligible for quality, affordable coverage through a state-funded Essential Plan. A state-funded Essential Plan would leverage \$316 million in federal Emergency Medicaid funds to lower the cost of the overall program. The state's portion would be \$345 million to cover 46,000 immigrant New Yorkers. Other states—including California and Illinois—have moved forward to remedy this situation using state funds. In the wake of the COVID-19 pandemic, excluding immigrants is unethical given that they contribute over \$1 billion annually in state and local taxes.

Legal Rights and Representation

- **The New York For All Act (S. 3076/A2328A):** “Broadly prohibits state and local officers from enforcing federal immigration laws, funneling people into ICE custody, and sharing sensitive information with ICE. It prohibits ICE from entering non-public areas of state and local property without a judicial warrant. It also ensures that people in custody are given notice of their rights before being interviewed by ICE, and starts the process of limiting ICE access to state information databases.”ⁱⁱⁱ The enactment of the New York for All Act will provide safer neighborhoods in which residents possess an enhanced degree of trust in law enforcement.
- **Access to Representation Act (S. 81/A.01961):** Would be the first-in-the-nation law to ensure that low-income immigrants, regardless of legal status, who are facing deportation proceedings, will have a right to a government-paid attorney to represent them in immigration court.
- **Court Notice that Plea may have Immigration Consequences (S2903/A1481):** Requires that courts inform noncitizen defendants that their acceptance of a plea for a misdemeanor or violation may result in their deportation.

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- **Increase in the Liberty Defense Project (LDP) budget from \$10 million to \$15 million:**
The Officer for New American Liberty Defense Project (LDP) provides free legal assistance and representation to immigrants, regardless of status. In addition to representing immigrants facing deportation, the LDP helps immigrants to navigate the complex systems of naturalization, permanent residency, and employment authorization. This \$5 million requested increase in the LDP budget will provide the needed support to continue the work on existing cases and to allow new providers to serve 1,000 New Yorkers needing legal assistance to fight deportation proceedings.

ENVIRONMENTAL JUSTICE

The Theological and Anti-Racist Rationale for our Work:

There is an urgent need to address the Climate Crisis. The UN Intergovernmental Panel on Climate Change (IPCC) has determined that we have until 2030 to dramatically change the way we live if we are to avoid a climate catastrophe. To avoid a climate catastrophe, 80% of all known fossil fuels must not be burned. Oil, gas and coal companies already have five times that much in reserve. Hoesung Lee, chair of the U.N. Intergovernmental Panel on Climate Change, said that "time is running out" and that this decade may be the last chance left "to restore the planet." Referring to the IPCC sixth assessment report as "a code red for humanity," the United Nations Secretary General Antonio Guterres said, "This report must sound a death knell for coal and fossil fuels, before they destroy our planet."

NY state legislators must act with boldness, clarity and transparency in order to address the climate emergency.

The climate crisis is an issue of economic, generational and racial justice. The poor, people of color, and future generations are those who will suffer the most from climate change. The Biblical command to love our neighbors as ourselves calls us to address the climate crisis and work to mitigate the harm that human-induced climate change will have on future generations, on the poor, and on all of creation.

People of faith understand the threat of global climate change in the context of covenant. God has established a covenant "with every living creature" (Genesis 9:10ff.) and with the earth itself (Genesis 9:13). Humankind has been given a special place in this covenant relation. We are placed in the garden of creation "to till it and to keep it." In the words of Old Testament scholar Walter Brueggemann, "The human person is ordained over the remainder of creation ...for its profit, well-being, and enhancement...to see to it that the creation becomes fully the creation

Summary/Principles

- Addressing the climate crisis is an urgent need; the situation is critical, a 'red alert' for the planet.
- People who are poor, marginalized and people of color will suffer (and already are suffering) the most from the effects of the climate crisis.
- Legislation should help us immediately reduce carbon emissions, move us as quickly as possible away from fossil fuels and toward renewable and sustainable energy systems, and address the needs of those communities who are being most effected by climate change.
- The proposed executive budget makes some 'baby steps' toward addressing the crisis but doesn't come close to meeting the need.
- Several pieces of proposed legislation, especially the CCIA, are ways of addressing the crisis. Last year the Assembly and Senate passed NO significant climate legislation. We

need you to act this year with boldness, clarity and transparency in order to address the climate emergency.

State Legislative Requests:

Support the Work of the Climate Action Council (created by the CLCPA), which is tasked with developing a draft scoping plan that serves as an initial framework for how the State will reduce greenhouse gas emissions and achieve net-zero emissions, increase renewable energy usage, and ensure climate justice.

We support the legislative package of 12 bills advocated by the **Climate Can't Wait Collaborative**. The Climate Can't Wait **Collaborative** is a way for our coalition to bring all the environmental asks before the legislature and ask that they come up with their own mix of legislation to articulate a coherent plan to address the climate crisis in New York State. The 12 bills are as follows:

1. All Electric Building Act requires that municipalities deny permits for residential or commercial buildings applied for after December 31, 2023 that are not for all-electric buildings, unless all-electric is not feasible (S6843, Kavanagh). Contact Jessica Azulay, Renewable Heat Now, jessica@allianceforagreenconomy.org
2. CLCPA Implementation and Funding requires state agencies to aggressively implement the Climate Leadership and Community Protection Act (CLCPA) and fully fund this transition with \$15 billion in the 2022 budget to jump-start a just transition to a 100% renewable energy economy. This includes enforceable timelines for greenhouse gas reductions, a requirement that 40% of funds be directly invested in disadvantaged communities, ending fossil fuel subsidies and investments in fossil fuel infrastructure, and avoiding false solution like waste-to-energy projects. Contact Stephan Edel, NYRenews, stephan@NYRenews.org
3. Clean Futures Act bans any new major electric generating facility powered by fossil fuels, subject to extremely narrow exceptions (S5939, Ramos; A6761, Mamdani). Contact Laura Shindell, Food and Water Watch, lshindell@fwwatch.org
4. Climate and Community Investment Act creates a new authority funded by a polluter penalty fee paid by corporate polluters to fund:
 - a. Large scale investments like offshore wind, electric buses, and public housing energy upgrades;
 - b. Grants to community organizations to create local climate, adaptation, and resiliency projects, particularly in frontline communities;
 - c. Support for fossil fuel dependent workers and communities;
 - d. Rebates for working New Yorkers and small businesses to defray increased energy costs. (S4264, Parker; A6967, Cahill). Contact Stephan

Edel, NYRenews, stephan@NYRenews.org

5. Cryptocurrency Mining places a three-year moratorium on a type of cryptocurrency mining that uses an exorbitant amount of energy (A7389, Kelles). Contact Elizabeth Moran, Earthjustice, emoran@earthjustice.org
6. Energy Efficiency, Equity and Jobs requires that Public Service Commission programs provide job training funds to priority populations, including low-income individuals and people with disabilities, and sets targets for hiring members of priority populations (S3126, Parker; A3996, Hunter). Contact Sonal Jessel, We ACT, sonal@weact.org
7. Fossil Fuel Subsidy Elimination Act repeals over \$330 million in tax exemptions provided by New York State to the fossil fuel industry. Specifically, the bill would eliminate many exemptions to the Sales and Use Tax and the Petroleum Business Tax, and would limit fossil fuel companies' inclusion in several economic development programs. (S7438, Krueger, A8483, Cahill). Contact Marisa Guerrero, NRDC/End Fossil Fuel Subsidies Coalition, mguerrero@nrdc.org
8. Green New Deal Act taxes those with wealth to raise over \$10 billion a year to fund a variety of programs, including energy efficiency, social housing, mass transit, renewable energy, and electric vehicles. These programs would maximize good, union jobs and investments in low income communities and communities of color. Contact Patrick Houston, NY Communities for Change, phouston@nycommunities.org
9. New York Build Public Renewables Act enables the New York Power Authority (NYPA) to build affordable renewable energy to meet our climate targets and to retrofit public buildings with weatherization measures, electric heat pumps, and toxic remediation by 2030. This will create between 28,000 and 51,000 jobs, with NYPA requiring prevailing wages on all projects. (S6453, Parker; A1466, Carroll). Contact Patrick Robbins, Energy Democracy Alliance, patrickopticon@gmail.com
10. Proposed Actions on EJ Communities Mandates that environmental impact statements may address effects on environmental justice communities, and that environmental impact statements for power plants demonstrate alignment with the CLCPA (S1031, Stewart Cousins; A2103, Pretlow). Contact Sonal Jessel, We ACT, sonal@weact.org
11. Renewable Capitol Act mandates that several state facilities in downtown Albany, including the State Capitol and Empire State Plaza, be powered by renewable energy, addressing state climate goals and pollution in the nearby environmental justice community. Contact Merton Simpson, SHARE, robcor295@cs.com

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12. Teachers' Fossil Fuel Divestment Act requires the New York State Teachers' Retirement System to divest from fossil fuel holdings (S4783, Brisport; A6331, Kelles). Contact Ruth Foster, Divest NY, rmfosterny@gmail.com

While we support the entire Climate Can't Wait Platform we particular focus your attention on four of the 12 bills in the Climate Can't Wait platform

#4. Climate and Community Investment Act (CCIA) In 2019, the New York State Legislature passed the Climate Leadership and Community Protection Act, which was the most ambitious climate legislation passed in the country. But the goals of the CLCPA need to be funded. We had high hopes for Governor Hochul's executive budget, and it was an improvement on budgets past. Some of these improvements include wind power, electrification for new construction by 2027, and others.

But the investments outlined in the budget add up to a few billion dollars. We need at least \$15 billion dollars of investment in green energy, jobs, and environmental justice this year in order to meet the goals of the CLCPA. All the improvements in this budget add up to first step, but we need to get a whole lot further down the path.

We support the Climate Can't Wait coalitions slate of bills, but we believe that passing the CCIA is the best path forward to funding the CLCPA. This is *not* a gas tax—the genius of this bill is that it offers rebates to lower income people to offset the cost shifting by polluters.

But the Climate Can't Wait coalition provides several frameworks for the legislature to use to find a way of funding the CLCPA. We need your leadership to keep New York at the forefront of the transition from fossil fuels to clean energy and environmental justice.

We were gratified when New York State passed the Climate Leadership and Community Protection Act (CLCPA) in 2019, committing New York to a fossil fuel free future and to investing in frontline communities most impacted by the climate crisis. But the goals of the CLCPA need to be fully funded. We are grateful that the governor's executive budget includes \$500 million to help develop offshore wind energy and another \$250 million over five years for electrifying homes. But this is not nearly enough to make the goals and mandates of the CLCPA a reality. We need at least \$15 billion dollars of investment in green energy, jobs, and environmental justice this year in order to meet the goals of the CLCPA.

We believe that passing the **Climate and Community Investment Act** (S4264, Parker; A6967, Cahill) is the best path forward to funding the CLCPA. This is not a gas tax—the genius of this bill is that it offers rebates to lower income people to offset the cost shifting by polluters. The CCIA creates a new authority funded by a polluter penalty fee paid by corporate polluters to fund: large scale

investments like offshore wind, electric buses, and public housing energy upgrades; grants to community organizations to create local climate, adaptation, and resiliency projects, particularly in frontline communities; support for fossil fuel dependent workers and communities; and rebates for working New Yorkers and small businesses to defray increased energy costs.

#1. The All Electric Building Act (S6843, Kavanagh; A8431, Gallagher).

Heating buildings is one of the largest sources of greenhouse gas emissions in New York. This bill would require that municipalities deny permits for residential or commercial buildings applied for after December 31, 2023 that are not for all-electric buildings, unless all-electric is not feasible. Banning gas will lower the state's greenhouse gas emissions, as required by state law, and improve indoor air quality. Moving to geothermal and electric heat pumps will have immediate benefits for all New Yorkers now and pay huge dividends in reducing emissions for decades to come.

#7. The Fossil Fuel Subsidy Elimination Act (S7438, Krueger; A8483, Cahill).

This bill would repeal over \$330 million in tax exemptions provided by New York State to the fossil fuel industry. Specifically, the bill would eliminate many exemptions to the Sales and Use Tax and the Petroleum Business Tax, and would limit fossil fuel companies' inclusion in several economic development programs. The Fossil Fuel Subsidy Elimination Act aims to: End \$118 million in Sales and Use Tax exemptions for airline fuels; Halt \$89 million in Sales and Use Tax exemptions for fossil fuels used in research and development and production of tangible personal property in the fossil fuel industry; Abolish \$65 million in Petroleum Business Tax exemptions for liquid petroleum gasses such as butane, ethane (used in making plastics), and propane; and Stop \$4 million in Sales and Use Tax exemptions for operating fracked gas infrastructure. In addition, this bill would limit tax subsidies to fossil fuel-related businesses as part of several economic development programs, specifically the Excelsior Jobs Program, START-UP NY, Investment Tax Credit, Brownfield Redevelopment Tax Credit, Rehabilitation of Historic Properties Tax Credit, qualified emerging technology tax credits, and special tax benefits for qualified New York manufacturers.

12. The Teachers' Fossil Fuel Divestment Act (S4783, Brisport; A6331, Kelles).

Requires the New York State Teachers' Retirement System (NYSTRS) to divest from fossil fuel holdings. The proposed legislation lays out a process for NYSTRS to divest from publicly traded stocks of coal companies within one year, publicly traded oil and gas companies within two years, and private equity investments in fossil fuels within 5 years.

In December the New York State Teachers' Retirement System (NYSTRS) announced it plans to make its first fossil fuel divestment. This was an important step forward but it falls woefully short of being an appropriate response to financial and climate risk. The NYSTRS committed to divestment Wealth Fund, Columbia, Cornell, Syracuse, Stanford and Yale Universities.
