

A BUDGET FOR IMMIGRANT NEW YORK:

Key Elements to Ensure the 2016-2017 New
York State Budget Benefits the Immigrant
Community

March 2016



Executive Summary

The New York State budget is the most critical annual document for determining how resources will be allocated to communities across the state for the coming year. By the end of March, the Governor and legislators aim to finish debate and negotiation of the state budget. In 2016, energetic debate will cover a wide range of issues, including workers' pay and benefits, education funding, corruption, investments in housing and infrastructure, and much more. As these debates proceed, it is critical that the needs and rights of immigrant New Yorkers—whose communities have long been under-resourced—are treated as high priorities. In short, immigrant communities must get their fair share.

Statewide, no less than 22 percent of the population, 24 percent of the electorate, 27 percent of the workforce, and 27 percent of small business owners are immigrants (see Table 1). This report from Make the Road New York (MRNY) highlights several key budget priorities for working-class immigrant New Yorkers across a wide range of issues, with particular focus on priority issues for immigrant communities: workers' rights and wages, adult literacy and education, civil rights and criminal justice reform, health care, affordable housing, civil legal services, and the environment.

Table 1: Statistics About Immigrant New Yorkers¹

Number of Immigrant New Yorkers (Source: US Census Bureau, here)	4.4 million
Immigrants as a Percentage of the New York Population (Source: US Census Bureau, here)	22.3%
Number of Immigrant New Yorkers Registered to Vote (Source: Immigration Policy Center, here)	2.1 Million (24% of total electorate)
Percentage of NY Workforce who are Immigrants (Source: Fiscal Policy Institute, here)	27%
Percentage of NY Small Business Owners who are Immigrants (Source: Fiscal Policy Institute, here)	27%

The list identified in this report emerges from the lived experiences of immigrant New Yorkers, some of whose stories are included in the pages below. The list is not exhaustive, but rather highlights a series of top-priority items for New York's immigrant communities, to which Governor Cuomo and the leaders of the State Assembly and State Senate should pay careful attention.

Key Proposals for a 2016 Budget for Immigrant New York

1. Workers' Rights and Wages

- Minimum Wage: Increase the minimum wage to \$15.00 per hour, with indexing, and full implementation that begins no later than 2018.
- Sub-minimum Wage: End the sub-minimum wage currently allowed under the law for many of the state's most exploited workers.
- Wage Theft: Crack down on wage theft to ensure that all workers are paid for the work they do.
- Paid Family Leave: provide twelve weeks of family leave insurance for working New Yorkers to care of young children and ailing relatives.

2. Immigrant Integration

- Adult Literacy and Workforce Development: Increase NYSED Funding for Adult Literacy Education (ALE) to \$17.2 million (from \$6.3 million) and support the Regents' recommendation of a \$10 million investment in Bridge Programs.
- Driver's Licenses: Provide all qualified New Yorkers, irrespective of immigration status, with the ability to obtain a driver's license.

3. Education

- School Aid: Invest at least \$2.9 billion in new school aid to fund teaching and learning, expand programs for English-Language Learners, support community schools, promote restorative justice, expand full-day prekindergarten, and end inequality—with the majority of funding distributed through Foundation Aid.
- DREAM Act: Pass the DREAM Act, with funding of at least \$27 million, to ensure tuition equity by expanding access to state tuition assistance for college and creating a private scholarship fund for immigrant youth.
- CUNY: Maximize state investment in CUNY to make it free and open once again. Steps should include freezing tuition, raising the maximum Tuition Assistance Program (TAP) grant, and enacting the Maintenance of Effort bill to strengthen infrastructure and ensure quality.
- Restorative Justice: Invest \$50 million in restorative justice and trauma-informed initiatives to end the school-to-prison pipeline.

4. Revenue Generation and Money in Politics

- Progressive Taxation: Generate at least \$2.3 billion in new tax revenue through additional taxes on the top one percent wealthiest New Yorkers and close the carried interest loophole for hedge fund managers.
- Fair Elections: Adopt comprehensive campaign finance reforms that include a public financing system of all state and legislative races.

5. Civil Rights and Criminal Justice Reform

- Police Data: Mandate the collection of data on the number of all summonses and arrests, demographic data for violations and summonses, deaths during arrests, and the location of law enforcement activity and arrest-related deaths.
- Special Prosecutor: Ensure that the Attorney General's office has sufficient

resources to fully implement the 2015 Executive Order naming him as Special Prosecutor, with no narrowing of that order's scope and no shift to an "independent special counsel" that would weaken enforcement.

6. Health

- **Comprehensive Health Care:** Allocate \$10.3 million in state funding for Essential Plan (EP) coverage for the Permanently Residing Under the Color of Law (PRUCOL) New Yorkers who are ineligible for the EP or Marketplace insurance plans and carefully examine options to cover all New Yorkers, regardless of immigration status.
- **Community Health Advocates:** Allocate \$4 million to the Community Health Advocates (CHA) program to maintain the level of services and ensure a strong program to help immigrant New Yorkers navigate our state's complex health system.
- **Access to Condoms:** Stop undermining public health priorities through the use of condoms and reproductive or sexual health devices as evidence of all prostitution- and trafficking-related offenses.
- **Medicaid Expansion for LGBTQ-specific Health Care Needs:** 1) Expand Medicaid coverage in New York State to provide comprehensive health care to LGBTQ youth under the age of 18, including hormone therapy and hormone blockers and 2) Expand Medicaid coverage to fully cover all LGBTQ people for procedures that are deemed cosmetic that affirm gender identity and expression, including surgery and treatment.

7. Affordable Housing

- **Vacancy Bonus:** Repeal the vacancy bonus provision in the rent laws, which speeds up the process of deregulating rent-regulated units and raising rents for working-class New Yorkers.
- **Tenant Protection Unit:** Double the size of the Tenant Protection Unit to preserve as many affordable housing units as possible.
- **Affordable Housing:** Increase state investments in affordable housing at income bands that meet the needs of the lowest-income New Yorkers, without increasing state-based red tape for projects funded with bonds, which will slow housing financing to New York City and other localities.

8. Legal Services

- **New York Immigrant Family Unity Project:** Invest \$3.6 million to extend the New York Immigrant Family Unity Project (NYIFUP) to the entire state.
- **Civil Legal Services:** Increase NY State funding for Civil Legal Services to \$100 million.

9. Environment

- **Make Our Climate Commitment Legally Enforceable:** Enshrine Governor Cuomo's commitment to reducing emissions 80% by 2050 in law, and set a path to an equitable 100% clean energy economy and increased energy efficiency, mandating all of state government to screen every decision to ensure that it will meet the goals, address social equity and provide a pathway forward for good

- jobs to be created.
- **Ensure Accountability:** Set specific benchmarks and reporting requirements every four years until 2050 to ensure emissions reductions, rapid deployment of renewable energy, and increased energy efficiency. Ensure action and accountability through stakeholder engagement and a private right of action.
 - **Create a Just Energy Policy:** Energy policy decisions should not only provide benefits, but also be a tool for elevating those communities that have traditionally been disadvantaged. This includes communities that already have existing environmental burdens, ongoing energy transitions, high unemployment, or historical disinvestment. All state entities should work with stakeholders to develop a screening tool that would be applied to all future policy decisions to ensure that these goals are met and to report on the success of meeting our equity goals.
 - **Create Good Jobs:** Ensure that the new clean energy economy creates good jobs by applying a prevailing wage to both construction and operations jobs projects that include energy spending of over one million dollars. Create a “Build the Future” working group that brings together labor, community, business, and other leaders to propose and implement specific projects.

Table 2: Key Budget Items for Immigrant New York, with Current and Proposed Amounts

Item	2015-16	2016-17 Executive Proposal	Recommended
Minimum Wage	\$9 per hour	\$15 per hour	\$15 per hour
Sub-minimum Wage	\$6.80 - \$7.60 per hour, depending on sector	\$6.80 - \$7.60 per hour, depending on sector	\$15 per hour
Adult Literacy	\$6.3M	\$6.3M	\$17.2M
New School Aid	\$0	\$991M (out of \$2.1B for the next two years)	\$2.9B for this year
DREAM Act	\$0	\$27M	\$27M
Progressive Taxation through raised rates and closed carried interest loop-hole for wealthiest NYers	\$0	\$0	At least \$2.3B gain
Essential Plan health coverage for residual PRUCOL immigrants	\$0	\$0	\$10.3M
Community Health Advocates	\$3M (9 months, \$2.5M from the state, with additional \$500,000 from Assembly)	\$2.5M	\$4M (12 months, maintaining program)
Access to Condoms	N/A	N/A	Saves State money through public health benefit.
Vacancy Bonus	N/A	N/A	Saves State money through affordable housing preservation.
Civil Legal Services	\$85M	\$100M	\$100
NYIFUP	\$0	\$0	\$3.6M

Workers' Wages and Rights

Problem: Despite New York's progressive reputation, wages all too often remain too low for working people to make ends meet, and workers' rights are regularly trampled upon. While the cost of living in New York has skyrocketed, wages have stagnated in recent years, and the current \$9 per hour minimum wage leaves millions of working New Yorkers in poverty. This crisis is particularly acute for immigrant workers, who often toil in low-wage employment in which low wages and wage theft—when employers steal tips and wages from workers—are rife.

Take the example of **Cristina Molina, a Make the Road New York (MRNY) member and Mexican immigrant** who has lived in the US for 23 years and currently resides in Woodside, Queens. Cristina works two jobs cleaning houses and earns the minimum wage of \$9 per hour, but her wages do not allow her to buy all the basic items she needs for her children. She says, "My first dream was to improve to lives of my four children, but the wages I earn here are too low for me to do that...The truth is it is impossible to get ahead in this expensive state on my wages. **Raising the minimum wage to \$15 per hour for me is an issue of survival.** A \$15 minimum wage would mean there might be enough food in my house at night for my family."



Pictured: MRNY member Cristina Molina speaks at a rally to raise the minimum wage to \$15 per hour.

The effects of raising wages would be immediate and overwhelmingly positive. According to the Economic Policy Institute, **a minimum wage increase to \$15 would lift wages for 3.2 million working New Yorkers**, including more than half of all Latino workers. Latinos and New Yorkers of color would jointly constitute one half of all the workers who would benefit from a minimum wage increase to \$15 per hour.

Moreover, efforts to combat wage theft across New York would help workers recover billions of dollars stolen from them every year. According to the Center for Popular Democracy, **more than two million working New Yorkers lose a total of more than three billion dollars to wage**

theft each year. Addressing the ongoing epidemic of wage theft throughout our state must be a top priority for Albany lawmakers.

Finally, all too often working immigrant New Yorkers lack the workplace protections to be able to take care of young children and ailing relatives without risking their jobs. In the absence of paid family leave policies, new parents are forced to return to work too quickly, and an illness to a family member can lead to grave financial insecurity. This problem greatly affects immigrants in our State—particularly those working in low- and moderate-wage jobs. While other states like California, New Jersey, and Rhode Island have passed paid family leave policies, New York has lagged behind. This must change.

Table 3: How a \$15 Minimum Wage Would Benefit Working New Yorkers²

Number of New Yorkers who would benefit from \$15 per hour minimum wage	3.2 million
Percentage of working New Yorkers who would benefit from \$15 per hour minimum wage	37%
Percentage of workers benefiting from \$15 per hour minimum wage who are women	53%
Percentage of workers benefiting from \$15 per hour who are people of color	51%
Percentage of working Latinos who would benefit from \$15 per hour minimum wage	52%

Table 4: Key Data About Wage Theft in New York State

Number of Annual NY Victims of Wage Theft ³	2.1 million
Cumulative Wages Stolen Annually ⁴	3.2 billion
Number of NY DOL investigators, 1966	More than 300
Number of NY DOL investigators, 2010	Approximately 120
Worker-to-investigator ratio, 1966	22,365
Worker-to-investigator ratio, 2010	73,724

Solutions: The imperative to raise wages and protect workers' rights is clear. Below, we outline key proposals to address these issues:

- **Minimum Wage: Increase the minimum wage to \$15.00 per hour, with indexing, and full implementation that begins no later than 2018.** Across the country, states and localities have adopted measures to increase the minimum wage. Contrary to popular misconception, these policies help both low-wage workers and local and state economies. The National Employment Law Project (NELP) and Fiscal Policy Institute (FPI) have found substantial evidence that increasing the minimum wage “help[s] low-paid workers without slowing job growth.”
- **Sub-minimum Wage: End the sub-minimum wage currently allowed under the law for many of the state’s most exploited workers.** Employers in industries like restaurants, hospitality, and carwashes are currently allowed to pay a sub-minimum wage by taking a “tip credit” for tips received by workers. The system makes workers vulnerable to wage theft (sometimes extremely difficult to detect because of the complex pay stubs workers receive) and to sexual harassment in order to survive on tips. The 2014 hospitality wage board recommended an inquiry into whether the tip credit system should be repealed. It should, indeed, be repealed, and workers in high-exploitation industries like carwashes should be paid the full minimum wage regardless of whether their customers decide to tip.
- **Wage Theft: New York State’s Department of Labor (DoL) should crack down on wage theft** to ensure that all workers are paid for the work they do. DoL should implement a well-resourced effort to eliminate wage theft in our state, with a focus on supporting and protecting workers who report wage theft by substantially increasing penalties for retaliation, including revoking the right of exploitative employers to do business. A top budget priority should thus be to adequately staff the DoL. The DoL requires increased staffing to effectively carry out its wage theft enforcement and sanctions mandate; for a historical comparison, it would take the addition of 200 investigators to return to 1960’s and 1970’s staffing levels. Moreover, the agency should be resourced to allow it to investigate the full six year statute of limitations period for all workers.
- **Paid family leave: New York should provide twelve weeks of family leave insurance for working New Yorkers** to care for young children and ailing relatives. This policy should include full job protection, apply to all businesses in New York, and provide compensation at two-thirds of a worker’s salary (with a cap of no less than two-thirds of the state’s average weekly wage).

Immigrant Integration

Problem: Immigrants across New York are eager to become more fully integrated into the civic, economic, and political life of their new communities. But they confront countless obstacles—including language and cultural barriers, difficult hurdles to enter the workforce, and administrative hurdles that make it difficult to access government services.

The newest New Yorkers are desperate to learn English to engage more fully in their communities and to be able to get and keep jobs that sustain their families. English as a Second Language (ESL) and High School Equivalency (HSE)/pre-HSE programs are indispensable tools for ensuring that immigrant New Yorkers can access employment and continue their career paths. Adult education also helps parents better support their children by ensuring that they are successful at school.

But **funding for adult literacy has not kept pace with needs, leaving many eager adult would-be students waiting for new seats to open.** Worse yet, some programs have contracted because of budget limitations, driving supply out of sync with rising demand. In short, massive unmet needs in both ESL and HSE preparation remain.

For ESL preparation, **only four percent of adult New Yorkers with limited-English proficiency have access to state-funded ESOL classes,** according to the NYCCAL. And the need is only increasing. As the Center for Urban Future found in a 2015 report, “Statewide, the number of residents who speak English less than very well grew by 14 percent—or 273,000 residents—between 2005 and 2013. But the number of state-funded ESOL seats across the state declined by 32 percent during this period...Overall, state-funded ESOL seats can accommodate only one in 39 residents lacking English proficiency.”⁵ At present, according to the New York City Coalition for Adult Literacy (NYCCAL), the state funds only provide 6,500 adult education seats per year in a state with more than two million adults with limited English proficiency.

HSE education faces similar needs. New York State has recently updated its testing system—moving from the General Educational Development (GED) exam to the Test Assessing Secondary Completion (TASC), which requires more content-knowledge—and is moving towards computer-based testing. To make this transition smooth, there is need for additional investment in professional development and technology for community organizations and their staff.

Table 5: Statistics About Immigrant New York Residents⁶

Change in LEP population, 2005-2013	+14%
Change in Number of State-funded ESL seats	-32%
Percentage of LEP residents with access to state-funded ESL seats	4%
Net lifetime economic benefit estimated for New York City for every resident who earns high school diploma or equivalent	\$324,000

Increasing adult literacy funding would ensure that tens of thousands of immigrants like Lucía Díaz Aguirre are able to access high-quality ESL classes. **Lucía is an MRNY member who recently arrived in the US** and is learning English to be able to get a job and help her eight and 18 year-old children. Trained as an accountant and lawyer in her native Colombia. As Lucía says, “it’s really important that these programs get more funding because **these classes open doors for people like me who are learning to improve our well-being—both in terms of our work and for our families.** For me, it’s important to learn English to be able to work as an accountant, which I’ve trained to do in my country. But many people in my community who need English classes don’t have access to them, because there aren’t enough. We need more English classes for immigrant New Yorkers.”



Pictured: MRNY member Lucía Díaz Aguirre, an English-language learner from Colombia, studies English so that she can practice her profession, accounting, in New York.

Moreover, administrative hurdles often prevent immigrant New Yorkers from accessing government services, such as obtaining a driver’s license. Until 2002, regardless of immigration status, New Yorkers were able to obtain a driver’s license. But in that year, Governor Pataki changed the law, denying licenses to undocumented New Yorkers. This shortsighted decision has both made our state’s roads less safe (because not all those who need to drive to work can get properly credentialed) and placed our state behind eleven other states who guarantee driver’s license access for all. Denying driver’s licenses to hundreds of thousands of immigrant New Yorkers negatively impacts whole families, many of whom have members with different immigration status. Undocumented immigrant parents—particularly those living in suburban and rural areas—often need to drive to get to work, to take their children to school, and to respond to emergencies (such as when their children are ill). Lacking access to licenses can exacerbate family emergencies, and, for those who do drive, create encounters with law enforcement that have immigration consequences that can put their entire family at risk.

Solutions: To meet the critical needs for English-language learners and those in need of workforce development across the state, several items are necessary in this year’s state budget:

- **Adult Literacy Funding: Increase NYSED Funding for Adult Literacy Education (ALE) to \$17.2 million (from \$6.3 million) and support the Regents’ recommendation of a \$10 million investment in Bridge Programs.** ESL and HSE/pre-HSE programs are critical to enabling New Yorkers to get and keep jobs and to continue their career paths. Adult education also gives parents tools to support their children’s academic success. Due to massive unmet needs and recent changes in the adult education field, this is a key moment for New York to increase funding for ALE.
- **Office of New Americans Funding: Increase funding of the Office of New Americans to \$10 million** to further bolster ESL and workforce development programs for immigrants across New York, as well as providing legal services and combating fraud.
- **Driver’s Licenses: Provide all qualified New Yorkers, irrespective of immigration status, with the ability to obtain a driver’s license.** Making driver’s licenses available to all New Yorkers enhances public safety by allowing all drivers to operate fully within the law and obtain insurance coverage.

Education

Problem: All New Yorkers would agree that our children deserve access to an excellent education. But unfortunately, Albany has not prioritized our children’s needs to the extent that they deserve, with legislative deals that have short-changed public schools by billions of dollars in recent years. While some additional funds have been restored to the system, the state still owes its public schools nearly five billion dollars, pursuant to the decision in the Campaign for Fiscal Equity (CFE) case, which found that the state was failing in its constitutional obligation to provide all students with a sound basic education (see data below).⁷ The budget shortfall has hurt high-needs districts—which often contain large concentrations of immigrants—particularly hard. The lack of funding means fewer teachers, fewer materials, and fewer programs for immigrant New York schoolchildren, who often receive a sub-standard education as a result.

Table 6: School Funding Shortfall Data

CFE Funding Still Owed to New York Public Schools	\$4.8 Billion
CFE Funding Owed to New York City Schools	\$2.05 Billion
CFE Funding Owed to Schools Outside New York City	\$2.75 Billion
Percentage of CFE Funding Owed to High-Needs School Districts	72%
NY School Districts Receiving Less School Aid Than In 2008	189

Source: “Students v. State of New York: What Happens to a Dream Deferred?” Alliance for Quality Education Report. January 2016, available [here](#).

Parents like **Evelyn Ayarza, an MRNY member with a daughter at PS 148**, are deeply concerned that their children are not getting the high-quality education—with the facilities and programs—they deserve. PS 148, like many schools across the state, is owed more than \$2,000 per student relative to the CFE settlement—which would fund at least thirteen classroom teachers, an arts program for at least nine years, and a school library for at least nine years.⁸ As Evelyn notes, **“All of our children deserve a good education, and we must take action now to ensure they have schools with the programs they need to learn.”**



Pictured: MRNY member Evelyn Ayarza’s child attends a public school that is owed millions of dollars by New York State.

Throughout our K-12 school system, another major problem facing immigrant students and students of color is the school-to-prison pipeline: the phenomenon in which punitive school discipline policies—through summonses and other harsh penalties for minor offenses—ultimately drive children of color out of school. Research shows that school discipline policies that rely on suspensions, widespread police presence, and other punitive practices do not reduce conflict, and instead increase the likelihood that students will fall behind, drop out, and/or become incarcerated. Punitive policies disproportionately affect low-income students of color and students with disabilities and undermine positive relationships between students and trusted adults. The consequences are tragic: all too often, students of color are suspended and even arrested—throwing them off the track of learning and thriving.

Moreover, New York must also ensure access to higher education for all young people, irrespective of immigration status. **Every year, thousands of undocumented youth (DREAMers) continue to complete high school in New York without the ability to access financial aid to attend college.** This creates both tragedy for immigrant youth and their families and lost opportunities for our state. For thousands of immigrant New Yorkers, the doors to higher education are now closed, while New York loses potentially valuable contributions from them to NY’s economy.

Table 7: Key Data About the NY DREAM Act

Downstate Unemployment Rate with only a high school degree (Nov. 2013)	10.5%
Downstate Unemployment Rate with bachelor’s degree (Nov. 2013)	5.7%
Maximum Tuition Assistance Program (TAP) Award	\$20,000
Estimated Additional Lifetime State Tax Contribution per DREAMer with Bachelor’s Degree	\$60,000

Source: New York State Comptroller’s report, “Update: the NY DREAM Act” (January 2014), viewable [here](#).

It also bears mention that the City University of New York (CUNY), which has historically been a tremendous driver of economic opportunity and equity in New York, is in great need of additional resources. Tuition has risen substantially in recent years, and the state’s Tuition Assistance Program (TAP) maximum award no longer suffices for students. For the state’s higher education system to continue working for immigrant communities, this situation must be addressed.

Solutions: New York must thus take decisive action to inject the necessary resources into its schools and ensure higher education access to all. The following proposals would ensure that our State is moving in the right direction to ensure education access and equity:

- **School Aid: Invest at least \$2.9 billion in new school aid** in 2016-17 to fund teaching and learning, expand programs for English-Language Learners, support community schools, promote restorative justice, expand full-day prekindergarten, and end inequality—with the majority of funding distributed through Foundation Aid.
- **Dream Act: Pass the DREAM Act with funding of at least \$27 million** to ensure tuition equity by expanding access to state tuition assistance for college and creating a private scholarship fund for immigrant youth. The New York State DREAM Act would allow undocumented students to apply for state financial aid that is currently available to other students, such as the Tuition Assistance Program (TAP). California, Texas, New Mexico and most recently Minnesota have passed similar bills. The DREAM Act, if passed, would help DREAMers continue educating themselves to follow their chosen career paths. It would also provide a significant economic boost to our state. The Office of the State Comptroller confirms the disproportionate return on investment New York would receive by opening TAP to currently undocumented students, estimating that those who complete a bachelor's degree will contribute over the course of their lifetimes an extra \$60,000 each to New York through state taxes, on a net present value basis,⁹ far greater than the maximum aggregate TAP award of \$20,000.
- **CUNY and Tuition Assistance: Maximize state investment in CUNY to make it free and open once again.** Steps should include freezing tuition, raising the maximum Tuition Assistance Program (TAP) grant, and enacting the Maintenance of Effort bill to strengthen infrastructure and ensure quality.
- **Restorative Justice: Invest \$50 million in restorative justice and trauma-informed initiatives to end the school-to-prison pipeline.** New York State should dedicate \$50 million to new initiatives to expand the use of restorative justice techniques as an alternative approach to school discipline.

Revenue Generation and Money in Politics

Problem: Across myriad issues related to the state budget, the needs of working-class communities, communities of color, and immigrants have historically received short shrift. As the remainder of this report makes clear, on everything from school aid to adult literacy to protecting workers' rights, there exist great unmet needs in immigrant communities across the state. **But while wages for most New Yorkers have stagnated—especially for low-wage immigrant workers—inequality has ballooned**, as corporate profits and the bank accounts of the wealthiest New Yorkers have soared in value.

New York State has among the greatest income inequality of any state in the nation, and its corporate CEOs regularly earn hundreds of times the wages of many of their workers. At the same time, corporations and the wealthiest New Yorkers have invested heavily in the political system to protect and expand their record gains—by bankrolling political campaigns that have often deployed racist, anti-immigrant tropes and images, they have ensured that their tax bills remain relatively low, and even secured tax breaks for private jets and yachts.

Without campaign finance reforms that include public financing of elections, the wealthiest New Yorkers and large corporations will continue to use their money to drown out the voices of working-class and immigrant New Yorkers. The result: state government will remain insufficiently responsive to the needs of these communities, including on many of the issues raised in this report.

Solutions: The budget process offers an opportunity to ensure that the wealthiest New Yorkers are paying their fair share—and doing so in a way that facilitates the investments in public goods like education that our state so direly needs. As Assembly Speaker Heastie has proposed, the state should thus proceed with a plan to raise revenue. This revenue generation could take various forms, but should focus on making our tax system more progressive and fair (one strong proposal follows). In addition, New York must pursue fair elections legislation to curb the corrosive influence of money in politics and ensure that all New Yorkers' voices are heard in our political system.

- **Progressive Taxation: Generate at least \$2.3 billion in new tax revenue** through additional taxes on the top one percent wealthiest New Yorkers and closing the carried interest loophole for hedge fund managers.
- **Fair Elections: Adopt comprehensive campaign finance reforms that include a public financing system of all state and legislative races.**

Civil Rights and Criminal Justice Reform

Problem: The civil rights of New Yorkers of color, including immigrants, are violated all too often throughout our state. New York’s criminal justice and policing systems, in particular, need a massive overhaul. For too long, New Yorkers of color who “fit the description” have been stopped on the streets, pulled over in their cars, and, in the most tragic cases, faced brutality and death at the hands of police. **Cases like the killings of Eric Garner, Ramarley Graham, and Akai Gurley have not been isolated instances—instead, they have brought into relief a broken system that criminalizes people of color, including many immigrants, well before they even enter adulthood.** One of the biggest challenges facing efforts to reform law enforcement in new York is the lack of available data. To truly capture the nature and scale of racially disparate policing and police violence, New Yorkers need consistent and accessible data from police departments across the state. Unfortunately, at present, such data are all too often not kept or tracked. This must change.

Moreover, we have seen time and time again that the justice system does not work for most New Yorkers of color who suffer abuse, including death, at the hands of police. District attorneys, who often enjoy close relationships with police departments, have repeatedly failed to effectively prosecute police killings of civilians—as, for instance, in the case of Eric Garner. New York State must take action to ensure that cases like these are aggressively prosecuted.

Solutions: To advance and protect the civil rights of all New Yorkers, including immigrants, the State budget should include the following measures:

- **Police Data: Mandate the collection of data on the number of all summonses and arrests, demographic data for violations and summonses, deaths during arrests, and the location of law enforcement activity and arrest-related deaths.** With concerns about abusive policing on the front pages of papers nationwide, it is critical that New York understand what the reality is of policing abuses in our state in order to design common-sense solutions.
- **Special prosecutor: Ensure that the Attorney General’s office has sufficient resources to fully implement the 2015 Executive Order naming him as Special Prosecutor,** with no narrowing of that order’s scope and no shift to an “independent special counsel” that would weaken enforcement.

Health Care

Problem: New York has made substantial advances in health care coverage and access to care, but there are still critical gaps that must be filled. Immigrant New Yorkers in particular are all too often excluded from insurance and care options—which can devastate immigrant families and damage statewide public health efforts.

Two key immigrant populations remain uncovered. First, immigrants who do not have a green card but are permanently residing under the color of law (PRUCOL immigrants) are often left without coverage. While there are some PRUCOL categories whose members are eligible for Medicaid if their income is below 138% of the federal poverty level, **thousands cannot access the federally-funded Essential Plan (EP) or Marketplace plans because their income is above that level.** For example, certain immigrants who applied for Deferred Action for Childhood Arrivals (DACA) are not eligible for the EP if their income is above the Medicaid income limit. If these people who have been “carved out” of the EP are not able to turn to Medicaid because they do not meet the State’s Medicaid income limits, then they remain uninsured. Therefore, many low-income and vulnerable immigrant New Yorkers are still not eligible for health insurance.

Moreover, undocumented immigrants over 18 years old are still excluded from both the New York State of Health Marketplace and Medicaid, unless they are accessing emergency services. This lack of access puts thousands of immigrant New Yorkers without coverage at risk and undermines the public health goal of universal access, and is a significant reason why eight percent of New Yorkers remain uninsured. This gap must be closed.

In addition, many immigrants—even those with insurance coverage—struggle mightily to navigate our labyrinthine health system due to linguistic and cultural barriers. This can lead to enormous bills and debts. While New York has a critical program, Community Health Advocates (CHA), in place to help immigrant New Yorkers trouble-shoot these difficult situations, CHA remains underfunded and require further investment.

LGBTQ immigrant New Yorkers also face substantial health challenges. People who are profiled as involved in the sex trade report that they are more likely to be arrested if they carry condoms and reproductive or sexual health devices. As a result people are hesitant to carry condoms and other reproductive or sexual health devices to protect themselves and others, for fear that it will lead to arrest or be held against them in court. Sound public health policy would encourage condom use by eliminating the fear that carrying a condom or any similar device will be used against you or anyone else by police or in a court of law. The 2015 budget included some key protections in this area, but more needs to be done this year.

Another problem is the failure of the State’s Medicaid system to provide comprehensive coverage to LGBTQ youth and particularly procedures that have been deemed cosmetic for transgender and LGBTQ immigrant youth, including hormone therapy, that affirm gender identity. These procedures are often critical to the health and development of young people in immigrant communities, and it is thus critical that New York rectify this problem.

Table 8: Immigrant Health Data

Percentage of New Yorkers without Health Insurance	8%
Estimated cost of offering coverage to remaining PRUCOL immigrants	\$10.3 million
New Yorkers Helped by CHA Program Since 2010	200,000

Source: "How Can New York Provide Health Insurance Coverage to its Uninsured Immigrant Residents? An Analysis of Three Coverage Options." Community Service Society of New York. January 2016. Available [here](#).

Solutions: Ensuring the health of immigrant communities must be a top priority for our state's lawmakers. The proposals below highlight key mechanisms to ensure the health of all New Yorkers, regardless of immigration status:

- **Comprehensive Coverage for All Immigrants: New York should allocate \$10.3 million in state funding to offer Essential Plan (EP) coverage for the thousands of PRUCOL New Yorkers who are ineligible for the EP or Marketplace insurance plans.** In order to ensure comprehensive health care for all immigrants **New York should also explore options to cover all New Yorkers, regardless of immigration status.**
- **Community Health Advocates: Allocate \$4 million to the Community Health Advocates (CHA) program budget** to maintain the level of services and ensure a strong program to help immigrant New Yorkers navigate our state's complex health system. CHA provides one-on-one assistance to individuals across the state, helping patients navigate the complex health system. CHA advocates troubleshoot the problems that individuals face post-enrollment and help individuals who are not eligible for insurance access low cost care and hospital financial assistance. CHA saves tax dollars—without the program individuals end up in expensive emergency room treatments. As the state moves ahead with the Affordable Care Act, CHA is essential to ensure that consumers have somewhere to turn for help.
- **Access to Condoms: Stop undermining public health priorities through the use of condoms and reproductive or sexual health devices as evidence of all prostitution- and trafficking-related offenses.**
- **Medicaid Expansion for LGBTQ-specific health care needs:** 1) Expand Medicaid coverage in New York State to **provide comprehensive health care to LGBTQ youth** under the age of 18, including hormone therapy and hormone blockers and 2) **Expand Medicaid coverage to fully cover all LGBTQ people** for procedures that are deemed cosmetic that affirm gender identity and expression, including treatment.

Housing

Problem: The affordable housing crisis afflicts immigrants across New York State and New York City. For millions of immigrants, finding a safe, healthy, affordable place to stay is an enormously difficult process—as they face skyrocketing rents, stagnating wages, the deregulation of housing stock, and insufficient creation of new housing units. To make things worse, last year Albany failed to strengthen the rent laws, leading to a likely increase of tens of thousands of deregulated units that will no longer be affordable for working people.

As Make the Road New York’s 2015 report, “Protecting Immigrant Homes: The Importance of Stronger Rent Laws for the Newest New Yorkers” (available [here](#)) found, immigrant New Yorkers are disparately affected by the affordable housing crisis. In New York City, for instance, the report found that immigrants were disproportionately more likely to rely on rent-regulated housing and to live in overcrowded conditions, with particularly dire circumstances for low-income immigrants (see Table Eight below).

To address the housing crisis, New York State must put all options on the table to preserve and build truly affordable housing that meets the needs of even the lowest-income New Yorkers. This means exploring all available mechanisms to tighten enforcement of unscrupulous landlords, keep rent-stabilized units in the stabilized system, and invest substantial resources to build new stock. Albany must be part of addressing this statewide crisis, just as it must support localities seeking to address it.

Albany must also avoid the regulatory trap of introducing new layers of red tape that would slow the flow of financing to affordable housing construction. By this measure, a proposal to provide State entities with veto power over the flow of tax-exempt bond money for affordable housing initiatives is a step in the wrong direction. The proposed Executive Budget would change the historic bond-cap allocation mechanism, inserting a new decision-making role for the Empire State Development Corporation (ESDC) that would allow ESDC to override decisions by local municipalities about which mechanisms they would use to distribute their bond cap allocation. New York City, for example, has historically used the widely-respected NYC Housing Development Corporation (HDC), but this could now be overridden by the State ESDC. The proposed Executive Budget also creates a new role for the Public Authorities Control Board (PACB) that would put every individual local-level housing development deal up for review by a PACB board representing each of the three branches of government in Albany, giving any of the three veto power over any local development.

Creating new and unpredictable decision making and veto power would unnecessarily add to the risk and cost of affordable housing development, which would have a negative impact on the affordable housing goals of our communities. The unintended effects of these two new policies would most strongly impact New York City, which has historically demonstrated both the greatest affordable housing construction need and ability to make effective use of bond cap. New York State and New York City have long worked effectively together to support affordable housing, with the agreement over how to allocate federal tax-exempt private activity bonds forming the basis of this relationship.

Table 9: Rent Burdens and Overcrowding for Immigrant New Yorkers¹⁰

Median Rent Burden of All Immigrant New Yorkers (2011)	30%
Median Rent Burden of Low-Income Immigrant New Yorkers (2011)	55%
Median Rent Burden of all New Yorkers (2011)	28%
Percent of immigrant households living in over-crowded units (2011)	15%
Percent of all New Yorkers' households living in over-crowded units (2011)	9%
Number of rent-regulated apartments occupied by immigrant-led households	498,338
Percentage of rent-regulated apartments occupied by immigrant-led households	49.9%

Solution: While the 2015 rent laws debate ended unsatisfactorily for immigrant New Yorkers, the 2016 budget is an opportunity for Albany legislators and the Governor to redeem themselves by strengthening key protections and investing in affordable housing. Several key items follow:

- **Vacancy Bonus: Repeal the vacancy bonus provision in the rent laws**, which speeds up the process of deregulating rent-regulated units and raising rents for working-class New Yorkers.
- **Tenant Protection Unit: Double the size of the Tenant Protection Unit** to preserve as many affordable housing units as possible. Additional DHCR resources would serve to: (i) more aggressively pursue landlords who are committing rent fraud; (ii) establish automated systems to detect illegal rent increases from landlord registrations; (iii) expand language access for LEP tenants; and (iv) speed up the processing of rent overcharge complaints.
- **Affordable Housing Creation: Increase state investments in affordable housing at income bands that meet the needs of the lowest income New Yorkers, without increasing state-based red tape for projects funded with bonds**, which will slow housing financing to New York City and other localities. The two new provisions in the Executive budget giving power to the ESDC and PACB would undermine the ability of local governments to plan effectively with any expectation of control over their resources, which would be detrimental to good housing policy and good community development policy. If local government does not have effective control over its resources, it cannot plan for true community development in partnership with the local neighborhood or allocate for the full range of community development needs.

Civil Legal Services

Problem: Working-class and low-income immigrant New Yorkers face myriad legal issues that require professional legal advice, but for which they do not have the resources to pay. Immigrant workers, tenants, and parents are frequently the victims of abuse in our City, due to language and cultural barriers, a lack of information about New York’s laws, and a frequent vulnerability due to immigration status. Abuse includes unscrupulous employers refusing to pay immigrant workers, landlords trying to illegally evict immigrant families, and law enforcement officers who fail to inform victims or witnesses of crimes of their rights.

Moreover, immigrants in our state still do not enjoy the guarantee of legal counsel when they face deportation. Given the life-changing consequences of deportation cases—they can literally tear families apart—the status quo leaves thousands of immigrant families without access to justice at their most vulnerable moment.

New York State has wisely invested resources in previous years to provide civil legal services to vulnerable communities. It is now time to do more.

Solutions: It is critical that immigrant New Yorkers have unfettered access to civil legal services across the state, and the proposals below would ensure progress:

- **New York Immigrant Family Unity Project: Extend the New York Immigrant Family Unity Project (NYIFUP) to the entire state.** As the nation’s first system of universal immigration representation, NYIFUP ensures that no New York City family will be torn apart simply because they cannot afford counsel. Deportation deeply damages our communities, tearing apart their social fabric, and costing New York State employers some \$13.4 million each year. For \$3.6 million annually New York State can extend the reach of this program, which is the first in the country system of public representation for immigrants facing deportation, to mitigate the damaging effects of family separation, better bring the immigration system in line with our values of a fair trial and access to justice, and save the State money. NYIFUP has already been piloted in New York City, Batavia and Ulster County, with demonstrated cost-effective impact.
- **Civil Legal Services: Increase New York State funding for Civil Legal Services to \$100 million** from its current level of \$85 million. Civil Legal Services funding in the Judiciary budget should be expanded to provide critical civil legal services. These funds support lawyers for families who need emergency benefits, immigrants with pending immigration legal cases, women fleeing abusive relationships, children who are denied necessary educational services in school, workers who have been victims of discrimination in the workplace, and more. Government funding for civil legal services saves taxpayer money: for every one dollar invested in providing legal services in eviction cases, the state saves an estimated four dollars in emergency shelter and other costs. MRNY’s legal team of 24 attorneys and 12 paralegal advocates, for example, handles more than 8,000 civil legal matters annually on behalf of many of New York’s most vulnerable low-income families.

Environment

Problem: Climate change is arguably the greatest challenge facing our planet and our nation, and it is already having an impact on our state. After decades of inaction to reduce carbon emissions and prevent the warming of the planet that human beings have caused through untrammelled industrialization and other activities, New York has begun to see the impacts of a changing climate through greater climatological volatility and unprecedented storms like Hurricane Sandy that have devastated communities.

Hurricane Sandy also demonstrated how immigrants are often the most vulnerable to extreme weather events—and also often face the greatest obstacles to getting the support and reinvestment they need from government. Low-income and working-class immigrants on Staten Island and Long Island, for instance, suffered tremendously during Sandy and struggled mightily to access the survival and recovery resources that their families desperately needed.

In short, climate change has a direct relationship with inequality. To address this inequality, New York State must take action on climate change with a nuanced understanding of the relationship between inequality, labor, communities of color, and climate change.

Solution: New York has begun to take strong action to reduce carbon emissions and mitigate climate change. The state must continue this progress and take its leadership to the next level through the following policies:

- **Make our climate commitment legally enforceable:** Enshrine Governor Cuomo’s commitment to reducing emissions 80% by 2050 in law, and set a path to an equitable 100% clean energy economy and increased energy efficiency, mandating all of state government to screen every decision to ensure that it will meet the goals, address social equity and provide a pathway forward for good jobs to be created.
- **Ensure accountability: Set specific benchmarks and reporting requirements every 4 years** until 2050 to ensure emissions reductions, rapid deployment of renewable energy, and increased energy efficiency. Ensure action and accountability through stakeholder engagement and a private right of action.
- **Create a just energy policy:** Energy policy decisions should not only provide benefits, but also be a tool for elevating those communities that have traditionally been disadvantaged. This includes communities that already have existing environmental burdens, ongoing energy transitions, high unemployment, or historical disinvestment. **All state entities should work with stakeholders to develop a screening tool that would be applied to all future policy decisions** to ensure that these goals are met and to report on the success of meeting our equity goals.
- **Create good jobs:** Ensure that the new clean energy economy creates good jobs by **applying a prevailing wage to both construction and operations jobs projects** that include energy spending of over one million dollars. Create a “Build the Future” working group that brings together labor, community, business, and other leaders to propose and implement specific projects.

Endnotes

- ¹The data in this table are all from 2012, reflecting the time lag of the release of the most up-to-date census data. If anything, we would expect these numbers to be higher currently, given recent demographic trends in New York and nationwide.
- ²"Governor Cuomo's Call for Raising New York's Minimum Wage to \$15 Statewide." September 10, 2015. National Employment Law Project Fact Sheet. Available here: http://www.nelp.org/publication/governor-cuomos-call-for-raising-new-yorks-minimum-wage-to-15-statewide/#_ednref7
- ³"By a Thousand Cuts: The Complex Face of Wage Theft in New York." Center for Popular Democracy. November 2015. Available here: <http://populardemocracy.org/sites/default/files/WageTheft%2011162015%20Web.pdf>.
- ⁴*Ibid.*
- ⁵"New York State's Language Barrier." Center for an Urban Future. January 2015. Available here: <https://nycfuture.org/data/info/new-york-states-language-barrier>.
- ⁶Data drawn from Center for an Urban Future's "New York State's Language Barrier" (downloadable [here](#)) and New York City Coalition for Adult Literacy, "NYCCAL FY2016 State Budget Priorities."
- ⁷"Students v. State of New York: What Happens to a Dream Deferred?" Alliance for Quality Education Report. January 10, 2016. Available here: <http://www.aqeny.org/wp-content/uploads/2016/01/students-v.-state-of-new-york-to-print1.pdf>.
- ⁸Data compiled by the Alliance for Quality Education, viewable here: http://www.cfemoneyowednys.org/search/nyc?utf8=%E2%9C%93&search_text1=PS+148.
- ⁹"The New York State DREAM Act." May 2013. Officer of the New York State Comptroller. Available here: <https://www.osc.state.ny.us/osdc/rpt1-2014.pdf>.
- ¹⁰Data are from "Selected Initial Findings of the 2014 New York City Housing and Vacancy Survey" cited above.