

**City Council Budget and Oversight Hearing on the
FY 2022 Preliminary Budget**

**Testimony given by
Commissioner Sherif Soliman**

March 24, 2021

Good morning Chair Dromm, members of the Finance Committee, and all members with us today.

My name is Sherif Soliman, and I am the Commissioner of the New York City Department of Finance. Thank you for the opportunity to testify today on the Preliminary Budget for Fiscal Year 2022.

I am joined by Michael Hyman, First Deputy Commissioner of the Department.

Let me start by expressing my appreciation for your partnership in advancing priority initiatives, such as revamping the City's tax lien authority and enhancing the Property Tax and Interest Deferral (PT AID) payment plan program.

Together, we have made the lien process fairer and offered additional opportunities for relief for taxpayers facing hardship.

And I would be remiss if I did not acknowledge Speaker Johnson and the team at Council Finance with whom we continue to work on the jointly appointed New York City Advisory Commission on Property Tax Reform.

I look forward to working closely with you in my new capacity, as well as with members of the Committee I haven't met yet, in the weeks and months ahead.

By now you've heard testimony from several agencies that detailed the tumultuous year we've all experienced with a once-in-a-century pandemic that has wreaked havoc on all facets of our society.

Yet as we look back over the past year and the many ways that COVID disrupted the traditional norms of government operations, we must also take stock of the heroics of the City workforce.

Hundreds of DOF employees have remained at their posts from the beginning of the pandemic, providing continuity of service to New Yorkers in their hours of need.

Our business center teams have continued to report to work throughout the pandemic, serving the public with compassion and professionalism.

Our facilities team has been working almost non-stop for the past year to make our offices and business centers safe for both customers and staff.

And, as the public has come to know well, our Sheriff's Office has played an outsized role in the City's pandemic response, with deputies going above and beyond the call of duty, often at great personal risk, to keep our city safe. They have taken on many new responsibilities and done an outstanding job.

Department of Finance staff have stepped up in the face of unprecedented challenges, and I wanted to take this opportunity to commend them publicly.

Looking forward, as the agency responsible for collecting the revenue on which City services depend, the Department of Finance will play an important role in New York City's recovery.

While we acknowledge that we face a tough road ahead, we are optimistic for a full recovery for the benefit of all New Yorkers.

Our optimism is rooted in a number of positive signs that portend improvements in the City's fiscal position, our economy, and our public health:

- First and foremost, we are deeply grateful for the proceeds from the Biden Administration's American Rescue Plan, which will provide the proverbial shot in the arm our government needs to deliver for New Yorkers.
- Second, some of the tax revenues on which we depend have remained relatively stable, notably among them the City's personal income and business taxes.
- Third, the City has recovered nearly one-third of the jobs lost since the height of the pandemic and is expected to regain more as COVID restrictions are lifted.
- Finally, the massive vaccination effort underway is reaching more people, instilling confidence among the public on the vaccine's efficacy and providing the public health foundation upon which our recovery will be built.

While we are encouraged about what these developments may mean for recovery, challenges remain from this unprecedented public health and fiscal crisis.

The City's real estate market still faces headwinds, with residential sales and rental prices showing weakness in some areas, and there remains uncertainty on the demand for commercial office space.

Sales tax, hotel tax, and property transfer tax revenues remain down sharply, and the severe hit the tourism industry has taken will take some time to heal.

To aid small businesses in their recovery, Mayor de Blasio proposed the New York City Small Business Recovery Tax Credit, a \$50 million rental assistance program for up to 17,000 small businesses with gross revenue below \$1 million in the arts, entertainment, recreation, food services and accommodation sectors. The tax credit is equal to 6 percent of calendar year 2021 rent, up to a maximum credit of \$10,000. We look forward to the proposal becoming law.

Turning now to property taxes and the decline in market values in the tentative assessment roll for Fiscal Year 2022 released on January 15, 2021.

As you know, we are required to value properties based on their status and condition as of January 5 of each year—a date referred to as the “taxable status date.”

Our valuation methods rely on inputs like sales data, income and expense data, and construction activity.

But the timing and unique nature of the market disruption created by the pandemic presented major challenges in the valuation process. Historical trends became unusable and 2019 income and expense data did not reflect current market conditions.

To account for the pandemic's impact, it was necessary for our valuation team to factor in macroeconomic data for 2020—such as the unemployment rate, wage information, and industry data on office vacancy and absorption rates—and then develop the trend factor that would be used in the valuation process.

As a result, the tentative assessment roll for fiscal year 2022 shows the total market value of New York City properties at about \$1.3 trillion, a decrease of 5.2 percent from the previous year. Correspondingly, citywide assessed values fell by 3.9 percent, to \$260.3 billion.

The declines were primarily driven by market value decreases in Class 4 as hotels, retailers, and office buildings experienced the effects of the sharp drop in tourism, an acceleration of pre-COVID trends toward e-commerce, and the dramatic increase in telework leading to empty office buildings, among other things.

By contrast, one- to three-family homes in Class 1 saw a flat market value increase of 0.8 percent. Single-family homes saw a 2.9 percent increase, which is potentially indicative of increased market demand due to consumer preferences for properties in less densely populated areas of the City.

Although overall Class 1 market values remained flat, assessed values increased by 5.2 percent due to a state law provision that caps assessed value growth. The caps are well known for protecting homeowners when market values increase, but when market value growth is low or negative, a “catch up” effect causes assessed values to increase.

To address this, Mayor de Blasio has proposed a \$300 rebate for New Yorkers who own and live in properties with a market value of less than \$500,000. This rebate would essentially cover the tax increase that these homeowners would otherwise experience this year. We look forward to working with you and our state partners to enact the rebate.

While the Administration has proposed this rebate to help property owners affected by the pandemic, we know that significant reforms to the property tax system are needed. The Advisory Commission on Property Tax Reform issued the most significant reform recommendations of the past 40 years and we look forward to the Commission's final report to be issued later this year.

The Department of Finance will be fully involved in this process, and we look forward to working with you and hearing from the public as we press on with long-overdue reform.

We equally look forward to participating alongside you in a separate effort to explore further improvements to the tax lien program. Again, we thank you for your partnership in the recent

enactment of a fairer tax lien process, and trust that the task force authorized by this new law will propose recommendations outlining additional ways to continue to improve the process.

As our agency participates in these important reform efforts, we remain laser focused on the ongoing work of ensuring quality service delivery to all New Yorkers.

To that end, a number of new programs and services were instituted over the past year to make it easier, and safer, for members of the public to conduct their business with the Department of Finance.

- We have launched the New York City Tenant Access Portal for Rent Freeze Program participants, making it possible for participants to access and update important information. In addition, New Yorkers can now apply for Rent Freeze benefits online via the portal, and those enrolled in the program will soon be able to renew their benefits online.
- We have introduced PayPal and Venmo as options for paying parking tickets, and plan to make them available for other types of transactions in the near future.
- We introduced a pay-by-phone option for property taxes to give customers another payment option during the pandemic. In less than six months, we processed more than \$5 million in property tax payments by phone.
- We rolled out, one quarter earlier than anticipated, the property tax payment receipt that you and your colleagues passed.
- We debuted an appointment scheduling feature allowing customers who cannot complete their transactions online to visit our business centers safely, in accordance with social distancing guidelines.
- And we improved our business tax e-Services website to make it easier for businesses to navigate the business tax filing, refund, and payment processes.

We are also developing a number of new user-friendly features, including a series of property tax benefit outreach videos, a new chatbot tool, and an additional story map presentation with income and expense information for income-producing properties at the neighborhood level.

And finally, we retooled our operations in some areas to adapt to priority needs:

- We continue to vigorously pursue deed fraud, a crime that victimizes far too many vulnerable New Yorkers each year. Our Land Records Division has introduced optical character recognition, a powerful tool for identifying potential cases of deed fraud through better indexing, enhanced searches, and improved data extraction and discovery. We are working with the state legislature on passing stronger deed fraud legislation which would increase the penalties associated with forgery, the filing of false instruments, and fraudulent notarization practices.

In closing, I am extremely proud of the efforts made by the Department of Finance to serve the public during the pandemic. We know that many challenges and opportunities lie before us – we are ready to meet them. I look forward to the Council’s continued partnership as we join with all City agencies in contributing to New York’s recovery.

Thank you for the opportunity to testify today, and I look forward to the day—hopefully soon—that we can be together again in person. I would be happy to answer any questions that you might have.

Fiscal Year 2022 Preliminary Budget Hearing

March 24,
2021

Department of Design and Construction
Jamie Torres-Springer, Commissioner

New York City
Council
Committee on
Finance

Good morning Chairs Dromm, Rosenthal and members of the Committee. I am Jamie Torres-Springer, Commissioner of the New York City Department of Design and Construction. I am joined today by Chief Financial Officer Rachel Laiserin, Chief Diversity Officer Wayne Lambert, General Counsel David Varoli, and other members of DDC's leadership team.

The past year has been a momentous one for DDC, as it has been for the City overall. Though many of our operations were disrupted by COVID-19, we are now in the final stages of reinstating all of our normal activities, including procurements for future projects, as well as our consultant design contracts. This work will fully resume by the end of this month pursuant to the Mayor's recent order.

I want to acknowledge the incredibly hard work of all the staff at DDC who managed operations and programs throughout this crisis. They ensured continuity, stability and progress throughout our portfolio, against tall odds. I want to recognize the leadership of Lorraine Grillo, who provided incredible stability during the last year, and who is responsible for implementing our *Strategic Blueprint*, a lasting contribution to better capital project delivery in New York City.

DDC was able to advance several large and critical programs even through the pandemic, and we continue to seek new ways to deliver projects more reliably and more efficiently. Our experience building field hospitals, testing and vaccination sites and other COVID-related facilities under the pandemic's emergency construction and procurement rules has informed us greatly in this area, and I will share some of those insights with you later in my testimony.

Budget Overview

As the City's primary capital construction manager, DDC builds on behalf of more than 20 City agencies and receives capital funding from a number of sources.

The January Capital Commitment Plan contains almost \$2.8 billion in new planned commitments in Fiscal Year 2022 for DDC across its portfolio. This includes \$1.5 billion for Infrastructure projects and \$1.2 billion for our Public Buildings portfolio.

The ten-year capital plan includes \$8.2 billion for the Borough Based Jails program related to the closure of Rikers Island, as well as \$1.35 billion for the East Side Coastal Resiliency project to protect Manhattan's East Side from East 25th Street down to Montgomery Street. We expect the FY 2022 budget to grow in the next plan as funding for contract registrations delayed by the pandemic are pushed into the next year.

DDC's FY 2022 operating budget is \$150 million. This includes \$122 million for Personnel Services and \$28 million for Other Than Personnel Services. Our budgeted headcount is 1,281. Our total operating budget includes \$133 million in IFA funding, \$16 million in City tax levy funding, and \$500,000 in federal funding.

COVID Response

The COVID pandemic significantly affected our operations, but also offered opportunities and insights into how we can improve the project delivery process.

In early March 2020, as COVID overtook the country and a statewide emergency was declared, DDC worked closely with our sponsor and oversight agencies to determine the best way to proceed in a manner that was safe, while managing our portfolio through the peak of the crisis.

Infrastructure projects, affecting water, sewer and transportation systems, were deemed essential and continued without significant delay. However, within days of the declaration, most of our active Public Buildings portfolio, with the exception of a handful of projects essential to life safety, was paused.

Subsequently, consultant design work paused as much of the City locked down and the impacts of the crisis widened. Exceptions were made for critical programs

such as East Side Coastal Resiliency, for projects with outside deadlines such as those under consent decrees or those that had time-limited federal or state funding.

Restarting Our Work

Last June, DDC began restarting public buildings construction projects in consultation with OMB and our sponsor agencies. We have since returned all projects to construction. As I stated earlier, we expect all other aspects of our portfolio to resume by March 31.

COVID Construction

Throughout the past year, DDC staff performed truly heroic work with New York City Emergency Management, Health + Hospitals, the Department of Health and Mental Hygiene and others to build and renovate the facilities the City has relied upon to manage the pandemic.

Next week, we will be sharing a report with you and your colleagues describing this work. The report summarizes our work during the pandemic, during which, DDC:

- **Designed and built two field hospitals totaling 1,100 patient beds;**
- **Designed and built 28 COVID testing sites;**
- **Designed and procured eight mobile testing trucks, which can be deployed quickly to COVID hotspots;**
- **Expanded and upgraded four NYC Health Department laboratories; and**
- **Procured, designed and built three large COVID-19 Centers of Excellence for NYC Health + Hospitals and Gotham Health, major new acute care facilities in Bushwick, Tremont and Elmhurst, designed to manage the long-term healthcare needs of New Yorkers recovering from COVID in neighborhoods where more healthcare facilities are much needed.**
- **DDC also supported the City’s “GetCool” program last summer, which involved installation of almost 56,000 vital air conditioning units in the homes of low-income seniors.**

And we are now aggressively working to create a Citywide network of vaccination centers to increase our overall capacity and create convenient vaccination options in neighborhoods identified by the Mayor’s Task Force on Racial Inclusion and

Equity as most in need of these facilities. We have now completed six large vaccination sites throughout the City with several more in the pipeline as we prepare for the peak vaccination effort over the next few months.

This has been a remarkable effort by DDC staff and it has placed them on the front lines of the pandemic, with much of the risk and urgency experienced by other frontline personnel, and we are very proud of this work.

The fact that we were able to deliver hundreds of millions of dollars of construction in mere months shows how effectively we can work when we are not bound by the typical procurement, administrative and oversight regime. For example:

- The first field hospital in Queens, with 470 beds, went from construction start to accepting its first patient in 11 days;**
- Laboratory upgrades took an average of just over 34 days of construction;**
- The 28 testing sites were built in an average of seven days each;**
- MWBE performance for the highest value component of our COVID program, the Centers of Excellence, was extraordinary, reaching 46%; and**

- **Our Center of Excellence projects were built in about 6 months each, rather than what probably would have been 6 years, and came in at or below their forecasted budgets. One reason for this was being able to use a streamlined procurement to award the lead construction contract quickly rather than in 9-12 months.**

Our success is attributable to several factors. Freed from the time-consuming system that requires City contracts to always be awarded to the lowest bidder who meets minimal qualification requirements, DDC was able to use value-based selection through a Request for Proposals (RFP) process to award contracts to firms with a demonstrated track record of delivering quality projects on time and on budget. Using this system, the agency was able to accelerate project schedules while still delivering projects within budget, with fewer delays and fewer mid-project change orders to slow down the process.

We were also able to employ contracting and construction management methods that are not allowed by this low-bidder system and the PPB rules, including the Construction Manager-Build (CM-Build) model of project delivery. With CM-Build, a construction management firm is selected through an RFP process and then manages the overall project *and* holds the underlying contracts for materials, labor

and related services. CM-Build eliminates the sequential procurement processes of design-bid-build, allows construction to begin earlier and, much like Design-Build, ensures critical collaboration between the designer and the builder, which is prevented by design-bid-build. These may be technical differences, but in fact, they make all the difference.

Other changes that enabled us to work quickly and we believe can be streamlined in the future were reduced public notice requirements; faster approvals from the Office of Management and Budget, Mayor's Office of Contract Services, and the Law Department; and a shorter selection process. We can also save time on projects if the Comptroller's input is limited to just the items the office is empowered by the City Charter to review, which is often not the case now.

Many of our infrastructure projects, which remained in construction throughout the pandemic, also saw remarkable progress and were able to be completed well ahead of schedule. We attribute this to decreased vehicle traffic, which allowed us to negotiate more favorable street permit requirements.

It's fair to ask, why can't we do this all the time? Why do we have to wait for an emergency to deliver important projects efficiently? The answer is we don't.

Already, based on new State legislation at the end of 2019, DDC is implementing a Design-Build approach for a number of projects that will save time and money by integrating design and construction activities and avoiding separate procurements in many of the same ways I described above. But Design-Build is only one tool and not suitable for every construction situation.

I encourage you to review our year-end report I mentioned earlier, which highlights many of these improvements to project delivery. The experience under emergency procurement rules truly brought us closer to the standards of performance we articulated in the *Strategic Blueprint*, while still retaining important safeguards of public funds.

We would welcome discussions with the Council about how these rules could be applied long-term. The benefits could transform the current cumbersome and costly process of City capital delivery, and provide a greater return on investment for taxpayers.

Borough-Based Jails and East Side Coastal Resiliency

Our two largest programs, Borough-Based Jails and East Side Coastal Resiliency (ESCR), also continued through the pandemic.

Earlier this month we issued Requests for Qualifications (RFQs) seeking highly qualified firms to form the Design-Build teams that will create the new jail facilities in the Bronx and Queens. We continue to monitor legal issues related to the program, but we remain on track to deliver four new jails by August 2027, despite a pause in the Jails program at the height of the pandemic.

I am pleased to report that construction began on ESCR in mid-November, at the northern end of the project. We have received bids for construction the southern end of the project and anticipate work to begin there in late Spring.

M/WBE Program

DDC's M/WBE program remains one of the City's best, with an M/WBE utilization rate of 32% in Fiscal Year 2020 representing \$257 million in spending, up from 21% in Fiscal Year 2019. In the last five years, our Office of Diversity & Industry Relations has engaged more than 7,500 M/WBEs through internal and external workshops and seminars that enhance technical and business capacity. Now we are building on that with a new Business Development Unit, which will be a pathway of entry into public sector work for M/WBEs, and a new mentoring program that will place emerging M/WBEs side-by-side in the field with

experienced construction managers to guide them and provide real-world, on-the-job experience as prime contractors.

In implementing our new Design-Build programs, we have set M/WBE goals of 30% for both the design portion and the construction portion of our contracts to provide more opportunities for M/WBE design firms.

I would note that our use of value-based selection on all of our emergency work delivered high M/WBE utilization rates.

Conclusion

In closing I would again like to acknowledge the dedication of the DDC staff who delivered so many COVID-related facilities and continued to deliver essential infrastructure and facilities under very difficult circumstances. And I would reiterate that *how* that work was performed offers lessons we can and should build on together, as we continue to realize the vision of our *Strategic Blueprint*, and transform capital project delivery for our City.

Thank you and we are happy to answer any questions you may have.

Testimony
New York City Council Finance Hearing
FISCAL YEAR 2021 EXECUTIVE BUDGET
March 24, 2021
By Ralph Palladino, Local 1549 2nd Vice President

This testimony is on behalf of Local 1549 President Eddie Rodriguez and the 14,000 members and taxpayers of New York City Clerical-Administrative Employees Local 1549. Our members are front line workers in nearly every city agency, 311, New York Police Department (NYPD) and New York Health and Hospitals (NYC H+H) and Metro Plus HMO. Our members are primarily women of color who live, work, shop, and vote in every community in this city.

The present situation in the country is dire. Our city's healthcare system and economy are on life support. We need to get through this crisis and the slow rebuilding efforts in a smart way beginning with the resources we have at hand.

Our requested items, if placed in the final budget document, will save taxpayers' dollars, and enhance public services. Some will help generate tax funds the city needs.

An additional benefit from our staffing requests in the final budget is to provide meaningful jobs to those who need them the most, in the communities that we serve and represent. It will help people move out of poverty into decent middle-class jobs. These jobs, in turn, will result in better services and greater tax revenues for the city. The buying power of our members will help businesses get back on their feet and help create more tax paying workers.

The movement for racial justice led by Black Lives Matter wanted to reduce funding in the police department and social services. But the budget negotiated called for the reduction of the clerical and other non-uniformed staff along with the uniformed employees. This deprived poorer people living in local communities who needed jobs to be able to apply for them. The HRA social service agency had to cut its staffing and budget also. Why was that? This should be reversed. Either the NYPD was not cut enough or the city just cut without knowing the effects on the clients in need the most.

Essential Workers should be rewarded.

The federal stimulus bill passed in congress provides for "premium pay" to public employee service workers defined as, "needed to maintain continuity of operations of essential infrastructure sectors" or others who are critical to "protect the health and wellbeing" of residents. This definition fits for our **front-line Clerical Employees in the New York City Health and Hospitals** (who usually faced the COVID patients first for 20 or more minutes); **911 Police Communication Technicians and Supervisors; 311 DOITT Call Center Representatives**. The 911 and 311 employees had to show up to work every day. The 911 and 311 workers were working in crowded and at times dangerous conditions while performing their duties. It also includes the **Eligibility Specialists and Clerical Associates in HRA** who serviced the SNAP, HASA and Medicaid recertification areas that are vital to the health and wellbeing of the populations. And our payroll employees, **Clerical Associates in OPA** who made sure our city workforce was paid on time!

The funds earmarked for payment must be used for the reason they were legislated for. That is direct payment to essential workers. This is part of the \$5.6 billion it is estimated the city will receive in funding.

Items generating and saving tax dollars.

1-Civilianization of all uniformed agencies. This should be included in the City's Police Reform Proposal. In the NYPD alone, it is estimated by various sources including former City Comptrollers, Public Advocates, Citizens Budget Commission, and the Independent Budget Office that NYPD Civilianization of 500 positions that are clerical-administrative (Police Administrative Aides and Clerical Associates) would save the taxpayers anywhere between \$17 and \$127 million dollars. Local 1549 latest figures factoring in our collective bargaining raises but NOT those of uniformed personnel show a conservative saving of: Roughly \$30 million recurring yearly. If this were done seven years ago the saving accrued would have been \$210 million.

New York City is the worse city by far than any other in the ratio of civilian to uniformed employees and for civilianization.

2- Stop the attack on the Civil Service System and save tax dollars. This is NOT an intra-union issue. It is a budgetary and waste of tax dollars issue. The city has been replacing civil service Clerical Associates and other titles with higher paid non-competitive titles costing the taxpayers and city well over \$3 million (This a count of our grievances filed. But we know this number is much higher and are currently counting and calculating the numbers.) The city's Agency for Children Services and Human Resource Administration are the worse.

3- Hiring the 400 Eligibility Specialists (ES) and the Clerical Associates who perform related and supportive duties to ESs and other professional titles, and that HRA attrited the past four years. The Mayor's Annual report shows NO Error rate shown for payments to SNAP recipients. The national average is 6%. Prior to past 15 months the four-year average for Error Rates has been close to 7%. One year it hit 9%. We contend that not reporting the error rate for last year is because the rate would be much higher. The timeliness of the applications is down almost 12%. This could lead to clients not receiving or delaying them receiving their benefits. The over-use of phone lines is problematic as is having clients using computers. 50% of those who do use technology have to come into centers for servicing anyway. So ESs are needed. The pandemic showed this given all the 100's of employees of other titles being reassigned the work to assist the ESs.

In relation to the issue of phone lines we ask the NYC Council to OPPOSE the legislation in Albany now S-3223 Assembly A-5414. It says that the HRA can mandate clients to use phone lines permanently. This needs to be amended to dropping "permanently" and should be the choice of the client and not the HRA. This administration will be out of office in a year. Why do this now? In addition, the city is now sending mixed messages whereby they say city employees will come back into offices and has legislation that could lead to mandating poor, needy clients must use phone lines. Are these clients' second-hand citizens? We think not. This legislation should be opposed in its current form.

30-40% of city residents who are eligible for SNAP do not receive it. SNAP and Medicaid benefits the local economy and thus the city's tax base. Every \$1 spent on SNAP generates \$2 in local economic activity. Local businesses earn more and thus pay more in taxes, and they can hire tax paying employees.

The federal stimulus allocates funding for localities to use for administrative purposes. That includes hiring employees for servicing. It will give workers more spending ability to help the local economy.

Saving and Generating Tax Dollars = Hiring of needed employees.

Funds saved and generated from above items, more aide that should be coming from the state and the federal stimulus package means that investments can be made by adding employees. These added employees would then have buying power to use to help the local economies and add to the tax base for the city.

We are requesting increased funding in the follow key service areas:

1-911 NYPD for public safety.

2-311 DOITT for enhancement and better information sharing services that also relate to COVID, healthcare, safety, housing, and other areas.

3-Establish a test and civil service test for the INTERPRETER

TITLE. This will enhance public services and provide services for the increased numbers of people seeking services who are non-English speaking.

Summary

We ask the City Council to make sure pay for essential workers is done fairly. We ask that you support and see that the NYPD Civilianization, hiring of Eligibility Specialists in HRA and that the city stop wasting tax dollars to replace civil service clerical employees with non-competitive employees who perform the same job duties.

We need more 911, 311 personnel and we need to use the Interpreter Title.

We ask that you oppose the Albany legislation: **S-3223 Assembly A-5414**

Thank you!



TESTIMONY

**New York City Council Committee on Finance
Jointly with the Committee on Contracts and the Subcommittee on Capital Budget**
Fiscal Year 2022 Preliminary Budget Hearing
Wednesday March 2nd, 2021

Submitted by:
MJ Okma
Policy and Campaign Strategist
Human Services Council of New York

Introduction:

Good afternoon Chair Dromm, Chair Rosenthal and members of the New York City Council Committee on Finance and Subcommittee on Capital Budget. My name is MJ Okma, and I am the Policy and Campaign Strategist at the Human Services Council (HSC), a membership organization representing over 170 human services providers in New York City. HSC serves our membership as a coordinating body, advocate, and intermediary between the human services sector and government. We take on this work so that our members can focus on running their organizations and providing critical direct support to New Yorkers. These are the nonprofits that support our City's children, seniors, those experiencing homelessness, people with disabilities, individuals who are incarcerated or otherwise involved in the justice system, immigrants, and individuals coping with substance abuse and other mental health and behavioral challenges.

Over the past year as New York City weathered the COVID-19 crisis, mistakes were made while the City government had to make life and death decisions about what to prioritize in a compounding public health crisis and budget deficit. The Fiscal Year 2022 budget is a time to take that all into account in order to reassess and rethink what and who our City values.

The reality is New York City's human services sector has seen a net loss of over 44,000 thousand jobs since this time last year.ⁱ Frontline city-contracted human services workers, who are majority women of color were abandoned by the Cityⁱⁱ. They were not provided personal protective equipment (PPE). They were not given a cost-of-living adjustment in the FY21 budget while severing on the frontlines. They were not afforded job protection while New York City and New York State disproportionately cut funding for human services in a time of rapidly increased need.

The City cannot call human services workers essential while refusing to pay them fairly for their labor or fight for their government-contracted jobs to be preserved. The City cannot praise the work of human services nonprofits while balancing the budget on their back and retroactively clawing back indirect funding.

This year as the COVID-19 pandemic tore through every corner of New York, City-contracted human services workers were thrown onto the frontlines of a global health crisis—ensuring high-risk populations such as seniors and disabled New Yorkers had access to food and mental health support, providing childcare for the families of first responders, running drop-in centers and shelters for homeless New Yorkers, supporting our City’s youth struggling to keep up with their education without resources to learn remotely, ensuring New Yorkers have access to the skills, training and education needed to economically respond and recover from this pandemic, and more. It is time to step up for them show that their labor is valued not by empty words but by ensuring that they no longer get paid poverty wages under city contracts.

City agencies are not getting a deal by chronically underfunding and retroactively cutting human services contracts to balance the budget; it is further harming the low wage workers the City relies on to keep these programs running while pushing community-rooted nonprofits into failure during a time of increased need.

In order to address this crisis, the FY22 budget must include the following:

- **The restoration of the COLA on the personnel services line of all human services contracts at a rate of at least 3%.**
- **Comprehensive emergency pay for human services workers retroactive to March 23, 2020, when non-essential workers in New York were ordered to stay home.**
- **\$171 million to fully honor the Indirect Cost Rate (ICR) Funding Initiative for FY20, FY21, and FY22.**
 - o **\$91 million in total for FY22**, including the \$34 million already baselined for ICR funding.
 - o **\$57 million for FY21** to fill in the gap between the \$34 million that was budgeted in the FY21 Adopted Budget and the \$91 million needed to fully honor ICR funding in FY21 contracts.
 - o **\$23 million for FY20** to fill in the gap between the \$34 million left for ICR funding in the FY20 budget after cuts in April 2020 and the estimated cost to fully honor ICR funding in FY20 contacts.

These urgent investments are needed while workers, advocates, providers, and elected officials continue to work together on more comprehensive solutions to ensure that human services workers finally earn fair pay for their essential labor.

None of these essential investments should come as a surprise to Mayor de Blasio and the Mayor's Office of Management & Budget. Last June, leaders from across the human services sector who were asked to participate in Mayor’s Nonprofit and Social Services Recovery Taskforce came up with a list of core recommendations to support essential workers in the sector and protect community services which are included in my testimony below. None of their recommendations were ever implemented.

Further, the New York City Council championed the ICR Funding Initiative in FY20 and over 20 council members demanded the restoration of the program after providers faced a cut of up to 40% in FY20. Since then, providers were told in March 2021 of a compounding cut of up to 70% for their FY21 budgets, and the FY22 preliminary budget continues to massively underfund the program which will only result in another compounding cut if not addressed. This program which was

created to address the fiscal crisis facing New York City human services sector has since been slashed in its first year of implementation (FY20) and was underfunding in FY21, throwing providers on the frontlines of COVID-19 into fiscal chaos.

These cuts do not impact all New Yorkers' equally but rather disproportionately impact communities that have already been hardest hit by COVID-19 due to structural racism, ableism, and income inequality, with Black, Latino/a, and Asian New Yorkers suffering the greatest harm.

The FY22 budget is a chance to address these devastating mistakes.

State of the Human Services Workforce:

Workers in New York City's nonprofit human services sector make less than half compared to those outside of the sector with similar credentials and experience. While the human services sector can leverage private and philanthropic dollars and funding from the City, State, and federal government to create dynamic programs at a bargain, the pay for these services needs to be sustainable. **When elected officials refuse to listen to providers and drastically undervalue the services they are contracted to provide, it is the human services workforce, which is 82% women and 80% people of color, who are disproportionately impactedⁱⁱⁱ. New York City underfunds the direct service costs in human services contracts by at least 20% pre-COVID-19 and that gap is growing, creating the desperate need for funding for human services to be restored and bolstered.^{iv}**

The City is not getting a deal by chronically underfunding homeless shelters, foster care agencies, food pantries, and senior centers; it is directly harming the low wage workers who keep these programs running. Eighteen percent of New York City human services providers were insolvent before New York City even saw its first case of COVID-19 and 80% of the largest human services organizations have budgets that are 90% or more dependent on government funding.^v When these contracts drastically underfund programs, set rock bottom rates per services unit, and require high mandated targets, the City is dependent on low-wage workers to fill in these gaps.

The average human services worker makes only \$32,700 in New York City, **far below what the 2019 New York City Self-Sufficiency Standard found to be required to meet the basic needs and expenses of living.^{vi} The median cost for rent in New York City has gone up over 20% since 2010^{vii} yet in that same period the average pay for human services workers has increased less than any other low-pay industry in the City including retail, restaurants, and personal/laundry services.^{viii} Pay is so low that over 60% of the human services workforce qualified for some form of public assistance themselves.^{ix}**

The human services workforce has been toiling under City-contracted poverty wages long before the devastating effects of COVID-19. Then, instead of being met with tangible support, over 44,000 human services jobs were loss due to cuts at the City and State level.

At the beginning of the pandemic, the City committed to provide emergency pay for some residential workers.^x The initiative covered wages for certain personnel at residential settings from March 1 - June 3 and was only communicated through personal communications from the City on a contract-by-contract basis under DHS, ACS, HRA, and DOHMH rather than uniform guidance. This

program also only covered frontline workers at residential programs and outlined extremely specific qualifications personnel needed to meet to qualify, which left out many essential onsite jobs including maintenance, cooks, drivers, and security. The City also would not allow providers to make the funding retroactive, meaning providers had to provide emergency pay prior to approval. This meant if providers were denied, which was quite common due to the confusion surrounding this program, they would have to pay these salary expenses out of pocket despite already providing services under grossly underfunded city contracts. The lessons learned from this program are that emergency pay must be compressive, fully funded, and covering all city-contracted human services workers who were unable to do their jobs remotely retroactive to the beginning of New York's stay at home order.

Since the onset of the COVID-19 pandemic, low-wage contracted human services workers have put their lives and their families at risk to provide crucial services to communities in crisis. The city was also unable to provide PPE and cleaning supplies early in the pandemic, placing workers and their families in even greater danger. The FY22 budget is an opportunity to reverse course, starting with bringing back the COLA for city-contracted human services workers at a rate of at least 3% and providing comprehensive emergency pay.

Renewing the COLA on the personnel services line of all human services contracts at a rate of 3% would cost an estimated \$48 million for FY22.

New York City's Failed Indirect Manual Rollout:

Cuts to the Indirect Cost Rate (ICR) Funding Initiative created fiscal chaos for a sector providing critical safety net support for New Yorkers in both FY20 and FY21. These damaging cuts went to the heart of nonprofit human services and spread throughout their entire operation.^{xi}

When the ICR Funding Initiative was implemented for the first time in FY20 after the Mayor and City Council committed to addressing the chronic underfunding of indirect costs in City contracts. This initiative was then retroactively slashed in its first year of implementation after providers were originally told by the City that their contracts would be held harmless during the COVID-19 crisis. Many providers only agreed to contracts in FY20 with the promise that they would be paid for their certified indirect rates.

The impact of the April FY20 cut to the Indirect Cost Rate Initiative was not communicated with providers until a month after the close of the fiscal year, so there was no opportunity to engage with the Administration or the Council leadership on the impact of this cut. When providers and advocates in the sector did ask, we were told it was just a "rightsizing" of the program, only to be told in August 2020 that indirect funding for FY20 would be cut up to 40%, despite the fact the fiscal year was over, and the money had already been spent.

This delay also allowed the City to repeat the same underfunding of the ICR initiative in the Adopted FY21 budget, and it was only then that we were informed this would be a real cut retroactively in FY20. The result of that dangerous decision to allowing the ICR initiative to be underfunded in the FY21 budget was just announced. **On March 10th, 2021 the Office of**

Management & Budget and Mayor’s Office of Contract services told the Nonprofit Resiliency Committee (NRC) the City is planning on cutting providers indirect funding up to 70% on current contracts. This is unacceptable and displays a complete lack of regard for nonprofit human services organizations, programs, and essential workforce.

These compounding retroactive cuts will only continue to compound into next fiscal year unless the FY22 reverse courses and includes the necessary funding for the City to pay their contracts, as committed.

New York City must include \$171 million in the FY22 budget to honor their commitment to fund city-contracted human services providers their true indirect rate on all City contracts.

- **\$91 million in total for FY22**, including the \$34 million already baselined for ICR funding.
- **\$57 million for FY21** to fill in the gap between the \$34 million that was budgeted in the FY21 Adopted Budget and the \$91 million needed to fully honor ICR funding in FY21 contracts.
- **\$23 million for FY20** to fill in the gap between the \$34 million left for ICR funding in the FY20 budget after cuts in April 2020 and the estimated cost to fully honor ICR funding in FY20 contacts.

Timeline of Cuts to the Indirect Cost Rate (ICR) Funding Initiative:

- **February 2019:** The *Health and Human Services Cost Policies and Procedures Manual* was released through the Nonprofit Resiliency Committee (NRC).^{xii} This manual standardizes indirect rate definitions across human services contracts and creates a standard approach for providers to calculate an individualized rate. At the time the manual was published, the City did not increase funding to address the gaps this manual displays in human services contracts or allow for any reductions in services to account for these glaring gaps in funding. The NRC members were asked to “trust” that this was a good faith process and that providers would not be disadvantaged with this manual.
- **March 2019:** Human Services providers strongly advocated for the City to back its implementation of the manual with additional dollars so that providers can apply their real indirect rates as part of New York City’s FY20 budget.
- **April 2019:** The New York City Council called for an investment of \$106 million to fund the *Health and Human Services Cost Policies and Procedures Manual* in their FY20 Preliminary Budget Response.^{xiii} This cost estimation of \$106 million came from an estimation that the manual would increase the indirect rate to an average of 12 percent, up from ten percent.

Mayor Bill de Blasio did not add this funding into the Executive Budget, so providers continued to fight for the manual to be funded as the Mayor and City Council began their final budget negotiations.

- **June 2019:** The Mayor and City Council committed to funding an adjustment to the Indirect Cost Rate (ICR) Funding in the FY20 Budget. No money was set aside for this initiative as part of the FY20 Adopted Budget with the intent that money would be allocated during an upcoming FY20 budget adjustment and providers would get their true indirect rate retroactive to the beginning of FY20 (June 2019).
- **July 2019:** The Office of Management and Budget (OMB) and Mayor's Office of Contract Services (MOCS) from a City Implementation Team (CIT) to design the implementation and roll-out of the ICR Funding Initiative that was established in the FY20 budget.^{xiv}
- **October 2019:** City-contracted human services providers were briefed on the City's implementation plan and the timeframes for rolling out ICR Funding Initiative.^{xv} As part of the process, providers were once again told that they would receive their true indirect rate on all City contracts, retroactive to June 2019 and through FY23 if they submitted all their paperwork based on the deadlines in the CIT's implementation plan.
- **November 2019:** The de Blasio Administration added a total of \$54 million in baselined funding to the budgets of 12 city agencies for the ICR Funding Initiative.^{xvi} This was around half of the \$106 million the City Council estimated it would cost in their FY20 Preliminary Budget Response back in April.
- **December 2019:** Mayor Bill de Blasio and Speaker Corey Johnson officially announced that the City has launched the ICR Funding Initiative.^{xvii}
- **April 2020:** ICR funding for FY20 was reduced from \$54 million to \$34 million, which was characterized at the time as a "rightsizing" of the funding needed to fulfill FY 2020 contract submissions.^{xviii} Providers were assured that their FY20 indirect rates would not be impacted because of this cut, despite the City's ICR funding level now being only 32% of \$106 million the City Council estimated it would cost in their FY20 Preliminary Budget Response.
- **June 2020:** The FY21 Adopted Budget included the reduced ICR funding level of \$34 million for FY21, once again under the guise of a "rightsizing."^{xix}
- **August 2020:** City-contracted human services providers were told that the cuts in April were a reduction, not a rightsizing, and that their indirect funding for FY20 would be cut up to 40%, despite the fact the fiscal year was over, and the money had already been spent.^{xx}

Providers were given no information about what this means for their FY21 contracts, despite ICR funding being underfunded at the same level (\$34 million) in the FY21 Adopted Budget.

Led by Contract Chair Kallos, over 20 council members wrote to the Mayor calling for ICR funding for FY20 to be fully restored.^{xxi} Comptroller Stringer and all five borough presidents also called on the Mayor to reverse this damaging retroactive cut.^{xxii}

- **November 2020:** The City announced that RFPs will continue to use the manual but have a 10% “placeholder” for indirect, so providers can only include 10% indirect in the RFP and are then supposed to negotiate later. Under the ICR Funding Initiative, all new RFPs should cover the provider’s cost manual rates and no justification was given about this new policy. This effectively reverts the contracting system back to February 2019 when the *Health and Human Services Cost Policies and Procedures Manual* was released with no increased funding to address the gaps this manual displays in human services contracts or allow for any reductions in services to account for these glaring gaps in funding.

The FY21 November Plan increased the current year budget by \$3.8 billion or 4.3%, it did not reverse the damaging cuts to human services including cuts to the Indirect Cost Rate (ICR) Funding Initiative.^{xxiii}

On the day before Thanksgiving, 30 human services organizations testified about the impact of the cuts to ICR funding during the York City Council Committee on Contracts Oversight hearing Reviewing the City’s Indirect Cost Rate Funding Initiative During the COVID-19 Pandemic.^{xxiv}

- **January 2021:** Restoration of ICR funding was not included in the FY22 Preliminary Budget.
- **March 2021:** MOCS told the NRC and city-contracted human services providers that there would be a staggering retroactive cut to ICR funding of up to 70% for FY21.

June 2020 Recommendations from the Mayor’s Nonprofit and Social Services Recovery Taskforce:

These recommendations were sent to Mayor Bill de Blasio on June 5, 2020 by the following organizations, who were represented in the Nonprofit Social Services Taskforce: Ali Forney Center, Asian American Federation, Bedford Stuyvesant Restoration Corporation, Black Veterans for Social Justice, Bowery Residents’ Committee (BRC), BronxWorks, CASES, Casita Maria, Catholic Charities Brooklyn & Queens, Center for Hearing and Communication, Children of Promise, Children’s Village/Harlem Dowling, Chinese-American Planning Council, Citymeals on Wheels, Coalition for Hispanic Family Services, Girls for Gender Equity, Good Shepherd Services, Henry Street Settlement, Hispanic Federation, Independence Care System, LGBT Community Center, Los Sures/ Southside United, MinKwon Center for Community Action, NAACP, Northside Center for Child Development, Older Adults Technology Services (OATS), Project Hospitality, RiseBoro Community Partnership, SCO Family of Services/Center for Family Life in Sunset Park Safe Horizon, Services for the UnderServed, Sheltering Arms, Urban Pathways, Urban Resource Institute (URI) and WomanKind.

None of the following core recommendations made it into the Mayor’s own Recovery Agenda or have been fully implemented since the taskforce stopped meeting in June 2020. Note these recommendations were drafted before the announced retroactive cut to the ICR Funding in August 2020. At the time these recommendations were sent to Mayor de Blasio, the Mayor’s Office of Contract Services was still telling providers that they indirect rates were not at risk and would be paid in full, which is why that priority is not reflected in these recommendations.

1) Support Essential Workers:

- Commit to paying frontline human services workers emergency pay retroactive to March 23, 2020, when non-essential workers in New York were ordered to stay home. The City's emergency pay plan for residential workers needs to be quickly approved and paid out and essential workers not covered by that program must also receive pay for their work on the frontlines.
- Pay human services workers fairly. City-contracted human services workers are some of the lowest compensated workers in our City's economy. The small COLA that they receive on City contracts is set to expire at the end of FY20 and we must not allow this benefit to be stripped away from these essential workers.
- Work to achieve comprehensive pay parity for human services workers as part of New York COVID-19 recovery to ensure these workers finally earn fair pay for their labor under City contracts.

2) Protect Community Services:

- Ensure the survival of small community-based and person of color led organizations by providing access to the resources they need in order to stay open and serve our communities, and structure human services procurements going forward to be inclusive of small, person of color led institutions.
- Immediately retract the summer program cuts that leave no safe place for our kids: SYEP, Beacon, SONYC, and Compass. Young people of Color fall behind every summer – we anticipate that this will be vastly exacerbated by the inequity of remote learning. The child welfare and juvenile justice systems should not be the outcome for poor Black and Brown children, but we fear that lack of programming and the current civic unrest will make that inevitable. We are leaving our children and youth with no productive activities for the summer, which will lead to devastating consequences.
- Fund programs that address the inequities that have been exposed by COVID-19 pandemic.
- Bring community partners to the table to discuss budget cuts so that essential services are preserved, and necessary cuts are made in ways to minimize the impact on communities and human services providers.
- Pull the Home Delivered Meals RFP, which is already underfunded based on pre-COVID- 19 demands, and work with food-based providers to design a home delivered meals system that utilizes the sector's expertise, infrastructure, and current needs of the community.
- Embrace changes made during COVID-19 that benefit communities, like the expanded use of technology to better serve clients.
- Support providers now with continuing emergency funds to address COVID needs and during reopening with a plan for redesign of program space. Funds are needed to ensure important community spaces can adhere to social distancing requirements, are deep cleaned, and have necessary sanitation supplies.

3) Amend the Procurement Process:

- Back FY21 contracts with robust cash advances that are sent out immediately in July.
- Stop the recoupment of advances and change the policy so that advances are recouped at the end of the contract, not at the end of each year.
- Provide no cost extensions on contracts and allow providers to carry over accruals.
- Pay invoices immediately upon receipt and verify documentation at audit.

Conclusion:

The New York City Council saw the crisis facing the human services sector and fought for the ICR Funding Initiative and the human services workforce in FY20. Since then, there has been a net loss of 44,000 human services jobs, the COLA for human services workers was not renewed while they were on the frontlines of COVID-19, and the ICR Funding Initiative as dismantled and retroactive cut before it was ever implemented. These cut to ICR slashed City-contracted human services providers indirect funding up to 40% in FY20 and up to a staggering 70% in FY21. The crisis facing the human services sector now is much larger while demands of services continue to rise.

The FY22 budget must include the following:

- The restoration of the COLA on the personnel services line of all human services contracts at a rate of at least 3%.
- Comprehensive emergency pay for human services workers retroactive to March 23, 2020 when non-essential workers in New York were ordered to stay home.
- \$171 million to fully honor the Indirect Cost Rate (ICR) Funding Initiative for FY20, FY21, and FY22.
 - o \$91 million in total for FY22, including the \$34 million already baselined for ICR funding.
 - o \$57 million for FY21 to fill in the gap between the \$34 million that was budgeted in the FY21 Adopted Budget and the \$91 million needed to fully honor ICR funding in FY21 contracts.
 - o \$23 million for FY20 to fill in the gap between the \$34 million left for ICR funding in the FY20 budget after cuts in April 2020 and the estimated cost to fully honor ICR funding in FY20 contacts.

The time to act is now. New York City's COVID-19 continued response and recovery is at great risk.

Thank you for providing me with this opportunity to testify. We greatly value our partnership with you and the City Council and know you stand with us in our call to address this compounding crisis.

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ⁱ Center for New York City Affairs at The New School COVID-19 Economic Update (October 2020) available at <http://www.centernyc.org/reports-briefs/2020/10/1/cnycas-covid-19-economic-update>

ii Undervalued and Underpaid: How New York State Shortchanges Nonprofit Human Services Providers and their Workers, Restore Opportunity Now (March 2017) available at <https://humanservicescouncil.org/wp-content/uploads/Initiatives/RestoreOpportunityNow/RONreport.pdf>

iii Id.

iv “Underfunded government payment rates are the primary driver of financial distress. Government contracts dominate provider budgets but pay only about 80 cents or less of each dollar of true program delivery costs, leaving budget holes that private funders cannot, or should not, fill.” New York Nonprofits in the Aftermath of FECS: A Call to Action (February 2016) available at <https://humanservicescouncil.org/wp-content/uploads/Initiatives/HSCCommission/HSCCommissionReport.pdf>

v “New York City nonprofits are fragile: 10% are insolvent (18% in health and human services); as many as 40% have virtually no cash reserves (i.e., margin for error); and over 40% have lost money over the last three years. We believe that less than 30% are financially strong. Yet many trustees do not understand the financial condition of their organization or how it compares to its peers.” Risk Management for Nonprofits, SeaChange (March 2016) available at <http://seachangecap.org/wp-content/uploads/2016/03/SeaChange-Oliver-Wyman-Risk-Report.pdf>

vi “Average annual wages in the New York City social assistance sector were \$32,733 in 2018, making the sector the second-lowest-paid of all industries in the city after restaurants (\$31, 527).” The Road to and from Salary Parity in New York City: Nonprofits and Collective Bargaining in Early Childhood Education (January 2020) available at https://static1.squarespace.com/static/53ee4f0be4b015b9c3690d84/t/5e222c2ab457e7527ddc6450/1579297836053/SalaryParity_Parrott_Jan2020_Jan17.pdf

vii Rents Rise at Fastest Rates Since 2016, Street Easy (2019) <https://streeteasy.com/blog/august-2019-market-reports/>

viii The Road to and from Salary Parity in New York City: Nonprofits and Collective Bargaining in Early Childhood Education (January 2020) available at https://static1.squarespace.com/static/53ee4f0be4b015b9c3690d84/t/5e222c2ab457e7527ddc6450/1579297836053/SalaryParity_Parrott_Jan2020_Jan17.pdf

ix “The low pay and paucity of fringe benefits translate into high and costly turnover for nonprofit organizations, providing public services under government contracts. Pay is so low that 60 percent of those working in the sector were utilizing or had a family member utilizing some form of public assistance benefit such as Medicaid or food stamps.” Undervalued & Underpaid: How New York State Shortchanges Nonprofit Human Services Providers and their Workers, Restore Opportunity Now (March 2017) available at <https://humanservicescouncil.org/wp-content/uploads/Initiatives/RestoreOpportunityNow/RONreport.pdf>

x New York City Hall Commits to Reimburse Struggling Nonprofits for Frontline Costs NBC New York (April 2020) <https://www.nbcnewyork.com/news/local/new-york-city-hall-commits-to-reimburse-struggling-nonprofits-for-frontline-costs/2360030/>

xi City-contracted human services providers gave testimony about the impact of ICR cuts during the New York City Council Committee on Contracts Oversight hearing Reviewing the City’s Indirect Cost Rate Funding Initiative During the COVID-19 Pandemic on November 25, 2020. Video of that hearing is available at

<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=813445&GUID=1ABF948F-F20F-442E-9CE1-2CAFB66CF7AB>

xii Copy of the Health and Human Services Cost Policies and Procedures Manual is available at <https://www1.nyc.gov/assets/nonprofits/downloads/pdf/NYC%20HHS%20Cost%20Policies%20and%20Procedures%20Manual.pdf>

xiii “In order to sustain the current system of contracting out so many of our social services and to ensure pay parity for the human services workforce, the Council urges the Administration to add \$106 million to increase human services providers’ indirect cost rates.” NYCC FY20 Preliminary Budget Response available at https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/04/Fiscal-2020-Preliminary-Budget-Response_FINAL.pdf

xiv The Indirect Implementation webpage is available at <https://www1.nyc.gov/site/nonprofits/funded-providers/indirect-implementation.page>

xv Archived e-mail communication about this briefing, along with a recording of the briefing is available at Archived e-mail communication about this briefing, along with a recording of the briefing is available at <https://www1.nyc.gov/assets/nonprofits/downloads/pdf/Indirect%20Rate%20Initiative%20Follow-Up%2010.18.19.PNG>

^{xvi} New York City's November Financial Plan Update for Fiscal Year 2020 (FY20) is available at <https://www1.nyc.gov/office-of-the-mayor/news/566-19/mayor-de-blasio-releases-november-financial-plan-for-fiscal-year-2020>

^{xvii} Press Release on the Launch of the Indirect Funding Initiative is available at <https://www1.nyc.gov/office-of-the-mayor/news/602-19/mayor-de-blasio-speaker-johnson-city-council-the-launch-the-indirect-funding>

^{xviii} Facing Unprecedented Crisis, Mayor de Blasio Unveils Budget Plan that Protects New Yorkers by Prioritizing Health, Safety, Shelter and Access to Food (April 2020) available at <https://www1.nyc.gov/office-of-the-mayor/news/259-20/facing-unprecedented-crisis-mayor-de-blasio-budget-plan-protects-new-yorkers-by>

^{xix} New York City's November 2020 Financial Plan, Fiscal Years 2021 – 2024 is available at <https://www1.nyc.gov/site/omb/publications/finplan11-20.page>

^{xx} "City is funding 60% of the FY20 value of your amendment(s), but not less than a 10% ICR value and provided that your organization receives an Accepted ICR, pursuant to FY21 timeline and guidance." Indirect Rate Initiative Update from The City Implementation Team (August 2020) available at https://www1.nyc.gov/assets/nonprofits/downloads/pdf/Aug11_Indirect_Rate_Initiative_Update.pdf

^{xxi} "We urge the Administration to honor our shared commitment to the sector and ensure that human services agencies have the necessary resources to serve New Yorkers." CM Kallos Letter Demanding Restoration of Funding for Indirect Costs to Non-Profits available at <https://benkallos.com/press-release/letter-demanding-restoration-funding-indirect-costs-non-profits>

^{xxii} "Investing in the human sector is more critical than ever as our residents weather the storm created by COVID-19. I urge you to ensure that the terms of the City's indirect cost rate initiative are honored and fully funded." Comptroller Stringer Calls for Full Funding of Indirect Cost Rate Initiative So Non-Profits Can Continue to Deliver Critical Services (August 2020) available at <https://comptroller.nyc.gov/newsroom/comptroller-stringer-calls-for-full-funding-of-indirect-cost-rate-initiative-so-non-profits-can-continue-to-deliver-critical-services/>

^{xxiii} Mayor de Blasio Provides Economic Update and Releases November Financial Plan (November 2020) available at <https://www1.nyc.gov/office-of-the-mayor/news/801-20/mayor-de-blasio-provides-economic-and-releases-november-financial-plan>

^{xxiv} Video of the New York City Council Committee on Contracts Oversight hearing Reviewing the City's Indirect Cost Rate Funding Initiative During the COVID-19 Pandemic on November 25, 2020 is available at <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=813445&GUID=1ABF948F-F20F-442E-9CE1-2CAFBD6CF7AB>



Asian American Federation

Testimony for New York City Council Budget Hearings on The Fiscal Year 2020 Preliminary Budget

Committee on Finance

March 24, 2021

Written Testimony

Thank you for giving the Asian American Federation the opportunity to testify this afternoon. I am Ravi Reddi, the Associate Director for Advocacy and Policy at the AAF.

This budget, with greater fiscal certainty coming with the federal stimulus, is an opportunity for us to reinforce the community-based systems and organizations that have led by example throughout this pandemic in delivering our community culturally-competent and language accessible services.

Since 2000, the Asian population in New York City increased by 51%, growing from just under 873,000 in 2000 to over 1.3 million in 2019, making up 16% of our city's total population. Overwhelmingly, Asian New Yorkers are immigrants, with two out of three in the city being foreign-born and one in five Asian immigrants may be undocumented. Approximately 96% of Asian seniors and 88% of our Asian small business owners are immigrants. Amongst our immigrant community, 27.3% arrived in 2010 or after. Additionally, language barriers remain high among Asian New Yorkers. Overall, 44.2% of Asians have limited English proficiency in New York City, compared to a citywide rate of 22.2%.

But while Asian New Yorkers comprise at least 10% of the population in more than half of city districts, with the other half having some of the fastest-growing Asian populations, from Fiscal Year 2002 to 2014, the Asian American community received a mere 1.4% of the total dollar value of New York City's social service contracts, a reflection of a broader, long-term trend.

We're here to discuss our community needs and why this Budget presents the ideal opportunity to reimagine this City's relationship with the Asian community.

Hate Crimes

Top of mind for so many in our community is rising anti-Asian xenophobia. Our seniors are isolated due to the pandemic but it's the fear of violence that keeps them venturing out as we look to the pandemic recovery. Our small businesses are teetering, many already bankrupt, but 60% of small business owners in a survey done last year fear anti-Asian xenophobia impacting themselves, their staff, and their establishments. Local and national media stories of anti-Asian violence and atrocities have only validated existing concerns in our community, rooted in the longstanding xenophobia, more recently espoused in hateful othering regarding the origins of the COVID-19 pandemic.

What we have consistently needed and highlighted as important to our community in terms of safety, we need now more than ever. They include:

- Support the efforts of trusted Asian-led, Asian-serving organizations to centralize the reporting of incidents in order to connect victims to services they need;
 - Bias incidents are significantly underreported, as 70% of Asian New Yorkers are immigrants and systemic factors like high poverty, high limited English proficiency (LEP), and lack of immigration status deter reporting and reinforce continued systemic inadequacies. As such, City Council must use this budget to address the dire need to expand the capacity to track anti-Asian bias incidents, including supporting efforts by Asian organizations to collect reports in-language and through channels most accessible to the community.
- Invest in community-based programs such as a safety ambassador program that can ensure safety -- for example by assigning trusted community members to escort elders in the streets
 - The City needs to invest in community-based safety measures run by Asian organizations to provide an immediate response to street violence and support the coordination and roll-out of a safety ambassador program to escort vulnerable Asian immigrants in public spaces like public transportation, training volunteers in de-escalation strategies so they can serve as a safe, deterring presence in certain neighborhoods.
- Provide recovery services in Asian languages to help victims heal from the trauma; and increase access to mental health services for all communities to reduce harm.
 - We are asking the City to fund recovery services in Asian languages to help victims heal from their attacks, including providing access to a victim compensation fund and supporting a network of Asian community-based organizations that can provide mental health support, legal services, and other supportive services. Furthermore, we must support programs that increase access to mental health services for all communities since perpetrators themselves may have mental illness and need services so as not to further harm others and themselves.

As you'll hear throughout our testimony, so much of the work simply requires supporting the organizations within our community already doing the work.

Economic Empowerment

Asian small business owners have been largely left out of outreach and information dissemination efforts in the time of this pandemic. In our small business survey, over 40% of business owners answered they experienced difficulty in finding information in their language. We are devastated to find the Asian American small business community repeatedly excluded from the economic recovery efforts, due to both lack of meaningful engagement and systematic issues that fail to recognize their urgent needs.

In the past year, our staff has been inundated with calls from immigrant small business owners asking for information or support applying to assistance programs, citing lack of language access and procedural assistance. Restaurant owners reported constant harassment with inconsistent and hostile inspections with no avenue to cure their violations. LEP business owners are discouraged from reaching out to programs that provide invaluable assistance like the CLA program, out of fear they will not be able to communicate with legal counsel. Webinars by city agencies are near impossible to access for those who are hardest to reach, yet they are supposed to know all new regulations. There simply is not enough support to get the

information out to hard-to-reach communities, and small business owners who need help the most are still unsure who they have to reach out to.

And during the height of the pandemic, Asians went from filing hundreds of claims a month to thousands of claims a month. Many of the industries that employ low-income Asian workers and operate as small businesses were hardest hit by job losses. These industries include sectors like beauty and nail salons; laundromats; food services; and retail—they are also industries that face difficulty in organizing to lobby for their interests. In discussing how to bring about economic recovery, the needs and concerns from our community continue to be ignored.

AAF has provided direct technical support and capacity building services to over 100 small business owners along Union Street, Flushing, as part of Flushing Small Business Assistance Program, funded by the NYCEDC. This program offered financial support for a storefront signage replacement program, created an online platform for immigrant small business owners to establish an online presence, and functioned as an information hub for small business owners with little access to regulatory and assistance information.

This immensely helpful program for the hard-to-reach business owners, came to an end in January, 2021. Not only did our former clients show disappointment at the completion of this program, but Asian small business owners across the city contacted AAF to inquire whether they can be a benefactor of this program.

With that in mind, when it comes to economic empowerment, we're asking City Council to allocate an initial investment of \$1 million for an Asian small business support center. There needs to be a central institution that can provide comprehensive assistance to small business owners struggling to overcome systemic barriers like those mentioned in this testimony.

The City's small business assistance centers need to be decentralized and located in areas where immigrant small businesses are heavily concentrated. Currently, owners are unable to take advantage of any City services because they are located too far from where they work, and the City provides few in-language services in-person. Our Center will provide:

- Education about Regulations – Provide in-language materials to guide immigrant small business owners through inspections. These materials will inform owners of what their responsibilities are and what to expect during inspections, which will help them understand how to be in compliance.
- Business Trainings – Create in-language guides for how to start and run a small business in New York City. These guides will establish a common ground of understanding as well as reflect specific needs of different Asian business communities and the industries they work in.
- Build Capacity – Build the capacity of Asian community-based organizations to provide small business assistance to community members. While a few of our member agencies have a small business program, many of the emerging Asian communities in New York City are not receiving the small business assistance they need. Community-based organizations are the first place that Asian small business owners go to for help and the City must ensure that these organizations are properly prepared to offer assistance.
- Seminars – Provide informational seminars, as well as technical assistance, which reflects the specific needs of different Asian business communities and the industries they work in.
- Civic Engagement – Inform small business owners of regulation and policy changes from the get-go to minimize any negative impact at the implementation stage. We would reach out to

owners in a systematic manner to inform them of policy changes and invite feedback through ongoing discussions.

Immigration and Integration

When it comes to immigration and integration, this Budget is a pivotal opportunity for our government to regain the trust of our immigrant communities. As an extension of the difficulties faced by our immigrant communities over the past several years, to say nothing of systemic challenges, funding for accessible immigration legal services has remained stagnant even while demand has increased. From the Muslim Ban, to an increase in deportation rates, to unjust restrictions on students visas, to un-American restrictions on family immigration, the Asian American community has borne the brunt of the previous administration's immigration assault, and are scrambling to find culturally-competent, language-accessible affordable immigration legal advocacy. To this end, City Council must set aside \$2 million for immigration legal services funding for CBOs with a track record of providing not only immigration legal services but also case management services to connect community members to legal services. Without Asian CBOs' ability to provide language and navigation support, few people would be able to access these legal services.

And when it comes to language access, our immigrants continue to be unable to navigate complex citizenship processes that are language limited. More than at any other time, immigration policies are in such a state of flux that our communities will need sustained in-language engagement to stay abreast of changing policies, processes, and documents. As we consistently note, good policies mean nothing if the people they're meant to help don't know about them.

That's why, more than at any other time, there is a clear window of opportunity for City Council to finally fund a community legal interpreter bank so those needing legal services and social services can access qualified interpreters across communities of color, as well as worker co-ops which will focus on the recruitment, training, and dispatching of qualified interpreters and increasing job opportunities for multilingual immigrants. To these ends, we're asking City Council to fund a community legal interpreter bank with \$2 million and commit \$250,000 per worker co-op for three language translation co-ops covering Asian, African, and Latin American languages. The payoff from funding these initiatives will be seen in multiple ways, as we've seen with similar models elsewhere, like Washington, DC's community legal interpreter bank, from providing employment opportunities in our immigrant communities, to relieving strains on existing CBO capacity to provide interpretation, to addressing the serious gap in quality language interpretation for the communities that need it the most.

Finally when it comes to immigration and integration, the City must make sure the FY 2022 budget includes funding such that Local Law 30 is fully and consistently implemented across city agencies. In our work and the work of our member and partner organizations, we are consistently reminded that much of the language accessibility issues our community is grappling with relate to issues of capacity. Immigrants are often the last to know about key information, and the pandemic has demonstrated that there is still much work to be done in making sure our immigrants, many of whom are our frontline workers, benefit from the work of our city agencies.

Mental Health

With regards to our mental health work and that of our partners and member organization, we are coming to this conversation well-aware that mental health service delivery in the city's most diverse community is

notoriously difficult. More than 20 Asian ethnic groups are represented within our city, speaking dozens of languages. Aside from the logistics of mental health service delivery in a crisis, cultural stigma around mental health adds an additional layer of service delivery complexity. The shortage of linguistically and culturally competent mental health practitioners and services, which is particularly egregious in areas of specialty, such as drug or alcohol abuse, gambling addiction, domestic violence, and LGBTQ+ topics and challenges, highlights the urgency to address these gaps and ensure that our community has equal access to mental health services that cater to their unique needs.

According to AAF's 2017 report, *Overcoming Challenges to Mental Health Services for Asian New Yorkers*, Asians are the only racial group for which suicide was one of the top 10 leading causes of death from 1997 to 2015. Asian American women are particularly vulnerable, with women ages 65 and older having the highest suicide rate across all racial and ethnic groups, and young women ages 15-24 having some of the highest rates of suicide across all racial and ethnic groups. Furthermore, our report uncovered the lack of research into our community's mental health needs and service models that work best for the Asian community, due to the absence of disaggregated data for Asian ethnicities and funders' proposal criteria that often exclude integrated or alternative service models.

But the Asian community's mental health burden has exponentially increased under COVID-19 due to the loss of loved ones, high unemployment rates, the severe isolation of seniors, and a continuing rise in anti-Asian violence. These stressors have only compounded the fears and anxieties relating to the last administration's anti-immigrant rhetoric and policies that separated families and threatened to remove essential safety nets.

Asian Americans are the least likely of groups to report, seek, and receive medical help for depressive symptoms; a challenge that is further exacerbated in New York City by the fact that 22 percent of Asian New Yorkers live in poverty.

To address the mental health needs of our community after an unprecedented year last year, we are asking City Council to step up to the challenge to address the access and capacity challenges of mental health care for Asian New Yorkers with an initial \$2 million investment to provide culturally competent programs. With this investment, AAF plans to expand and sustain a citywide effort to build mental health service capacity to meet the burgeoning yet underserved needs of the Asian community, made worse by COVID-19, specifically by:

- Formalizing a community education program to reduce the deep cultural stigma surrounding mental health issues, as well as develop and disseminate mental health resources that are culturally competent.
- Developing the capacity of Asian-serving community-based organizations to identify mental health needs and provide non-clinical interventions.
- Developing and provide cultural competency trainings to mainstream mental health providers to increase their understanding and knowledge of how to address the mental health needs of Asian Americans.
- Fostering greater collaboration among community resources and with formal service systems in order to reach those who are most in need of assistance. This includes convening the Asian American Mental Health Roundtable, made up of Asian-serving nonprofits involved in mental

health work, to share knowledge, resources, and best practices to serve the varied mental health needs of the community.

- Creating an online directory of clinical and non-clinical mental health service providers with the linguistic and cultural competency to serve Asian New Yorkers.
- Replicating successful program models and provide training to Asian-serving organizations in order to build mental health service capacity in the Asian American community, and,
- Implementing an advocacy strategy to win the support of elected leaders, policy makers, funders, and the general public to build mental health services for Asian New Yorkers.

Senior Services and Nonprofit Support

And while we're working to connect our community with mental health services, our most vulnerable community, our seniors, are struggling with unprecedented challenges stemming from the pandemic. Nevertheless, our senior-serving member agencies are working beyond capacity to support our elders, and they're creating and innovating processes to make sure our seniors are getting the services they need, as efficiently and safely as possible. One example is using meal delivery service to conduct mental wellness checks with trained volunteers in Queens or sourcing culturally competent food from local farmers growing Asian vegetables in Brooklyn. From May to November alone, AAF helped six senior-serving organizations to serve almost 3,000 seniors with nearly 20,000 food services and 8,500 assurances calls.

Our community, as with every other community of color, also bears a disproportionate burden of the basic need insecurity brought on by the pandemic, the City must increase investment in safety net programs, such as community health centers and clinics, as well as food pantries. Asian New Yorkers have a greater need for access to these programs in part due to the continued aftereffects of the previous administration's public charge assault that resulted in immigrants disenrolling from public benefits out of fear that it would affect their and their family's chances of pursuing a path to citizenship. In addition, the City must fund an emergency network of linguistically and culturally competent food service programs and connect Asian seniors and other vulnerable populations to these alternative food benefits in order to begin to address the harm inflicted on this population by the loss of access to traditional government assistance programs.

And as we've mentioned before, this Budget presents an opportunity for City Council to lead in reimagining how the City does work with the community-based organization who are leading by example in providing critical services.

As City Council works on this year's budget, Council members must keep in mind the persistent inequities in city contracting practices and the systemic barriers facing our CBOs seeking the dollars the Council is allocating for this year. Contracting processes must prioritize the CBOs that have the expertise needed to make the most of every dollar in our communities by giving greater weight to organizations with a demonstrated track record of serving low-income, underserved immigrant communities with linguistic and cultural competency. Our CBOs are leading by example in the provision of direct services, from providing wrap-around services that include mental wellness checks, to allying with food suppliers that provide culturally-competent food. And it'll be our CBOs that will be instrumental in restoring trust between our immigrants and the City.

I want to thank you for giving us the opportunity to speak with you today. The Asian community has been through so much over this past year and the Budget is the best way for City Council to show that we are a priority and our community is cared for as it deserves.



Committee on Finance/Capital Budget

March 24th 2021

10am

Good morning. Thank you for the opportunity to testify. My name is Phoebe Flaherty, I'm an Organizer at ALIGN: The Alliance for a Greater New York. ALIGN is a community-labor coalition dedicated to creating good jobs, vibrant communities, and an accountable democracy for all New Yorkers.

We coordinate the Climate Works for All coalition and the Transform Dont Trash Coalition, the coalitions that led the organizing to pass Local Law 97 the Dirty Buildings bill and Local Law 199 Commercial Waste Zones.

As we all know, we are still in the midst of this pandemic, and New York's Black and brown and environmental justice communities are bearing the brunt of the impact of the virus and the economic downturn. We're seeing record high unemployment, concentrated in BIPOC and environmental justice communities.

Our City's budget must prioritize investment and job creation for the communities that have been hit the hardest by this pandemic.

The Climate Works for All coalition created an Equitable Recovery Report, a roadmap to creating 100,000 good green jobs for New York City's Black and brown communities and moving us out of the pandemic and recession towards our climate goals by investing 16 billion dollars over 3 years. This is the comprehensive plan we need to move our city through crisis and towards equity and climate justice.

However, we know that the city is still reeling from the crisis, and we have developed interim Climate budget priorities that will lead us on the same path towards investment in communities and green job creation, while acknowledging the reality of our budget constraints.

Within the City's 2022 budget, we are calling for an investment of 80 million to retrofit public schools and 100 million to install solar on public schools.

In April 2018, New York City passed Local Law 97 (LL 97), a law that puts a cap on greenhouse gas emissions for buildings larger than 25,000 square feet. To ensure the spirit of the law is upheld by the private sector and to reduce greenhouse gas emissions by 40 percent by 2030, New York City government must lead by example and retrofit public buildings with the urgency the issue deserves. The

CW4A coalitions' budget request specifically focuses on K-12 schools, which make up a large portion of public buildings that are currently emitting at rates above LL 97 emission caps.

Based on public data from 2019 on energy and water usage for large buildings and the Coalition's analysis, over 2,400 city-owned buildings are currently emitting at levels higher than the emissions cap for the 2030 - 2034 LL 97 compliance period. The buildings are dispersed throughout the city and comprise various building types including K-12 schools, government offices, maintenance and repair for government equipment, police stations, and fire stations, among other uses.

As of 2019, 1,132 K-12 schools, which add up to a total of 143,869,137 square feet, are emitting at levels beyond LL 97's 2030 - 2034 period of compliance. At an average cost of \$7.55 per square foot to retrofit buildings, the city would need over \$1.08 billion throughout the next 13 years to meet LL97 emission targets. **That is, the City needs about \$80 million every year to retrofit schools.**

Given the known associations between atmospheric pollution and climate change, and the correlation between air pollution and mortality rates for respiratory diseases like COVID-19, retrofitting buildings, particularly Heating, Ventilation, and Air Conditioning (HVAC) systems, serves as a common solution to two of the most urgent problems New Yorkers have faced in the last few decades—a pandemic and climate change. In addition, **research shows that building retrofits will create 482 good union jobs during a time of economic crisis.** Protecting children, teachers, public servants, and the public at large who utilize these buildings, while stimulating jobs for New Yorkers, should be of utmost importance in 2021.

In 2014, New York City committed to installing 100 megawatts of solar energy on public buildings by 2025. In order to achieve this goal, solar panels would need to be installed on over 300 public buildings over the following decade, a move that could be replicated on the other 4,000 city-owned and leased properties throughout New York City. It is integral that the Department of Citywide Administrative Services (DCAS), the agency charged with the city's solar implementation, prioritize its solar program. **An immediate investment of \$100 million toward DCAS' solar program will provide the capacity and resources the agency needs to swiftly meet New York City's 2025 solar goals.**

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The New York City Department of Education's (DOE) building stock presents an opportunity for the City to make significant progress toward its solar goals. Not only do K-12 schools hold a large share of New York City's new solar energy capacity, they also account for one-quarter of all City-owned buildings. In fact, the DOE hosts more than half of the City's completed installations. Following the passage of the [Climate Mobilization Act](#), DCAS and the New York Power Authority (NYPA) announced their plans to install up to 16 additional megawatts of solar energy at forty-six New York City public schools. While this announcement is a good step, DCAS must prioritize an expeditious implementation of its solar program in environmental justice communities to ensure the city meets its 2025 solar goals.

Since 2014 DCAS has installed solar panels on 30 school buildings across the city, amounting to only 6.86 megawatts of solar energy. That means DCAS has installed an average of 1 megawatt per year. There are still 189 other school sites waiting to be completed that have the potential to reduce the City's emissions by another 10,449 metric tons of CO₂. **At completion, the savings from these sites will be equivalent to taking 2,257 cars off the streets for one year.** As DCAS continues to implement its solar program, it is critical that the agency utilizes social equity criteria to determine the order in which solar panels should be installed. As the largest school district in the country, there is an immense opportunity for New York City to create an implementation standard that can be replicated in other municipalities. Only taking technical considerations into account, such as solar-ready roofs, fails to recognize systemic inequalities in New York City. By prioritizing K-12 schools in environmental justice communities, the City will be building more resilient neighborhoods and ensure the benefits of renewable energy reach its most impacted New Yorkers.

Solar projects will not only reduce greenhouse gas emissions, but will also allow New York City to use investments to mitigate deep socio-economic and environmental inequalities in our city. New Yorkers had first-hand experiences of the catastrophic impacts of climate change through Hurricane Sandy. Now, these cumulative environmental risks have further intensified under the COVID-19 pandemic. Building energy generation technology in environmental justice communities is essential, especially as New York looks towards a Just Recovery from the current public health and economic crises. Investments in green infrastructure will build more resilient neighborhoods and bring good, well-paying jobs back into communities that need it most. Research shows economic activity on green infrastructure generates

both direct and indirect jobs. **Research shows an investment of \$100 million into installing solar on schools will create 508 direct and indirect jobs.** The siting of solar on K-12 schools coupled with building retrofits, a local hiring program, and strong project labor agreements, can expand access to career-track jobs and create an avenue for addressing environmental injustice.

In addition to retrofitting and installing solar on public schools, Climate Works for All is calling for an investment in the following areas as well, totaling an investment of \$200 million.

17 millions towards public waste management, including 4 million to staff the Commercial Waste Zones program, and 13 million towards expanding the composting program.

3 million towards clean transportation expansions via electric school buses

These investments are what is necessary to invest in New York's BIPOC and frontline Environmental Justice communities, address the inequities of the pandemic and move us out of the COVID crisis while addressing the climate crisis. We believe these investments will move us forward on the path towards an Equitable Recovery.

Thank you for your time and consideration today.

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Testimony of the American Heart Association

Before the New York City Council Committee on Finance

March 24, 2021

Robin Vitale, Vice President of Health Strategies
Greg Mihailovich, Community Advocacy Director
American Heart Association, New York City

Thank you, Chair Dromm, and the members of the New York City Council Committee on Finance. On behalf of the volunteers of the American Heart Association, we are grateful for the opportunity to present testimony related to key health initiatives that our organization believes will support healthy behaviors in New Yorkers.

As the nation's oldest and largest voluntary organization dedicated to fighting heart disease and stroke, of which approximately 80% of diagnoses are preventable¹, we believe every person deserves the opportunity for a full, healthy life. As champions for health equity, by 2024, the American Heart Association will advance cardiovascular health for all, including identifying and removing barriers to good health. In a world forever-changed by COVID-19, our mission – *to be a relentless force for a world of healthier, longer lives* – is more important than ever.

As the New York City Council moves forward with the budget process, we ask that you remain vigilant in supporting policies that ensure New Yorkers – particularly those most in need – can protect and promote their own health in the aftermath of COVID-19. Also, with financial aid coming to New York City through the American Rescue Plan Act, we ask that you look to not only restore funding to key health programs but expand NYC's efforts to help our city recover from the pandemic.

Reducing Food Insecurity

Every family should have access to the foods that help support a balanced diet and a healthier life. Unfortunately, nearly 1.6 million New Yorkers – one in five – are facing food insecurity.² That includes school children, seniors, parents, and working adults.³ The Supplemental Nutrition Assistance Program (SNAP) helps reduce food insecurity

¹ "Preventable Deaths from Heart Disease & Stroke." Centers for Disease Control and Prevention, Centers for Disease Control and Prevention, 3 Sept. 2013, www.cdc.gov/vitalsigns/HeartDisease-Stroke/index.html.

² NYC Mayor's Office of Food Policy. (2021). Food Forward NYC: A 10-Year Food Policy Plan. <https://www1.nyc.gov/assets/foodpolicy/downloads/pdf/Food-Forward-NYC.pdf>

³ Ibid.

and help households rise out of poverty.⁴ SNAP healthy food incentive programs can help people eat more fruits and vegetables and increase the quality of their diet.⁵ Higher intakes of fruit and vegetables – at least 2 daily servings of fruit and 3 daily servings of vegetables – have been associated with lower mortality.⁶

When SNAP recipients are given incentives to buy more fruits and vegetables, they spend more of their benefits on healthier foods.⁷ Families can buy healthier options, which help children establish lifelong habits supporting overall health and wellness.⁸ SNAP incentives can increase spending on fruits and vegetables in grocery stores, which generates economic growth. Every \$5 spent using SNAP generates as much as \$9 in economic activity.

New York City’s existing SNAP incentive programs help people eat more fruits and vegetables and increase the quality of their diet, but they are limited and do not reach everyone who would benefit from them:

Health Bucks offers SNAP recipients a voucher to increase the buying power of SNAP benefits used at participating farmers markets. Previously offering a \$2 voucher for every \$5 spent, this year the match is increasing to a \$2 voucher for every \$2 spent, up to \$10 a day. This increase will greatly help food insecure New Yorkers, but not everyone has convenient access to a farmers market and most locations are seasonal and closed for a good part of the year.

Get the Good Stuff offers a matching dollar in reward points for every dollar of SNAP spent on purchases of eligible fruits, vegetables, and beans at participating supermarkets – up to \$50 per day. Those points can be used for the next purchase of eligible produce. Currently, there are only six supermarkets participating in the program. There are plans for expanding to 14 supermarkets and there is some funding in the FY22 Preliminary Budget to support this.

Pharmacy to Farm provides \$30 in Health Bucks each month to SNAP recipients who fill a prescription for high blood pressure medication at select pharmacies. The Health Bucks can be used to purchase fresh produce at participating farmers markets. The federal funding supporting this initiative is expiring and NYC is winding this program down.

⁴ Renwick, Trudi, Fox, Liana. The Supplemental Poverty Measure. Prepared by the U.S. Census Bureau. <https://www.census.gov/library/publications/2016/demo/p60-258.html>.

⁵ Bartlett, Susan, Jacob Klerman, Lauren Olsho, et al. Evaluation of the Healthy Incentives Pilot (HIP): Final Report. Prepared by Abt Associates for the U.S. Department of Agriculture, Food and Nutrition Service, September 2014.

⁶ Wang, D. D., Li, Y., Bhupathiraju, S. N., Rosner, B. A., Sun, Q., Giovannucci, E. L., . . . Hu, F. B. (2021). Fruit and vegetable intake and MORTALITY: Results from 2 prospective cohort studies of us men and women and a meta-analysis of 26 cohort studies. *Circulation*. doi:10.1161/circulationaha.120.048996

⁷ Ibid.

⁸ Hilary Hoynes, Diane Schanzenbach, Douglas Almond, “Long-Run Impacts of Childhood Access to the Safety Net,” *American Economic Review* 106, no. 4 (2016): 903-34.

We were happy to hear that some SNAP incentive programs will be receiving \$11 million in federal and city funds to expand.⁹ This is a good first step but, to put it in perspective, \$11 million would provide an additional \$5 per month for 185,000 SNAP recipients. SNAP serves nearly 1.5 million New York City residents, or 20 percent of the population, on average each month¹⁰ so there are still many more New Yorkers that are in need. We ask that you increase the funding for these SNAP incentive programs even further in the budget for FY22. Expanding the reach and impact of these effective initiatives will have significant long-term health and economic benefits for New York City.

Hypertension management and remote care

As of 2019, 2.5 million adults, or 31% of New Yorkers,¹¹ report having high blood pressure.¹² That is ten times the capacity of Yankee, Citi Field, MetLife, and Dodger stadiums combined. Only 47% of those diagnosed with high blood pressure are under control.¹³ High blood pressure, or hypertension, is a key risk factor for heart disease and stroke and often there are no obvious symptoms to indicate something is wrong. The NYC Department of Health and Mental Hygiene (DOHMH) has undertaken a significant effort to promote awareness, clinical guidelines and treatment adherence. However, with so many more New Yorkers potentially facing the “silent killer” of hypertension, we still need to do more.

Additionally, stroke survivors and those with heart disease, including high blood pressure and congenital heart defects, may face an increased risk for complications if they become infected with the COVID-19 virus. People with diabetes, compromised immune systems, chronic lung diseases and other underlying conditions also may be at risk of more severe illness, according to the CDC.¹⁴ High blood pressure also accelerates memory loss and other cognitive declines for middle-aged or older adults, even when it only goes up slightly and for a short time, new research shows. Conversely, controlling high blood pressure slows the speed of cognitive decline.¹⁵

Telehealth, also called telemedicine, is the use of electronic information and telecommunication technologies to provide care when the patient and the doctor are not at the same location.¹⁶ Telehealth increases access healthcare to those who

⁹ Good Health, Good Value: NYC receives \$5.5 million grant to make healthy food more affordable to New Yorkers. (n.d.). Retrieved March 22, 2021, from <https://www1.nyc.gov/site/doh/about/press/pr2021/good-health-good-value-nyc-receives-grant-for-affordable-healthy-food.page>

¹⁰ NYC Mayor’s Office of Food Policy. (2020). Food Metrics Report 2020.

https://www1.nyc.gov/assets/foodpolicy/downloads/pdf/food_metrics_report_2020-two_page_spread.pdf

¹¹ City of New York. (2017, February 2). 2020 population. Retrieved October 2020,

from <https://data.cityofnewyork.us/City-Government/2020-population/t8c6-3i7b>

¹² New York City Department of Health and Mental Hygiene. (2017, November). Epi Data Brief, No.

95. Retrieved October 2020, from <https://www1.nyc.gov/assets/doh/downloads/pdf/epi/databrief95.pdf>

¹³ Angell, S. Y., Garg, R. K., Gwynn, R. C., Bash, L., Thorpe, L. E., & Frieden, T. R. (2008, September). Prevalence, Awareness, Treatment, and Predictors of Control of Hypertension in New York City. *Circulation: Cardiovascular Quality and Outcomes*, 1 (1), 46-53.

¹⁴ Centers for Disease Control and Prevention. (n.d.). Retrieved February 16, 2021, from <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/groups-at-higher-risk.html>

¹⁵ De Menezes, S. T., Giatti, L., Brant, L. C., Griep, R. H., Schmidt, M. I., Duncan, B. B., . . . Barreto, S. M. (2021). Hypertension, Prehypertension, and Hypertension Control. *Hypertension*, 77(2), 672-681. doi:10.1161/hypertensionaha.120.16080

¹⁶ What is telehealth? (n.d.). Retrieved February 16, 2021, from <https://telehealth.hhs.gov/patients/understanding-telehealth/>

ordinarily lack it, increases medication adherence protocol, and allows patients to be monitored and treated continuously within the comfort and privacy of their own home.

Telehealth may increase access and convenience for cardiovascular disease and stroke patients. This is especially true for vulnerable cardiovascular disease or stroke patients who – because of their geographical location, physical disability, advanced chronic disease, or difficulty with securing transportation – may not otherwise access specialty health care services.

With millions of New Yorkers staying home due to fears of being exposed to COVID-19, many have turned to telehealth to meet their medical needs. Unfortunately, there are numerous barriers to the adoption of telehealth. The lack of equitable public and private insurance reimbursement and the lack of multi-state licensure disproportionately deny high quality healthcare to vulnerable populations that lack access to traditional healthcare.¹⁷ Many New Yorkers also face additional barriers to accessing telehealth. If someone is living on a fixed income, they may not have the financial resources to afford devices or internet service fees. They may not know how to use the technology and lack the assistance to learn. People with hearing loss, impaired vision, or language barriers will struggle even more.

These barriers underscore the importance of access to self-monitoring devices. Just like having a thermometer will help someone tell if they have a fever or are just feeling flushed, access to blood pressure cuffs helps someone determine whether need to seek in-person care if they are feeling unwell. This is especially important if that person struggles with accessing telehealth services.

Self-measured blood pressure (BP) monitoring, the measurement of BP by an individual outside of the office at home, is a validated approach for out-of-office BP measurement. Several national and international hypertension guidelines endorse self-measured BP monitoring, which has high potential for improving the diagnosis and management of hypertension in the United States. However, to adequately address barriers to the implementation of self-measured BP monitoring, financial investment is needed.¹⁸

By investing in blood pressure cuffs to provide to community partners (FQHCs, Health Systems, other clinics, CBOs) for distribution to those in need, essential care can be remotely provided to medically underserved populations and continue to lessen the impact of COVID-19 through physical distancing.

¹⁷ Schwamm LH, Chumbler N, Brown E, Fonarow GC, Berube D, Nystrom K, Suter R, Zavala M, Polsky D, Radhakrishnan K, Lactman N, Horton K, Malcarney MB, Halamka J, Tiner AC; on behalf of the American Heart Association Advocacy Coordinating Committee. Recommendations for the implementation of telehealth in cardiovascular and stroke care: a policy statement from the American Heart Association [published online ahead of print December 20, 2016]. *Circulation*. doi: 10.1161/CIR.0000000000000475.

¹⁸ Shimbo D, Artinian NT, Basile JN, Krakoff LR, Margolis KL, Rakotz MK, Wozniak G; on behalf of the American Heart Association and the American Medical Association. Self-measured blood pressure monitoring at home: a joint policy statement from the American Heart Association and American Medical Association. *Circulation*. 2020;141: e•••–e••• doi: 10.1161/CIR.0000000000000803.

We ask the NYC Council to dedicate additional funding to provide increased support for NYC’s hypertension initiative and an investment in blood pressure cuffs for better remote care for our most vulnerable New Yorkers.

Tobacco Cessation

Smoking is a key risk factor for premature death from heart disease and stroke.¹⁹ Smoking e-cigarettes daily doubles the risk of heart attack. When combined with daily cigarette use, heart attack risk rises five-fold.²⁰ According to the World Health Organization, smokers are likely more vulnerable to severe and potentially life-threatening cases of COVID-19. Smokers often suffer from lung disease and reduced lung capacity, which would greatly increase the risk of serious complications from COVID-19 infection. While there is currently no direct data about the role of vaping in COVID-19 infection or outcomes, a growing body of evidence shows that vaping can harm the health of your lungs. While more research is needed, limited evidence suggests that using e-cigarettes may suppress your immune system, making you more susceptible to respiratory infections and delayed recovery.

The growing evidence around tobacco and e-cigarette use and adverse outcomes from COVID-19 has strengthened the American Heart Association’s position that we need New Yorkers to quit their addiction as urgently as possible. Despite recent progress, 13.4% of New York City residents (886,000 adults)²¹ still smoke. More than 200,000 children are still exposed to secondhand smoke at home.²² With the enactment of the city law banning all flavored e-cigarettes – hopefully to be soon followed by companion legislation restrict access to all flavored tobacco products, including menthol – New York City needs to invest in more cessation programs and support for those now struggling with a nicotine addiction because of heavy e-cigarette use. Those cessation resources also need to be available virtually or online to be easily accessible during for these socially distant times.

We ask the NYC Council to dedicate funding to expanding tobacco and nicotine cessation programs.

Active Transportation

The *Physical Activity Guidelines for Americans*, second edition from the US Department of Health and Human Services, recommends that adults should move more and sit

¹⁹ New York City Department of Health and Mental Hygiene. (2017, November 20). New Data Show Striking Disparities in Early Deaths from Heart Disease and Stroke. Retrieved October 2020, from <https://www1.nyc.gov/site/doh/about/press/pr2017/pr09017.page>

²⁰ Harvard Health Publishing. (2019, January). E cigarettes boost the risk of heart attack. Retrieved October 2020, from <https://www.health.harvard.edu/heart-health/e-cigarettes-boost-the-risk-of-heart-attack>

²¹ Public Health Solutions. (2020). NYC Smoke Free. Smoking Statistics. Retrieved October 2020, from <https://nycsmokefree.org/resources/smoking-statistics/>

²² Truth Initiative. (2019, March 5). Facts About Women And Tobacco. Retrieved October 2020, from <https://truthinitiative.org/research-resources/targeted-communities/facts-about-women-and-tobacco>

less.²³ The American Heart Association recommends at least 30 minutes of moderate-intensity aerobic activity at least five days a week for overall cardiovascular health, and an average of 40 minutes of moderate-to-vigorous-intensity three or four days a week to help lower blood pressure and cholesterol. Engaging in daily physical activity reduces the risk of obesity, coronary heart disease, stroke, hypertension, diabetes, and some types of cancer.²⁴ As we now know, these chronic conditions may also put people at higher risk for COVID-19 complications.

Staying active also provides benefits beyond the physical. Stress can affect your mental and physical health in many ways. Long-term activation of your body's stress response system may put you at risk for health troubles like digestive problems, anxiety, headaches, depression, sleep problems, weight gain, memory and concentration issues, high blood pressure, and heart disease and stroke.^{25,26} Even spending non-active time outside in nature can help lower your stress and result in better health outcomes.

Promoting active transportation -- the opportunity to bike, walk, or roll to work, school, or around the community -- through policy, systems and environmental change is one of the leading evidence-based strategies to increase physical activity regardless of age, income, racial/ethnic background, ability, or disability.²⁷ New Yorkers get a significant amount of this recommended daily physical activity from participating in active transportation.²⁸ Unfortunately, many people, particularly those living in under resourced communities, do not live in areas amenable to active transport. This can limit access to jobs and other economic and social opportunities.^{29, 30}

The American Heart Association applauds the City's continued efforts to prioritize active living infrastructure. The announced initiatives to increase bicycle access on NYC bridges, create "bike boulevards" where bicycles have travel priority, close the existing gaps in the Brooklyn and Queens Greenways, add 10,000 new bicycle parking spots, and expand bike share equity will encourage active transportation and create equitable opportunities for healthy living in many communities. These programs need to be adequately funded to make any significant impact.

²³ US Department of Health and Human Services. *Physical Activity Guidelines for Americans*. 2nd ed. Washington, DC: US Department of Health and Human Services; 2018.

²⁴ Spengler JO. Promoting Physical Activity through Shared Use of School and Community Recreational Resources. Research Brief. Active Living Research, Robert Wood Johnson Foundation, April 2012. Available at: http://activelivingresearch.org/files/ALR_Brief_SharedUse_April2012.pdf

²⁵ U.S. Department of Health and Human Services, Office on Women's Health, Stress and your health. <https://www.womenshealth.gov/a-z-topics/stress-and-your-health>

²⁶ Centers for Disease Control and Prevention, Coping with Stress. <https://www.cdc.gov/Features/CopingWithStress/index.html>.

²⁷ Nazelle A, Nieuwenhuisen JM, Anto, et al. Improving health through policies that promote active travel: A review of evidence to support integrated health impact assessment. *Environ Int.* 2011. May; 37(4): 766-777.

²⁸ NYC Department of Health and Mental Hygiene. Health Benefits of Active Transportation in New York City. May 2011. www1.nyc.gov/assets/doh/downloads/pdf/survey/survey-2011active-transport.pdf

²⁹ Thrun E, Perks M, Chriqui J. Prioritizing transportation equity through Complete Streets: research report. 2016. <https://www.ihrp.uic.edu/files/EquityBrief-Nov2016.pdf>. Accessed July 1, 2019.

³⁰ Sandt L, Combs T., Cohn J. Pursuing equity in pedestrian and bicycle planning. 2016. https://www.fhwa.dot.gov/environment/bicycle_pedestrian/resources/equity_paper/. Accessed September 25, 2019.

We ask the NYC Council to dedicate equitable, long-term funding for bicycling and walking projects and encouragement programs that prioritize under resourced communities. This would improve both the health and economic outcomes for those New Yorkers. Investing in the built environment can facilitate economic development in communities. Local economies are improved when people can walk, bike and shop with ease in a community.³¹

Thank you for everything you have done and will do to protect the lives of the people of New York City. The American Heart Association is a reliable and trusted source of information based in credible science, and we will continue to be your partner in ensuring the health and well-being of all New Yorkers.

³¹ Built Environment & Active Transportation. The Benefits of Investing in Active Transportation. 2008. http://physicalactivitystrategy.ca/pdfs/BEAT/BEAT_Publication.pdf. Accessed on April 3, 2018.



**BROOKLYN
DEFENDER
SERVICES**

TESTIMONY OF:

Maryanne Kaishian

BROOKLYN DEFENDER SERVICES

Presented before

The New York City Council

Committee on Finance

New York City Council Budget and Oversight Hearings

on The Preliminary Budget for Fiscal Year 2022

March 24, 2021

I. Introduction

My name is Maryanne Kaishian and I am Senior Policy Counsel at Brooklyn Defender Services (BDS). BDS provides multi-disciplinary and people-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy to nearly 30,000 people and their families in Brooklyn every year. In addition to zealous legal defense, we provide a wide range of additional services to meet our clients' unique needs, including help with housing, benefits, education and employment. In many cases these services are of a preventive nature, helping people avoid loss of housing or immigration status, assuring benefits are available when needed to avoid hunger and other concerns, and addressing education issues before a student leaves school. I thank the City Council Committee on Finance, and in particular Chair Dromm, for this opportunity to testify today about the preliminary budget for Fiscal Year 2022.

This month, New York City marks the one-year anniversary of the COVID-19 pandemic and the closure of courts to in-person appearances. The communities impacted most by the criminal and family court legal systems have also been those hit hardest by the pandemic.¹ It is essential that funding for indigent defense and legal services for low-income New Yorkers remain intact as we proceed into the next year and as the City begins to recognize the impact of the quarantine on these communities. BDS is well-situated to respond to the anticipated needs of impacted communities as we emerge from this crisis. New Yorkers will need access to legal support to address widespread evictions, job loss, and enormous educational challenges.

New York City is one of the most progressive cities in the world. Yet for too long, the City has invested in systems that have worked to surveil and control low-income neighborhoods and communities of color rather than investing to uplift communities and families. This Council has been responsible for legislating and funding groundbreaking programs to meet the needs of communities that are highly surveilled but overlooked by other service providers—including the New York Immigrant Family Unity Project (NYIFUP) ensuring universal representation to immigrant New Yorkers facing deportation and the Right to Family Advocacy Project providing advocacy to families being investigated by the Administration for Children's Services.

How a society allocates its budget is a statement of its values. It is time that this City value the experiences and needs of its community members over government surveillance that neither protects nor serves them. As the City begins to move away from surveillance and criminalization and toward community investment and community response, we are committed to providing a bridge in services for people who continue to be impacted by the criminal legal, family regulation, and immigration systems.

II. Create New Pathways to Community Services

This is a unique moment in our City's history as a world-wide public health pandemic has laid bare the profound inequities nationwide that have deepened the disparities in healthcare, employment, and housing and made marginalized communities more vulnerable to legal systems involvement. As a nation we are also experiencing a long overdue public reckoning of systemic racism and police violence. While the City begins to reopen and rebuild, there is an opportunity for the Council to invest in communities and ensure that New Yorkers receive the support and resources, not surveillance, that help our City thrive.

BDS provides criminal, immigration, and family defense services to over 30,000 people and their families each year, but our work goes far beyond the courtroom. Many of the people we serve become eligible for support services only because of their interaction with the NYPD, Administration for Children's Services (ACS), or U.S. Citizenship and Immigration Services (USCIS). With the support of the City Council, we are able to provide robust support services to people who may have avoided court involvement if they had access to services sooner, such as

¹ Villarosa, Linda (April 29, 2020) "A Terrible Price: The Deadly Racial Disparities of Covid-19 in America"; New York Times; Mays, Jeffrey C. Andy Newman. (2020 April 8). "Virus is Twice as Deadly for Black and Latino People Than Whites in N.Y.C." New York Times.

assistance navigating benefits applications and affordable housing processes, quality mental health care, substance use treatment, educational support, respite centers, or immigration assistance. We are committed to continuing to provide these services to the people who come through our doors but urge the City to consider why it takes an arrest or investigation for a New Yorker to access meaningful assistance and humane support.

We urge the City Council to work with the Mayor to begin to move funding away from surveillance and criminalization and toward community investment and community response. This must include ongoing support for existing community-based providers, who can provide increased interim services as the City begins to reduce reliance on the criminal legal system and trust in evidence-based alternatives. We are committed to providing a bridge in services for people who continue to be impacted by the criminal legal, family regulation, and immigration systems as we work to shrink the scope of these systems and their impact on Black, Latinx, and other New Yorkers of color.

III. Divest from Policing and Invest in Communities

As police reforms are proposed across the country—including a set of a federal standards sought by Governor Cuomo that would largely bring other departments into alignment with current NYPD guidelines (e.g., banning chokeholds and requiring body-worn cameras) and the Mayor’s proposed New York City Police Reform and Reinvention Collaborative Draft Plan, published in two parts in March 2021—it is important to note that piecemeal regulations have not solved the issue of violence perpetrated by officers in New York City. Ultimately, the NYPD oversees enforcement of Patrol Guide violations by its members and has almost never been inclined to take action.

In addition to calls for these types of reform, certain instances of widely condemned police abuse are followed by calls for additional training, which not only costs money but has already failed to solve the issues within the NYPD. The NYPD does not lack the funding, training, or infrastructure to implement change. Officers are trained in de-escalation, implicit bias, and protest response. The issue is one of Department culture and willingness to concede power. Placing sole responsibility for change in the hands of the NYPD only ensures that change will never come.

The City Council can and should exercise its authority to strip funding from the Department. The NYPD is an omnipresent force in certain NYC neighborhoods, yet it is abundantly clear that they do not offer a solution to violence. Rather, they are drivers of violence, sources of unrest and anxiety, and destructive and demoralizing forces straining the social fabric of neighborhoods.

As this Council is well aware, the City spends roughly \$11 billion on policing, a budget which has largely survived the ravages of COVID-19 and an economic crisis that cut everything from school funding to subsidized transit programs. Just 13% of all NYPD arrests are for crimes classified as “violent felonies.” Of those, only half result in a conviction of any kind, and those convictions are likely to exacerbate racial inequities twice over—both through race-based policing and race-based sentencing. Studies show that increasing the size and budget of a police

force does not directly correlate with safer streets.² Even as spending on policing has increased, the majority of murders in low-income neighborhoods remain unsolved.

The City Council controls NYPD funding and must implement necessary changes through both legislation and the diversion of resources. There are many ways the NYPD budget could be significantly and quickly reduced without impacting safety, namely firing officers credibly accused of misconduct, eliminating the NYPD gang database, and disbanding specialized units—particularly the Vice Squad—with histories of abuse and rogue operations.

It is time that this City valued the experiences and needs of its community members over a police force that neither protects nor serves them. While there has been considerable handwringing over the message that “defunding the police” sends, we must consider the message it sends our young people when we cut summer youth employment programs to afford to pay the officers who terrorize their communities, or when teachers are shortchanged while the NYPD blows past its annual overtime allotment by \$100 million yet again. We must consider the message we send about the value of human life and dignity when we defund *everything but* the police.

IV. Keep Families Together

BDS is the primary defense provider for parents and caretakers in Brooklyn who are facing ACS investigations or child neglect and abuse cases in family court. Our Family Defense Practice represents about 4,000 parents each year. We have represented over 14,000 parents and caretakers in Brooklyn Family Court and have helped more than 20,000 children remain safely at home or leave foster care and reunite with their families. We use a multidisciplinary approach that offers our clients access to social workers, parent advocates and civil and immigration attorneys who work to minimize any collateral impact of our clients’ court cases. While the essential services BDS provides help keep families together once allegations are made, we believe what families at risk of ACS-involvement need is access to safe and affordable permanent housing, quality education, meaningful employment and a living wage, and safe low- or no-cost childcare.

Like the criminal legal system, race and poverty are defining characteristics of the family regulation system.³ Over and over again, we see the ways in which families are traumatized by ACS and how the system works to punish families rather than help them. In many cases, the issues that brought a family to the attention of ACS is poverty. Far too often the response of mandated reporters is to call ACS instead of helping families access resources, such as stable housing, food, and adequate childcare. Despite making up only 23% of New York City’s child

² See for example, Philip Bump, Over the past 60 years, more spending on police hasn’t necessarily meant less crime, Washington Post, June 2020, Available online <https://www.washingtonpost.com/politics/2020/06/07/over-past-60-years-more-spending-police-hasnt-necessarily-meant-less-crime/>

³ Commonly referred to as the “child welfare system” or the “child protection system,” defenders and parent advocates have adopted “family regulation system” language to reflect the prioritization of surveillance and control over genuine assistance to families struggling with health and mental health issues, shortage of basic necessities and lack of access to appropriate education and services for children with disabilities.

population, Black children represent over 52% of foster care placements.⁴ Of NYC children with indicated reports in the State Central Registry, 42% are Black, 40% are Latinx, and 6% are white,⁵ although overall 32% of New Yorkers are Latinx and 27% are white. Black children also fare far worse in the foster care system and have much longer stays in care.⁶

Most allegations made by ACS against parents and families involve neglect, not abuse, and the majority of those neglect allegations are related to a family's poverty. It has repeatedly been found that simply providing funds to families—for shelter, clothing, food, and other basic necessities—reduces reports of neglect.⁷ When the City removes children from their families, and places children in foster care, foster parents are given money to provide necessities for the children in their care. Those funds should be put directly into the hands of parents and community-based organizations engaged in mutual aid efforts. Families need resources, not surveillance and family separation.

Beyond this straightforward investment in marginalized communities, parents should be able to access free, competent support when navigating opaque systems—including special education services and the Department of Education, the Office for People with Developmental Disabilities, affordable and public housing systems, and pre-natal and labor and delivery support.

Brooklyn Defender Services is able to provide many of these services, referrals, and supports to the parents, thanks to City Council initiatives and private foundation funding. It should not take an ACS investigation or court case for parents to be connected to wrap-around services that help families meet their basic needs. BDS is committed to continuing to bridge this gap for the families we serve but we urge the City to invest in support and resources for families and divest from surveillance and separation.

V. Support Immigrant New Yorkers

Immigrant New Yorkers have been hit extremely hard by the COVID-19 pandemic both in their personal circumstances (including job loss, food insecurity, harassment from landlords for inability to rent, exclusion from economic relief programs), and in relation to the fallout from lack of operations of immigration courts and limited and dysfunctional operations by United States Citizenship and Immigration Services (USCIS). As the pandemic raged in our city in 2020, Immigration and Customs Enforcement (ICE) continued to detain hundreds of New Yorkers in detention facilities where COVID-19 spread rapidly.

⁴ New York City Administration of Children's Services Community Snapshots, (2010, 2011, 2013); retrieved from: http://www.nyc.gov/html/acs/html/statistics/statistics_links.shtml.

⁵ Vajeera Dorabawila, Racial and Ethnic Disparities in the Child Welfare System: New York City compared to the Rest of the State, NYS Office of Children & Family Services, July 2011,

<https://ocfs.ny.gov/main/recc/Exec%20Staff%20DMC%20presentation%20child%20welfare%20color%20070911.pdf>

⁶ <https://www.gao.gov/new.items/d07816.pdf>, page 4.

⁷ Kim Eckart-Washington, Fighting Poverty Reduced Child Neglect Cases, Futurity, January 2021, <https://www.futurity.org/child-neglect-poverty-eitc-2508382-2/>.

As a “Sanctuary City”, NYC has an obligation to support immigrant New Yorkers. Through your funding of NYIFUP and the Immigrant Opportunities Initiative (IOI), this Council has demonstrated a commitment to providing excellent legal support for immigrant New Yorkers. Because of this Council’s commitment to legal services, BDS and our partners were able to provide emergency pandemic response to our clients, including freeing at-risk clients from dangerous ICE detention conditions and providing material support for our clients who were left out of stimulus funds and other services.

As the City divests from policing and we see a decrease in arrests, continued investment in immigration legal services will continue to be needed for affirmative applications and support the thousands of New Yorkers with pending deportation cases. All immigrants, especially those who are detained, should have a right to competent counsel.

With a new administration in Washington, we move into a new era where we hope the cruel immigration policies of the prior presidential administration are put to an end. In this hopeful period, the need for free immigration legal services and legal education is actually greater. While it seems that deportations will be less common, there are still hundreds of people whose cases have already been filed. In addition, there is the hope that many people previously unable to obtain status will have a new opportunity to stay with their families in the United States. One example is DACA, which has already been reinstated. Many of these programs require complicated documents and a thorough risk analysis before filing, particularly if someone has been arrested in the past. In order to meet that need, and possibly stave off deportation and allow Brooklynites to achieve status, the City Council must continue to invest in supports for immigrant communities including the NYIFUP Program, Immigrant Opportunities Initiative, and other critical services funded through the Mayor's Office of Immigrant Affairs.

VI. Ensure Access to Housing

Investing in communities must include ensuring that all New Yorkers, regardless of income, have access to safe, affordable, and permanent housing. The City has already acknowledged its escalating housing crisis by committing to funding the right to counsel for tenants facing eviction in housing court. Eviction prevention is a necessary but insufficient stopgap to preventing homelessness but it not a guarantee of housing. Instead of enforcing barriers to existing housing subsidies and vouchers, the City should be funding more accessible and better vouchers so that more tenants can secure and remain in affordable housing. Similarly, the City should be removing barriers to accessing and maintaining public benefits and grants so that New Yorkers in crisis have a real social safety net.

It is time that the City live up to this pronounced commitment to affordable housing by examining existing public housing policies. Although public housing is supposed to be a way to guarantee New Yorkers have housing, residents are increasingly over-policed, then evicted or denied entry over any contact with the criminal legal system. By continuing to fund an entire bureau of the NYPD dedicated exclusively to public housing residents, and by maintaining strict and punitive policies evicting those residents over minor arrests, the City makes clear that its commitment to affordable housing does not extend to all New Yorkers.

VII. Invest in Youth

The last year in New York City schools has been extremely difficult for many students, families, and school staff. During the last year, many students have experienced profound trauma – they have lost close family members and friends, have had their families experience job losses and other financial insecurities, and have been disconnected from friends and other support networks. Many students have struggled to navigate remote coursework while lacking the critical technology needed to participate and have found it difficult to attend school from home, where distractions abound. Most students have been out of school buildings for nearly a year; those attending in person have had to contend with buildings repeatedly opening and closing.

As students return to school, the stress and trauma of the last twelve months may bring with them increased behavioral issues as students readjust to in-person learning. Many students, especially students with disabilities and English language learners, will have fallen behind academically. When students return to in-person learning, they need access to academic remediation, social-emotional supports, and increased extracurricular and athletic opportunities. And our City's schools must shift to a culture where school staff, not police officers or security personnel, address and prevent student misbehavior, and do so in a nonpunitive way, that does not serve to further disconnect students from the schools they attend. Rather than continuing to invest hundreds of millions of dollars into school policing, the City Council should instead take this opportunity to invest in mental health and other supports for schools that will increase the health and well-being of New York City's children.

The City must also continue to invest in programs to support young people outside of schools. One example, the Summer Youth Employment Program (SYEP) has been an asset for the youth we serve—and for low-income Black and brown youth across the City. In this time of economic uncertainty, young people are seeking opportunities to help support their families. The City's investment in SYEP—and the 75,000 young people who participate each year—is an indication to young New Yorkers that their lives and time have value. If the City wants to invest in young people, it must create opportunities for young people to feel safe, to thrive, and see a viable, successful future for themselves.

VIII. Decarcerate NYC Jails and Ensure Oversight and Accountability

Since the start of the COVID-19 pandemic, our office has joined the voice of people in City jail custody, their loved ones, and advocates to demand transparency from the Department of Correction (DOC) and Correctional Health Services (CHS) on measures being taken to keep people in custody safe. There has been little response. Public health officials have consistently warned that the answer to keeping people safe is to decarcerate and decarcerate now. Yet, we have seen jail populations continuously rise since the summer – today the City has over 5,000 people in custody.

DOC is riddled with mismanagement, a culture of violence and an unwillingness to change. At their budget hearing, they described a need for increased funding for additional uniformed staff, however DOC has a higher staff to persons-in-custody ratio than anywhere else in the US. Still, the Department fails to transport people to court, legal visits, family visits or emergency healthcare appointments. People are not safe in DOC custody and more staff is not the answer.

The NYC Board of Correction (BOC) is tasked with providing essential oversight of the NYC jails, and to do so it must be fully funded. The Board has a responsibility to all people in City jails, their families, loved ones, and the community to ensure transparency and accountability is sought. For the DOC to be held responsible, we must start with transparency and fully funding the Board of Correction. The Board is essential at ensuring the public is made aware of the Department's violations of the BOC Minimum Standards; deaths in custody followed by an investigation; data and statistics related to sexual abuse, investigations, grievances, and the use of restrictive housing to name a few. People in custody and the public depend on the Board of Correction, and without them we fear the City jails will become more isolating, only exacerbating the already known horrors within NYC DOC's correctional facilities.

IX. Conclusion

BDS is proud to say as we move into Fiscal Year 2022, we will be celebrating 25 years since we opened our doors and began representing clients in Brooklyn. We have worked to protect the rights of the people in our communities every day since, but the need for our services is more acute than ever.

BDS' requested funding will ensure we can continue to provide quality legal services to New Yorkers facing dire consequences—incarceration, family separation, deportation, homelessness, school suspension and job termination. We thank the City Council for the opportunity to testify today and for your continued support of the people, families, and communities we represent in Brooklyn. If you have any questions or concerns, please do not hesitate to contact me at mkaishian@bds.org or Kristine Herman, Director of Policy and Advocacy, at kherman@bds.org.



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Courtney Bryan. Director

Center for Court Innovation

- Written Testimony for submission to 3/24/21 New York City Council Joint Preliminary Budget Hearing of the Committee on Finance and Subcommittee on Capital Budget
- Summary of FY22 Major Proposals
- Letter to Council from Courtney Bryan, Executive Director, Center for Court Innovation
- Op-Ed authored by all 5 New York City District Attorneys in support of citywide expansion of the Center's pre-arraignment diversion model, Project Reset (September 2020) "[For a safer NYC, save this program: The city's five DAs say the city must fund criminal diversion efforts](#)"



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Joint Hearing: Committee on Finance and Subcommittee on Capital Budget
March 24, 2021

Good morning Chair Dromm and esteemed Councilmembers. Since its inception, the Center for Court Innovation has supported the vision embraced by New York City Council to reduce unnecessary and harmful involvement in the justice system wherever possible and to build public safety through sustainable solutions. With the populations we serve facing ongoing violence and a public health crisis that disproportionately impacts Black and brown communities, realizing this vision is now more important than ever.¹ The Center's longstanding partnership with Council has helped bring this vision to life through evidence-based and racially just programming that spans the entire justice continuum, which include:

- diversion programs that route low level arrests away from costly court appearances;
- proven alternatives to jail and prison that reduce recidivism for people charged with felonies;
- community-based programs that reduce crime and shrink the footprint of police;
- recognizing housing instability as a contributing factor to intersection with the justice system.

Our firsthand experience in each of these priority areas uniquely positions us to serve as a model that City Council can look to as it considers the development and support of initiatives that respond to the needs of New Yorkers. In each instance, our aim is to provide a meaningful and proportionate response, to treat all people under our care with dignity and respect, to prioritize public safety, and to produce much-needed cost savings for the City. And, as an anti-racist organization, to ensure the needs of marginalized New Yorkers are addressed.

In addition to renewing four key Council-funded initiatives, we ask Council to continue to support the **Points of the Agreement (POA) to responsibly close Rikers*** so we can provide New Yorkers with the needed investments to lower the jail population. The POA works in concert with reducing reliance on policing, limiting the use of traditional systems and lifting up community-based alternatives. We ask that Council renew four key initiatives to pre-pandemic levels, given their value reducing incarceration and operating throughout the COVID-19 pandemic and beyond:

1. **Brooklyn Felony Alternatives to Incarceration Court (ATI):** An evidence-based pilot program for people otherwise facing jail or prison time.

*The commitment to pre-arrest diversion programming laid out in the POA has no 'due by' date as defined in other parts of the POA. Alternatively, the POA defines three years of funding for a Community Justice Center in Far Rockaway, poised to end in FY23 despite an operational launch date of this year. The Center stands ready to implement the full three years of Far Rockaway, despite City delays caused by COVID-19.

2. **Pre-arraignment Diversion, Project Reset:** Originally funded in the outer boroughs for FY20 in partnership between the administration and Council, funding only continued for Bronx programming through Council support.
3. **Driver Accountability Program:** A proportionate response achieving accountability in Vehicle and Traffic Law cases.
4. **Innovative Criminal Justice Programs:** Core funding for a range of community-based justice initiatives across New York City that reduce reliance on policing.

Reduction of Unnecessary Incarceration: The Points of Agreement, the Center’s pre-arraignment diversion model: Project Reset, and Brooklyn Felony ATI

Responsibly reducing incarceration requires a long-term commitment to innovative responses. In 2017, the Center played a central role in crafting the plan to shutter the notorious jail complex on Rikers Island by coordinating the Independent Commission on New York City Criminal Justice and Incarceration Reform, otherwise known as the Lippman Commission. This achievement was a monumental step forward in the mission to reduce incarceration in New York and included Council’s commitment to significant community investment. These commitments were laid out in the Points of Agreement (POA).

In another huge leap forward, in early 2020, New York State passed landmark reforms to the bail statute with the goals of reducing the pretrial jail population. In the year following reforms, there was a 40 percent decline in New York City’s pretrial jail population.² However, beginning July 2, amendments to the initial reforms exposed more people to bail and detention. From July through November 1, the effect of those amendments resulted in a 7 to 11 percent increase in the pretrial jail population relative to the jail reductions brought about by the original law.³ Over time, as judges set bail in more cases that would have been ineligible for it under the original reforms, this increase will grow, with our research predicting a possible 16 percent increase in New York City’s pretrial jail numbers.⁴

The Center urges Council to honor the community investment and proposals laid out in the POA. Only with adequate funding for programming set forth in the POA, which includes community investments in vulnerable neighborhoods, can we reduce the jail population enough to close Rikers and realize the vision laid out for a safer, fairer New York. Additionally, alternatives to incarceration can prevent unnecessary disruption to individual lives, while providing linkages to additional services to decrease criminogenic factors that would otherwise grow in confinement. Specifically, included in the POA are three items the Center is prepared to bring to scale or support:

- Community Justice Center in Far Rockaways;
- Expansion of pre-arraignment diversion programming; and
- Community Based Restorative Justice

The Center has a proven track record for implementing data-driven programs like these that reduce incarceration without decreasing public safety. Council renewal of the Center’s Project Reset funding for Fiscal Year 2022 would honor the spirit of the POA’s inclusion of an expansion of pre-arraignment diversion programming. This program is cost-efficient and helps

avoid unnecessary incarceration and the long-term adverse impacts it has on individuals, families, and communities. In addition, by renewing Council funding for Brooklyn's Felony ATI program, Council would advance the goals to responsibly close the Rikers jail complex.

The Center's pre-arraignment diversion model, Project Reset

Pre-arraignment diversion is a component of the Points of Agreement. One such pre-arraignment diversion program, Project Reset, helps reduce the jail population by decreasing the likelihood of failure to appear bench warrants at arraignment for low level Desk Appearance Tickets (DATs). The Administration did not renew citywide Project Reset funding in FY21, with City Council continuing to fund the program in the Bronx. We ask Council to reaffirm its commitment to Project Reset, by renewing its longstanding funding in the Bronx, and funding Project Reset citywide in Brooklyn, Queens, and Staten Island (Manhattan is funded by the District Attorney's Office). If Council does not fund the program citywide, we ask Council to urge the Administration to provide citywide funding in FY22.

Project Reset diverts New Yorkers with misdemeanor arrests away from the court system through community-based programming and access to opportunities. As a result of sweeping criminal justice reform legislation that went into effect in January 2020 and due to the significant DAT case backlog resulting from pandemic-related court delays, a large number of misdemeanants are eligible for diversion. Looking ahead, if Project Reset were only to continue in one or two boroughs, the resulting patchwork of programming would lead to an inequitable delivery of crucial services for City residents. To ensure that Project Reset can serve all eligible individuals, citywide funding for the program is imperative.

Further, renewal of Bronx Reset is key. Bronx Reset pivoted quickly at the onset of COVID-19, leveraging technology and video meetings, to continue facilitating restorative justice circles for participants, both providing connection to community during the isolating period of the pandemic's peak, and a diversion from in-person arraignments during the public health crisis. The citywide low arrest levels resulted in fewer cases being referred to the program. The program's contact rate for eligible referrals was also affected, as the pandemic impacted the accuracy and efficacy of contact information due to disconnected phone numbers, changed addresses, or other factors. Nevertheless, in 2020, Bronx Reset had 142 participants successfully complete the program and avoid going to court or receiving a criminal record for their arrest. Additionally, many improvements were made to the process so that the Bronx can continue to divert as many participants as qualify for the program going forward.

In 2021, as the justice system grapples anew with its enduring inequities, Project Reset offers relief from the collateral consequences participants might otherwise experience if arraigned for a low-level crime, such as legal discrimination in housing, immigration, and employment matters, or even a bench warrant for failing to appear.

Brooklyn Felony ATI Court

Individuals convicted of felonies have an alternative to Rikers Island in Brooklyn. The Brooklyn Felony Alternatives to Incarceration Court (FATI) offers community-based

interventions and rigorous judicial monitoring for felony cases which can decrease the use of jail and prison sentences and potentially lead to reduced criminal dispositions. Nearly 90% of FATI participants flagged for mental health needs.⁵ To address these needs, the program is staffed by a team of resource coordinators, social workers, and mental health counselors who conduct independent assessments, prepare recommendations for programming and supervision, provide referrals to community-based providers, offer ongoing case management, supervision and compliance monitoring, and pilot new services, such as restorative justice interventions. The program and court part seek to significantly increase the use of ATIs, support, and supervision offered to individuals charged with felonies and provide a model for jurisdictions across the country interested in enhancing public safety and reducing incarceration.

The FATI team has offered services since launching in January 2020 and is prepared to continue providing case management and counseling services to felony cases in the coming year. Although the trajectory of the program was interrupted by the COVID-19 pandemic—which caused the closure of the court and grand juries, delayed adjournment dates, and backlogs in the courts—it is connected to a robust offering of services through community partners and in-house programs. Since FATI’s inception, 73 participants entered programming, with nearly 90% of closed cases closing successfully. The program fulfills the need in Brooklyn to provide alternative responses to felony cases that are tailored to the needs the participants present, addressing immediate concerns as well as longer-term treatments. Brooklyn Felony ATI Court has established the team, the infrastructure, and the capacity to act on the momentum and serve more participants in the next fiscal year.

Shrinking the Footprint of Police Through Alternative Investments: Driver Accountability Program and Innovative Criminal Justice Programs

Spurred by ongoing police violence, there is public support to reallocate certain responses from police into community-based approaches. As municipalities work to submit police reform plans by the April 1st deadline, the Center’s expertise through sustainable community-driven solutions that enhance public safety can serve as a path forward. Based on lessons learned, we believe that this is not the work of a moment, but rather a long-term shift that will require engaging with previously policed communities in new ways. The Center’s blueprint for transformational change requires funding for community-based programs: from restorative justice approaches to addressing harm by focusing on healing relationships across families, communities, and neighborhoods; to mentoring and supporting young people at risk of system involvement through credible messenger models that prioritize the lived experiences of youth; to supporting families through trauma and systemic-racism informed programming that creates security in the home.⁶ This also includes reimagining responses to driving violations, gun violence, and housing safety. These programs reduce public contact with police and also support the vision of the POA, shifting the work of incarceration and traditional systems to community-centered and restorative justice alternatives.

Driver Accountability Program

The Driver Accountability Program (DAP) provides a constructive and restorative response to dangerous driving and works to change the risky driving behavior of people charged

with driving-related offenses in criminal court. Preliminary research suggests that the program changes participant behavior and encourages safer driving. Piloted at the Red Hook Community Justice Center in 2015, the program has since expanded throughout Brooklyn, Bronx, Manhattan and Staten Island with funding from City Council. The Center seeks funding to sustain those operations and expand into the borough of Queens. Funding will also be used to support a second tier of the program that offers a more intensive restorative response for the most serious cases involving serious injury or death.

The need for more meaningful, effective, and equitable interventions on traffic-related cases has never been more urgent. Last year, at least 243 people were killed in crashes on New York City streets, more than any other year since our Mayor pledged to eliminate traffic deaths through the Vision Zero Initiative.⁷ For FY22, the Center proposes to build upon its current operations and further expand the program in two significant ways: (1) a geographical expansion to the borough of Queens so that defendants in every borough have access to DAP; and (2) to implement a new, more intensive version of the program that will be available citywide in cases of serious injury or death. As a result of the pandemic, the volume of cases coming through New York City's criminal courts—particularly for low-level nonviolent offenses—has dramatically decreased over the past year. In addition, there has been a backlog of thousands of cases across the City that were administratively adjourned, or unable to be handled, due to court closures. Despite these challenges, DAP served 138 program participants between July and December of 2020. Over the course of the coming 12 months, the program anticipates serving a total of 2,000 participants in all five boroughs, including the existing program for lower-level offenses and its expansion to the “2.0” model that will handle more serious cases.

Innovative Criminal Justice Programs

The Center's core Council-funded innovative criminal justice programs are built upon community partnerships and serve thousands of youth and adults across the City. Unfortunately, during the FY21 budget our award was halved. It is this funding that permits us to flexibly respond to the immediate needs we see in our communities, pilot ideas, and evaluate them. Due to COVID-19, we focused our funding on housing stability, mental health responses, and domestic violence programming. However, because of these cuts, we had to make hard choices. Among them were reductions in supports for anti-gun violence programming, child trauma support, and DWI screenings and assessments during a time when traffic safety deaths reached some of the highest levels since the start of Vision Zero, amongst others. Renewed funding by Council provides flexibility in the Center's approach to this work, allowing the continuation of the Center's alternative-to-incarceration, youth-diversion, and access to justice programs across all five boroughs. Specifically, Council's support provides mental health services, family development, youth empowerment, workforce development, housing, legal, immigration, and employment resource services. We ask the Council to return the Center's funding to its pre-pandemic level so that it can provide programming to vulnerable New Yorkers.

Through these programs, the Center is making a deep investment in engaging individuals as far upstream as possible, to limit, and ideally prevent justice system involvement. For example, thanks to general Council funding, our Harlem Community Justice Center works to increase housing stability and reduce evictions by empowering tenants with the resources they

need to navigate housing court. Similarly, our Legal Hand program, with locations in Brooklyn, the Bronx, and Queens, trains local residents to empower their neighbors with legal information. We also developed a particular expertise in providing trauma-informed social services, which continue to be crucial given the increasing number of justice system-involved individuals facing mental health and/or substance use challenges. Through our Staten Island Justice Center, we provide clinical support and restorative programming for court-involved youth who have mental health needs. Our Midtown Community Court’s Client Navigator works with some of Manhattan’s most vulnerable individuals—those who are homeless, battling mental illness and/or substance use disorders—following an arrest and throughout their court involvement. And, in Queens, New Yorkers are receiving community-based services and supports to improve their lives through the Center’s Queens Community Justice Center.

Anti-Gun Violence

Reducing incarceration and creating alternatives to policing means preventing crime before it happens. In both Brooklyn and the Bronx, the Center works to prevent gun violence by actively engaging those at risk of being involved in violence, building community movements against violence, and providing supports and opportunities to community members in need. Gun violence surged over 200% in 2020, and this reality motivated policymakers and community member alike to call for solutions to effectively end it. Research shows that community-led efforts can create community safety without involving the police. In groundbreaking research on the drivers of gun violence, Center staff interviewed over 300 young people. Our researchers found widespread experiences of violence and the fear of police are primary motivations for carrying a gun.⁸

Community violence can be effectively addressed through prevention programs. These programs, run by the Center across the City, “interrupt violence” without the use of police and are staffed by credible messengers. The resulting trust, respect, and empowerment of residents are especially crucial to the success of these programs. The Center has also launched the RISE Project to address the intersection of intimate partner violence and gun violence citywide. Through collaborating and partnering with communities and stakeholders, we seek funding to continue meaningful interventions that are geared toward keeping youth and communities safe, and out of jail or prison. This funding is critical to ensure we realize a safer, better, and fairer New York City.

Through collaborating and partnering with communities and stakeholders, we seek funding to continue meaningful interventions that are geared toward keeping youth and communities safe, reducing their contact with police and the justice system, and ultimately keeping them out of jail or prison. This funding is critical to ensure we realize a safer, better, and fairer New York City.

Housing as a Justice Issue: Neighborhood Safety Initiatives

This summer laid bare the long-standing inequities in access to safe and affordable housing. The threat of eviction looms large for many households, with renters in communities of color at the greatest risk of facing housing insecurity.⁹ Access to quality, sustainable, and safe

housing is a crucial element to the conversation around social justice and equity. Our research shows that 18%-25% of our Felony ATI program participants are experiencing homelessness.¹⁰ And, much of the gun violence experienced over the past year took place in the City's public housing developments. The Center works to build resident power and address issues of safety in public housing developments, ultimately shrinking the footprint of law enforcement and resident contact with the justice system in some of New York's historically under resourced neighborhoods. Funding for the Neighborhood Safety Initiative (NSI) is due to sunset in June 2022, and we hope for Council to support the continuation of these services to the communities we serve in public housing.

To respond to the public safety needs of public housing residents, the Center is working across the City through its NeighborhoodStat (NStat) program to proactively address these issues. NStat, of which the Center's Neighborhood Safety Initiatives (NSI) is a part, uses deep and lasting engagement to build strong resident networks, utilizes the knowledge and the relationships embedded within these networks to ascertain resident perspectives, goals, and safety concerns; and then supports resident-led efforts to design and implement the solutions with the help of local agencies, organizations, and neighbors. NStat staff help guide this process—gathering data to inform decisions, identifying partners, and coordinating the intervention. In short, NStat and NSI create opportunities for residents to think through new approaches to safety and then works with them to make these ideas happen. Our NSI program was also actively engaged in COVID-19 relief. Through mobilizing of residents and creating mutual aid networks, approximately 10,000 COVID relief packages including food, drinking water, PPE, personal hygiene products, cleaning supplies, and other essential goods were delivered to 7,000 households or 45,000 NYCHA residents. The Center asks that Council urge the Administration to fully fund and baseline the NStat program within the Mayor's Action Plan (MAP) to ensure this important program continues.

Conclusion

Responsibly reducing unnecessary incarceration, shrinking the footprint of police, and improving safety for public housing requires honoring investments in community-based programming and off-ramps for individuals coming in contact with the justice system. We are committed to partnering with Council to advance the POA and realize the closure of Rikers, while building public safety through community driven solutions for all New Yorkers. We thank the Council for its continued partnership and will be available to answer any questions you may have.

Notes

¹COVID Tracking Project at The Atlantic and the Boston University Center for Antiracist Research. (2021). The COVID Racial Data Tracker. Available at: <https://covidtracking.com/race>.

²Rempel, M. & Rodriguez, K. (2020). New York's Bail Reform Law: Major Components and Implications. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/bail-reform-NYS>.

³Rempel, M. (2020). COVID-19 and the New York City Jail Population. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/nycjails-covid>.

⁴Rempel, M. & Rodriguez, K. (2020). Bail Reform Revisited: The Impact of New York's Amended Law. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/bail-revisited-NYS>.

⁵Center for Court Innovation. (2020). Felony ATI Mental Health. [Data file]. Retrieved from the Justice Center Application case management system.

⁶Center for Court Innovation. (2020). Shrinking the Footprint of Police: Six Ideas for Enhancing Safety. New York, NY. Available at: <https://www.courtinnovation.org/publications/alternatives-to-police>.

⁷Goldbaum, C. (2021) Why Emptier Streets Meant an Especially Deadly Year for Traffic Deaths. New York, NY: New York Times. Available at <https://www.nytimes.com/2021/01/01/nyregion/nyc-traffic-deaths.html>.

⁸Swaner, R. & White, E. & Martinez, A. & Camacho, A. & Spate, B. & Alexander, J. & Webb, L. & Evans, K. (2020). Guns, Safety, and the Edge of Adulthood in New York City. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/gun-violence-NYC>.

⁹Mironova, Oksana. (June 22, 2020). Race and Evictions in New York City. Community Service Society. <https://www.cssny.org/news/entry/race-evictions-new-york-city>.

¹⁰Center for Court Innovation. (2020). Felony ATI Homelessness. [Data file]. Retrieved from the Justice Center Application case management system.



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Center for Court Innovation Major Proposal Summaries

- **Project Reset: #108753 (Renewal)** This application will support Project Reset's mission to divert New Yorkers with misdemeanor arrests away from the court system through community-based programming and access to opportunities. This application is for continuation funding for Bronx Reset and for additional funding to operate in the outer boroughs. In collaboration with the District Attorneys' Offices of the Bronx, Brooklyn, Staten Island and Queens, and NYPD, Project Reset would serve more New Yorkers than ever. As a result of the sweeping criminal justice reform legislation that went into effect in January 2020 and due to the significant DAT case backlog resulting from pandemic-related court delays, a large number of misdemeanants are eligible for diversion. To ensure that Project Reset can serve all eligible individuals, this application includes an appeal for funding that would allow Project Reset to operate city-wide, meaning a relaunch of the program that was started in 2020 in Brooklyn, Staten Island, and Queens and continued support for the Bronx.
- **Driver Accountability Program: #108766 (Renewal)** The Driver Accountability Program provides a constructive and restorative response to dangerous driving and works to change the risky driving behavior of people charged with driving-related offenses in criminal court. Preliminary research suggests that the program changes participant behavior and encourages safer driving. Piloted at the Red Hook Community Justice Center in 2015, the program has since expanded throughout Brooklyn, Bronx, Manhattan and Staten Island with funding from City Council. This application seeks funding to sustain those operations and expand into the borough of Queens. Funding will also be used to support a second tier of the program that offers a more intensive restorative response for the most serious cases involving serious injury or death.
- **Innovative Criminal Justice Programs: #109250 (Renewal)** This is an application for core funding to support the continuation of our alternative-to-incarceration, youth-diversion, and access to justice programs across all five boroughs in New York City. The Council's support allows us to serve tens of thousands of New Yorkers with flexibility, through mental health services, family development, youth empowerment, workforce development, and housing, legal, immigration and employment resource programs. Our goal continues to be improving safety, reducing incarceration, expanding access to community resources and enhancing public trust in government to make New York City stronger, fairer, and safer for all. The Center hopes Council

will restore its funding under this initiative to its pre-pandemic level so that it can best meet the needs of the City's most vulnerable communities.

Diversion Programs Initiative

- **Felony ATI Brooklyn: #108895 (Renewal)** The Brooklyn Felony Alternatives to Incarceration Court offers community-based interventions and rigorous judicial monitoring for felony cases (that are otherwise ineligible for drug, mental health, and domestic violence courts), which can decrease the use of jail and prison sentences and potentially lead to reduced criminal dispositions. The court is staffed by a team of resource coordinators, social workers, and mental health counselors who conduct independent assessments, prepare recommendations for programming and supervision, provide referrals to community-based providers, offer ongoing case management, supervision and compliance monitoring, and pilot new services, such as restorative justice interventions. The program and court part seek to significantly increase the use of ATIs, support and supervision offered to individuals charged with felonies and provide a model for jurisdictions across the country interested in enhancing public safety and reducing incarceration.

Mental Health Services for Vulnerable Populations Initiative

- **Harlem Community Justice Center: Men's Empowerment Program (MEP) #106702 (Renewal)** The Harlem Community Justice Center's Men's Empowerment Program (MEP) provides trauma-informed programming and mental health interventions to Black and brown young men who have experienced the trauma of mass incarceration and/or community violence in East and Central Harlem. The requested funding will support professional development and training opportunities for direct service staff centered on learning Cognitive Behavioral Therapy (CBT) curricula and best practices around trauma and mental health. Funding will also be used to provide stipends and incentives to MEP participants as they learn valuable life skills while developing and participating in community service projects and engaging in CBT groups, workshops focused on professional development/employment, and activities centered on preparing for success by identifying and achieving goals. While COVID-19 has forced our program to temporarily shift to a primarily virtual model of service delivery, it remains operational and fully engaged with MEP participants.
- **Bronx Child Trauma Support #103714 (Renewal)** Funding for Bronx Child Trauma Support will support the provision of assessment and treatment of child victims and witnesses to crimes in the Bronx, in partnership with the Bronx District

Attorney's Office. Direct services are conducted through evidenced-based trauma-informed intervention models designed to prevent or reduce post-traumatic stress symptoms, suicidality, re-traumatization and future victimization.

Mental Health Court-Involved Youth Initiative

- **Brooklyn Mental Health Court: Court-Involved Youth Mental Health #110517 (Renewal)** The Court-Involved Youth Mental Health initiative of the Brooklyn Mental Health Court provides specialized support to youth ages 18 to 24, who have unique social and cognitive needs and who represent a growing percentage of the cases we serve. Since 2017, over 63 youth in this age range have pled into the Court, with 26 of those joining us in 2019 alone. Thanks to FY20 City Council support, we now offer twice monthly programs specifically for youth, including arts programs, movie trips, and meditation classes, all designed to nurture close engagement with our youth population to help them comply with their court mandates and avoid future contact with the justice system. The program also supports our new Youth Engagement Specialist role, a bilingual member of our clinical team. Renewed funding will enable us to continue and strengthen our youth-focused programs, maintain our critical Youth Engagement Specialist role, and provide meaningful activities and healthy meals and snacks to our participants, fostering close relationships that help youth to lead healthy, law-abiding lives.
- **Staten Island Justice Center: Justice-Involved Youth Wellness Initiative #108977 (Renewal)** This is a renewal proposal for Staten Island Justice Center's Youth Wellness Initiative, a program that provides robust mental health services that address trauma and promotes healing for young people on Staten Island involved in the justice system or at-risk of justice system involvement. Participants will be provided mental health assessments by a clinician who will create engagement plans based on the needs that are identified in the assessment. Youth will also participate in a 10-week long workshop series focused on addressing the impacts of trauma and promoting healing facilitated by a mental health professional. In addition to group sessions, youth will be offered a menu of services such as individual short-term counseling, peer mentorship, restorative justice circles, and/or civic engagement opportunities as determined clinically appropriate to address underlying needs that spurred justice system involvement. Additionally, this proposal will be geared towards providing support to the families by supporting the parents and caretakers of youth enrolled in the initiative.



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Courtney Bryan, Director

March 5, 2021

Dear Esteemed Councilmembers,

From a global pandemic to the continued violence against Black and Brown people, 2020 was a hard year for many. And, as the City still grapples with COVID, this time continues to be one of unthinkable loss and uncertainty. Despite these challenges, the Center continues to serve tens of thousands of New Yorkers in all five boroughs, providing critical programs and services to those most in need. Much of this work has been and continues to be funded by Council. To that end, I want to take this moment to thank Council for its steadfast support of our work, and request renewed support as we look ahead to FY22.

With Council's support through the innovative criminal justice programs initiative, the Center for Court Innovation has continued to operate community-based programs to serve the most vulnerable New Yorkers, while also reducing reliance on police. The vast majority of those served are youth, immigrants, low-income, LGBTQ, and people of color. Last year, funding through this initiative was reduced. We hope Council will restore this core funding to its pre-pandemic level. By doing so, we can make a greater impact in meeting the many needs your constituents.

Through Council-funded programs like the Brooklyn Felony Alternatives to Incarceration Court, Driver Accountability Program, and Bronx Project Reset, we continue to keep hundreds of people out of jail and provide them with off-ramps through meaningful supports and services. We also ask that Council renews funding for these programs in FY22 so that this important work continues unabated.

I cannot close without thanking you again for Council's enduring partnership. We have done an enormous amount with you over the years, including creating a credible plan for closing Rikers Island, implementing the Cure Violence model in multiple neighborhoods, and creating new mechanisms to divert low-level cases out of the criminal justice system. In this time of great uncertainty, renewing funding for our programs will ensure our efforts to make New York City stronger, fairer, and safer for all, are realized.

If you have questions, you can reach me at 718.496.9363 or bryanc@courtinnovation.org. I look forward to speaking with you in the near future.

Sincerely,

A handwritten signature in black ink that reads "Courtney Bryan". The signature is fluid and cursive, with a large, stylized initial "C" and "B".

Courtney Bryan
Executive Director

CUOMO: YANKEES, METS CAN WELCOME FANS IN THE STANDS THIS SEASON



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OPINION

For a safer NYC, save this program: The city's five DAs say the city must fund criminal diversion efforts

By DARCEL CLARK, ERIC GONZALEZ, MELINDA KATZ, MICHAEL MCMAHON and CY VANCE
NEW YORK DAILY NEWS | SEP 25, 2020



FEEDBACK



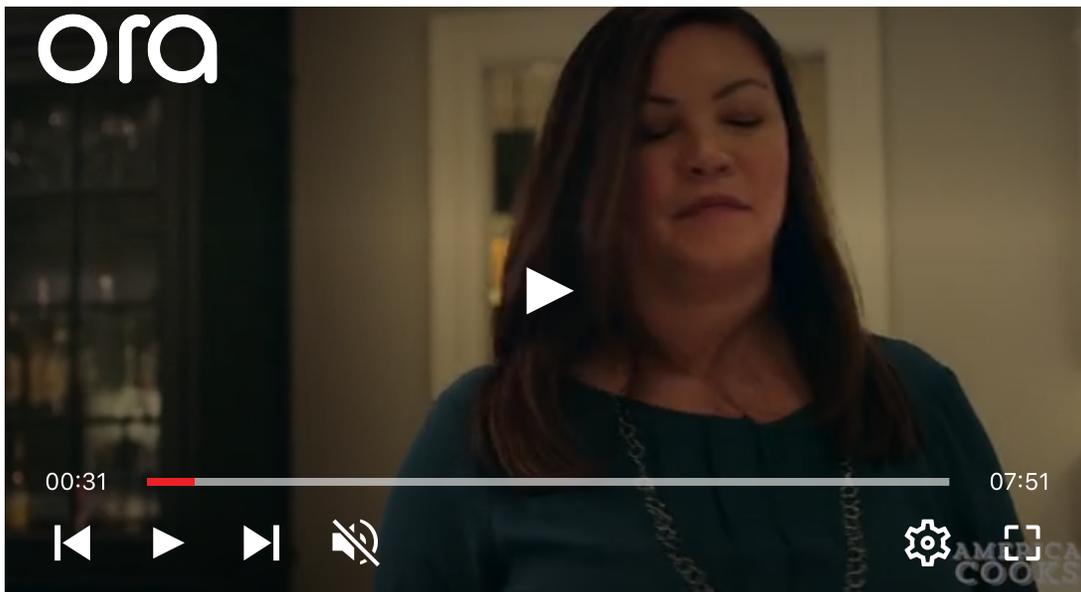
Artist Kraig Blue instructs Project Reset participants at the Brooklyn Museum on Sept. 5, 2019. Photo courtesy Center for Court Innovation/Samiha Meah.

FEEDBACK

As New York City's elected district attorneys, we want each arrest to be a person's last. While we recognize an arrest can be traumatic, experience teaches us it can also be an opportunity for meaningful intervention — one that equips individuals with the tools they need to identify and change behaviors. We believe passionately in these kinds of second chances because they make our communities safer while honoring the human dignity of those affected.

That's why, earlier this month, we urged Mayor de Blasio and other city leaders to prioritize the citywide continuation of [Project Reset](#), a critical pre-arraignment diversion program that has helped more than 4,500 people charged with low-level offenses obtain second chances and meaningful interventions, rather than entering the criminal justice system and suffering long-lasting collateral consequences.

Advertisement



Despite Project Reset's important role in our city's justice reform and jail reduction strategies, it will soon cease to exist unless the city renews funding. The financial cost of continuing this program, while not insignificant in today's economic climate, pales in comparison to the savings it offers in improved court efficiency, faster case processing times and, most importantly, reduced misdemeanor convictions, which disproportionately impede people of color from obtaining employment, education and housing.

In this moment of crisis when our city and justice system are contending with an unprecedented pandemic, centuries-old systemic racism and an [increase in gun violence](#), we simply cannot afford to let this vital program end now.

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This summer, during sustained protests of police violence and racial inequality, New Yorkers demanded a fairer and more equitable justice system for all who call our city home. Project Reset's emphasis on providing New Yorkers accused of low-level offenses with essential resources and opportunities to learn from past mistakes — rather than punitive approaches — is precisely the approach called for, in this moment, from law enforcement and our courts. The financial support of the City Council, along with the Manhattan district attorney's office, made these life-changing outcomes possible for thousands, without compromising public safety. Now, we call upon the city to keep its commitment to our residents, our neighborhoods and our communities by continuing to fund Project Reset.

From its earliest days as a pilot program tailored to young adults in Manhattan, Brooklyn and the Bronx, Project Reset has demonstrated that an individual's interaction with the justice system can present an opportunity for a transformative intervention that encourages self-reflection, restoration of self and community, and a reset of values and intentions for the future. We're proud that this program, which was developed and embraced by prosecutors, police, public defenders and local service providers, has retained this guiding philosophy in recent years while subsequently expanding to serve all ages and all boroughs.

FEEDBACK**MOST READ**

Insisting she's not racist, Sharon Osbourne takes aim at CBS, says she was 'set up' about Piers Morgan/Meghan Markle flap

San Francisco man attacks elderly Asian woman, ends up bloodied and handcuffed to stretcher after she fights back: witnesses

Georgia cop who said Atlanta spa shooter was having a 'bad day' shared anti-Asian T-shirt on Facebook

Contrary to a typical, involuntary criminal justice outcome, Project Reset participants are not ordered to attend. They voluntarily opt in, arrange their schedule to participate and show up to sessions, which vary by borough according to need and vision. Participants share within a group how their behavior affected others, acknowledge the voluntariness of actions, discuss steps for making amends, and changes they can make to avoid repeating the behavior. By contrast, traditional sentencings offer fewer opportunities for accountability upfront, and little if any opportunity for personal growth and healing. Their long-term consequences can be quite severe too.

People convicted of a crime can expect to earn at least 16% less, on average, than their peers, according to a [new report](#) from the Brennan Center for Justice. By avoiding a criminal conviction, Project Reset participants are able to pursue a living without barriers they would otherwise face. Early studies show this model reduces recidivism and inspires strong buy-in from participants (i.e., Brooklyn's 93% completion rate).

These encouraging findings highlight not only the program's value to New Yorkers charged with low-level offenses but also the value to our court system. As our offices work to close a [pandemic-related case backlog](#), we need options like Project Reset to shift low-level cases away from the criminal justice system and, in turn, focus our time and attention on more pressing public safety matters such as violent crime.

FEEDBACK

Project Reset supplies us, as prosecutors, with a much-needed framework to successfully carry out our public safety mission while also promoting justice and healing. And it empowers our fellow New Yorkers, who deserve alternatives to incarceration, to pursue brighter futures unencumbered by their past mistakes. It would be a shame for our city to throw a second chance like this away.

Clark, Gonzalez, Katz, McMahon and Vance are the DAs of the Bronx, Brooklyn, Queens, Staten Island and Manhattan, respectively.



**New York City Council Committee on Finance
Fiscal Year 2022 Preliminary Budget Hearing
Wednesday, March 24th, 2021**

Testimony submitted by: The Committee for Hispanic Children & Families (CHCF)

Thank you to Chair Dromm as well as to members of the Committee on Finance for the opportunity to present testimony today. My name is Ramon Peguero and I am the President & CEO for the Committee for Hispanic Children & Families, better known by its acronym, CHCF. CHCF is a non-profit organization with a 39-year history of combining education, capacity-building, and advocacy to strengthen the support system and continuum of learning for children and youth from birth through school-age.

During this preliminary budget cycle we have engaged with a number of committee hearings reflecting the families, students, and communities we serve through our direct services; as well as underscoring the impact of Community Based Organizations especially during these unprecedented times.¹²³⁴ CBOs frequently serve as the culturally and linguistically responsive point of connection for families and communities to city wide resources as they face the barriers of injustice and inequity that riddle our systems; and CBOs have continued to show up in this way for their communities throughout the pandemic as they have been overwhelmed with the trauma of the crisis. As we all look towards the future and recovery, we call on the Council to reflect on the longstanding systemic inequities that have existed—that advocates and community members have continually addressed with this body— and strategically act to build back the better system that our students, families, and communities deserve. With the forthcoming federal relief dollars, the City must invest in the culturally and linguistically responsive programs that we know work in pushing back against systemic injustice and in opening equitable access to high quality supports, services, and opportunities for all. These supports will be crucial in addressing the disruption in learning and the social-emotional needs of our students, as well as in addressing the devastation on health, mental health, and financial stability for our communities.

¹ See: CHCF Testimony on the New York City Committee on Finance Fiscal Year 2022 Preliminary Budget Hearing, Tuesday, March 2nd, 2021.

² See: CHCF Testimony on New York City Council Committee on Immigration Fiscal Year 2022 Preliminary Budget Hearing, Monday, March 8th, 2021

³ See: CHCF Testimony on New York City Council Committee on Youth Services Fiscal Year 2022 Preliminary Budget Hearing, Thursday, March 11th, 2021.

⁴ See: CHCF Testimony on New York City Council Committee on Education Fiscal Year 2022 Preliminary Budget Hearing, March 23rd, 2021.





CHCF continues to support a NYC child care system that equitably incorporates and invests in all modalities of care, responsive to the needs of the families and the settings that fit best. Affordable, high quality care, in settings of their choice, should be fluidly accessible for all families. This requires system rates that reflect the true cost of providing care, so that providers don't ultimately carry the burden of covering the gap between what parents and/or the city pay for their services and what it actually takes to maintain their small business. Unfortunately, the rates that were offered to the limited scope of Family Child Care Providers through the FCC Network contracts back in 2019 perpetuated the longstanding underpayment for these valuable programs which left thousands of providers vulnerable when the pandemic hit. As a result of intentional underfunding, the City has further fueled the destabilization and collapse of a key piece of the child care sector that it cannot afford to lose, especially as our City and State move towards economic recovery.

This also requires the City to recognize the limited reach of their contracted services (usually due to funding) and to actively work to incorporate and support independent programs where possible, as part of the larger system of care that our working families rely upon. For too long, independent providers have been held out from centralized supports, with minimal efforts by City agencies to build out systems that are equitably supportive and work for providers regardless of whether they contract directly with the City. If our goal is to strengthen the programs that our families choose to place their children in, then there should be open access to free/affordable linguistically and culturally responsive resources, professional development, and small business supports. During the pandemic, thousands of providers were left on their own to navigate the health crisis, the shift to remote learning for school-aged children in their care, and the economic impact on their small businesses. This, too, has contributed to the current crisis being faced in this sector, which is predominantly led by women.

Furthermore, equitable access to affordable, high-quality care requires the City to correct its longstanding systemic issues with processing family eligibility for subsidies and vouchers. Even before the pandemic, there was never enough subsidy funding to reach all income eligible families—NYC typically was able to offer subsidized care to around 24% of income eligible families. We know that this stems from longstanding funding issues at the state level, which we relentlessly advocate around with statewide partners. However, as a Child Care Resource and Referral agency, we have continually seen family access to applications and renewals of subsidies and vouchers riddled with barriers by the City bureaucracy. We have been witness to the confusion, hoop jumping, and pushout that occurs when families are trying to navigate the process. This has only gotten worse throughout the pandemic, as families have been waiting months for a response to their application/renewal and have had difficulty reaching anyone in ACS or HRA. If we are to support parents in returning to the workforce there has to be a rapid





diagnostic assessment of what barriers they are facing with these agencies and a plan for building back a system that better serves the needs of our families.

CHCF also can attest to the value of extended- and out-of-school-time programming for school-aged children and working families in communities hardest hit by the pandemic. We are funded to provide after school programming to nearly 400 students at two Bronx schools, and support an additional 300 students at the Bronx High School of Business as the Community School CBO partner. We have cultivated strong relationships with school leadership and with the community, which allowed for a rapid transition of our services to reflect the needs of the students and families at the onset of and throughout the pandemic. As a result of our partnership with these schools, we were able to bolster family outreach to ensure students had the necessary technology and internet service. We continued to offer linguistically responsive support for parents in navigating the use of these new learning platforms and receiving necessary technical support from the DOE. We were additionally able to offer culturally responsive virtual activities to offset the mental health impacts of the pandemic and quarantine for families, even beyond those who are directly enrolled in our programming.

Knowing the financial and logistical difficulties being faced by school leaders during this time, having close partnerships with CBOs allowed for a more seamless and effective transition that minimized the risk of family and student disconnect. As we move towards resuming full, in-person learning this fall, culturally responsive CBO partnerships through the Community School model and through after school and summer programming will be essential in addressing the learning loss and trauma that our students and families have endured. We must not only safeguard these programs by restoring and baselining any currently proposed cuts (Community Schools and SONYC), but must also appropriately fund the expansion of these demonstrably impactful programs.

New York City has an opportunity to thoughtfully and effectively address some of the longstanding systemic inequities that have been horrifically exacerbated by the pandemic, with devastating and disproportionate impacts on low-income students and families, families of color, and immigrant families. We encourage you to revisit our full testimonies for our comprehensive list of concerns and recommendations to build back better systems that truly respond to the needs of those who have historically faced injustice and inequity in city systems; the same communities and families who have been disproportionately impacted by the state and school shutdowns. You must take bold steps *now* to invest the forthcoming federal relief and any additional city dollars to grow equity-driven, culturally and linguistically responsive programs that center children and family needs and that have been proven to work.





For any questions about this or previous testimonies, please contact Danielle Demeuse, Policy Analyst for CHCF, at ddemeuse@chcfinc.org or 212-206-1090 ext. 359.

Thank you for the opportunity to submit testimony on the FY 22 budget.



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**Submitted Testimony of Yolanda McBride, Director of Public Policy, Children's Aid
Prepared for the Fiscal Year 2022 Preliminary Budget Hearing
Committee on Finance
March 24, 2021**

Thank you to Chair Daniel Dromm and the Committee on Finance for the opportunity to submit testimony reviewing the City's Fiscal Year 2022 Budget.

For more than 168 years, Children's Aid has been committed to ensuring that there are no boundaries to the aspirations of young people, and no limits to their potential. We are leading a comprehensive counterattack on the obstacles that threaten kids' achievements in school and in life. We have also constructed a continuum of services, positioned every step of the way throughout childhood that builds well-being and prepares young people to succeed at every level of education and every milestone of life. Today our nearly 2,000 full and part-time staff members empower nearly 50,000 children, youth and their families through our network of 40 locations including early childhood education centers, public schools, community centers and community health clinics in four New York City neighborhoods – Harlem, Washington Heights, the South Bronx, and the north shore of Staten Island.

However, we cannot operate without our committed workforce and City contracts that cover the true costs of delivering essential services. In the past year, the human services sector stepped up to meet the needs of New Yorkers in crisis despite the fact we faced a funding crisis long before our city saw its first case of COVID-19. Unfortunately, the New York City government did not step up to support us in the same way.

By balancing its budget by underfunding and retroactively cutting human services contracts, the City is not getting a deal; it is further harming the low-wage workers who keep these programs running and pushing community-rooted nonprofits further into failure when the city needs them most. Throughout the last calendar year, the City has allowed the COLA for human services workers to expire in the middle of the pandemic, failed to provide comprehensive emergency pay for low-wage City-contracted frontline workers, and created fiscal chaos by retroactively cutting the Indirect Cost Rate (ICR) Funding Initiative.

To adequately address this crisis, the FY22 budget should restore the COLA on the personnel services line of all human services contracts at a rate of at least 3%, provide comprehensive emergency pay for human services workers retroactive to March 23, 2020 (when non-essential workers in New York were ordered to stay home), and include sufficient funding to fully honor the ICR Funding Initiative for FY20, FY21, and going forward. These urgent investments are needed while workers, advocates, providers, and

elected officials continue to work together on more comprehensive solutions to ensure the human service sector's continued sustainability.

Cuts to City contracts significantly affect our overall financial viability. In FY21, government grants and contracts represent nearly 70% of our annual budget, and City contracts specifically are almost one-half of our total budget.

In particular, Children's Aid stands with nonprofits, human service providers, and advocates deeply concerned about the devastating impact of the retroactive FY20 and FY21 cuts to the Indirect Cost Rate (ICR) initiative. We are a member of the Human Services Council and the statewide, Stronger Nonprofits Together coalition. Phoebe Boyer, our President and CEO, is a member of the Mayor's Non-Profit Resiliency Committee (NRC) and co-chaired the Service and Program Design group, one of the three committee focus areas. She also served on the Indirect Cost Rate Provider Working Group (ICR Working Group), which was an outgrowth of the advocacy work done by the Human Services Council and priorities of the NRC.

For two years, nonprofit organizations dedicated considerable time and resources working in partnership through the NRC and the ICR Working Group process. Nonprofits like Children's Aid collaborated with the City to develop the Cost Manual and advocated during the FY20 budget process to secure a commitment that it would be funded. When the City announced that it would reimburse nonprofits their full, negotiated indirect cost rate from FY20 to FY22 in 2019, we celebrated. This collaborative work and agreement were also recognized at the City and national level as a model illustrating how to fairly address the real costs of services provided by the human services sector. The sector also worked in partnership with the Mayor's Office of Contracting Services (MOCS) to inform the implementation process and invested considerable resources to submit all required paperwork and budget modifications in accordance with the City's guidance. In response to the City's promise of additional revenue to fully reimburse our negotiated indirect cost rate, we adjusted our FY20 agency budget and actual spending plans to reflect the newly negotiated indirect rate.

In August, after our organization's fiscal year ended on June 30 and the money had been spent, the City announced a retroactive cut to the indirect cost rate initiative. By reneging on its promise to fully fund approved indirect cost rates, the City dealt a devastating blow to the human services sector at a time when we incurred considerable costs resulting from the pandemic and were already increasingly vulnerable.

Children's Aid has been approved for a new rate, but we have not received that funding to date. Also, only four of the 72 ICR amendments have been registered. Thus, we have only been paid for indirect at our old rate, suffering a cut of \$883,000 across our nearly 100 City contracts for FY20.

In addition to the FY20 cut, for months we faced uncertainty surrounding our ICR for FY21. It was not until mid-March 2021, with less than four months left in the current fiscal year, that MOCS announced a staggering retroactive cut to ICR funding of up to 70% for FY21. As a result, Children's Aid stands to lose approximately \$1.1 million in FY21 alone, and this massive cut will be replicated in FY22 unless \$171 million is included in the budget to cover FY22 ICR costs as well as reverse the FY20 and FY21 cuts.

This loss of funding compounded by critical cuts to several City youth and foster care programs we have contracts for has resulted in staff furloughs and layoffs across central operations, the scaling back of programs, and has impacted our entire organizational budget.

The City's Indirect Cost Rate initiative is not a new funding source; it was the City's acknowledgment and commitment to fully funding programs' true costs. Indirect expenses are often the things that we do not see when we walk through the front door of an organization to go to a program or receive a service but help keep that front door open. Indirect rate funding is what allows human service providers to have the necessary technology infrastructure, maintain facilities, and support other operational capacities vital to the provision of programs, especially in this ever-changing environment resulting from COVID-19 and meet the increased demand for services.

For example, if we lease a facility for a program, we can charge the contract for rent, but if we use space we own, most City contracts won't cover or allow us to add "facilities depreciation" costs to the budget. The six facilities we own are what enabled us to continue delivering much-needed services and resources during the pandemic, when public schools were closed, but in FY20, we were only able to cover 12% or \$306,921 of our \$3.8 million facilities depreciation costs. Additionally, our depreciation costs will increase to \$5.34 million in FY21, further amplifying this issue. With every contract we take from the City, we lose money because we have to fill the gap through unrestricted net assets of the agency, including contributions (donations), bequests, and other sources.

The pandemic has increased our reliance on remote devices and has expanded the need for our Information and Technology (IT) division to provide support and troubleshoot. This division is committed, but since City contracts do not cover the full costs of operations or infrastructure support, it is modest in size compared to our overall staff count. Our IT team is responsible for managing the dissemination and upkeep of 4,000 devices (laptops, phones, desktops, chrome books, etc.). We have a total of 15 IT staff members, but only three who provide tech support. That is a ratio of one IT staff person for every 666 Children's Aid staff members. A fair indirect rate is critical for us to be able to adequately ramp up the necessary behind-the-scenes support that keeps our programs running.

COVID-19 has only increased the need for these vital behind-the-scenes supports, and ultimately, the cost of conducting our programming. As significant aspects of our work moved out of offices and online during the pandemic, we purchased 864 new computer

systems to support the transition from desktops to mobile. This cost the agency over \$1,035,000. We've also experienced new higher costs, roughly \$940,000 from March through December, for the PPE and cleaning supplies necessary to keep our sites safe and clean. In just these two areas, we have faced nearly \$2,000,000 in additional costs in order to continue to offer the programs and services that our community relies on.

Unfortunately, the ICR is not our only concern. As we recover from the COVID-19 pandemic and continue to offer our essential services in light of unprecedented circumstances, new policies at the City and State level have added further difficulties.

At the pandemic's height, the City's cuts to the human services sector led to 57 permanent layoffs and 496 staff being furloughed at Children's Aid between April 1 to August 28. Like many nonprofits, Children's Aid is self-insured for state-mandated unemployment costs, and as a result, we have had to absorb and pay out extended unemployment benefit obligations that were unbudgeted, totaling \$1.5 million from March through September. At the end of 2020 we were experiencing extended unemployment benefit costs of \$400,000 a month, and we are still now averaging costs, the duration of which continues to be extended by Congress, of approximately \$150,000 a month. The federal government committed to covering half of the extended unemployment benefits through CARES Act funding to the New York State Department of Labor. We are grateful that DOL has now committed to covering the other 50% but we are yet to see any of these funds back. However, our concern is it has been preliminarily communicated that DOL is considering a "credit on account" reimbursement of the costs. If DOL proceeds with only a credit, it could take several years for us to recoup the expenses we have already paid out. We remain deeply concerned about the timing of this repayment.

Additionally, we have learned that the Department of Education is planning on instituting a 25% cap on full-time fringe rates. For an agency such as Children's Aid with a fringe rate closer to 34%, this would leave us with an annual cost of over \$400,000 to cover ourselves.

We have also been faced with long delays on payments combined with unfairly short deadlines to submit documentation. For example, the DOE Office of Community Schools has recently requested seven months' worth of invoices providing only five days' notice to produce the requested documentation. DOHMH is now requesting, as a new policy, that invoices be submitted 15 days after the service period, rather than the 30 days we had been told previously. These short timeframes paired with detailed, rigid reporting requirements make it only more difficult for us to conduct our work. Correct and accurate financial reporting and claiming cannot be prepared within a 15-day deadline. It leaves our Agency in jeopardy for missing out on claiming eligible costs while reporting precise information fully supported by in-depth documentation.

Together, all of these concerns directly undermine our work, especially at this time when nonprofits with owned sites become critical resources to support the city's educational system, especially when school buildings are closed. Our Goodhue Community Center in

Staten Island and Dunlevy Milbank Center in central Harlem remained operational throughout the pandemic and were hubs for our food box distribution efforts, census registration, providing PPE, and other community resources to our youth, families, and neighborhood residents.

Our school staff conducted 1:1 calls, emails, and zooms to check in with families on how remote learning/access was going, whether food was available, and general inquiry about needs and the provision of community resources. Children's Aid has distributed 80,000 meals and food boxes to the communities we serve since late-March. Within our Early Childhood families, we also found that there was a great need for diapers. From March through the end of September, we purchased 450+ cases of diapers for families. Because of the connection we have as a Founding Member of the Boys and Girls Club of America, we have been able to leverage additional food to serve thousands of meals and provide PPE for staff, youth, and families.

We have also tried to support the New York City Department of Education and distributed tablets and laptops to children who had no devices for school. Our staff has also been providing remote mental health, counseling, teletherapy, and social-emotional support sessions for both students and parents. Our mental health support has been crucial; many of our students and families are facing real loss, fear, anxiety about the future, and depression

To recover collectively from this challenging time, nonprofits need to be seen as partners with the City, as entities to be worked alongside in full transparency and with full respect. The nonprofit sector is an invaluable part of the city's social safety net. Communication, guidance, regulations, and budget flexibility must be clear, timely, and realistic in order for the sector to effectively keep doing what they do best, meeting the needs of the thousands of New Yorkers who rely upon their services. The nonprofit sector is critical to the health and wellbeing of the city. The FY22 budget must reflect this.

We urge the Mayor and City Council to honor their commitment to the human services sector and fully fund the ICR Initiative and restore agreed upon indirect rates for every qualified organization in FY20 and maintain this commitment in FY21 and FY22 contracts. Failure to honor the City's commitment will threaten the nonprofit sector's health and viability, forcing social service providers, especially the smallest and the weakest, into an insolvent situation. When those entities fail, the remaining providers may not be able to pick up the slack because of the weakened condition they are in without ICR support. These cuts do not impact all New Yorkers equally, rather they disproportionately affect the same communities that have already been hardest hit by COVID-19 due to structural racism, ableism, and income inequality.

Children's Aid sincerely thanks the New York City Council for their vigorous support of children, youth, and their families in New York City. We look forward to continuing working

with the City Council and the Administration to support the recovery and revitalization of the city and the communities we love.

Thank you for the opportunity to submit this testimony for the record. If you have any questions about this testimony, please feel free to contact me at ymcbride@childrensaidnyc.org or (347) 882 - 5996.

Thank you to the committee and the committee chair for having me. My name is David Rysdahl and I'm currently in New Zealand for a movie I'm working on but my heart is in New York City especially Harlem, which has been my home for the past six years and my wife's home her whole life. I'm speaking on behalf of 350 nyc.

This past year has been very difficult on Harlem. I walk down the street and see closed businesses, food bank lines wrapping around the block, and homeless shelters bursting with new people.

This year has illuminated and exasperated the trenchant inequalities in our system, but we at climate works for all see hope in the midst of all this turmoil.

Our solution is to invest in green infrastructure projects that invest in Black and brown communities, create good union jobs, and move us towards our climate goals. We must address the economic recession, racial injustice, and climate crisis at the same time for these are all linked together.

This is why Climate Works for All has put together an Equitable Recovery report, which is our broad vision for investing in communities and putting 100k New Yorkers back to work.

Specifically, our budget priorities for 2021 are:

Invest \$80 million in retrofitting public schools to meet LL 97 standards

Funding would go towards schools that are currently emitting above 2030 - 2034 standards. An annual investment of \$80 million would bring a large portion of high-emitting schools into compliance by 2035.

Invest \$100 million in Solar on Schools

Funding would go towards solar installation on public schools. An annual investment of \$100 million would allow us to meet our solar goals by 2025.

In addition, we are asking for 17 million for public waste management including 4 million for CWZ implementation and 13 million to expand organics collection and 3 million towards clean transportation expansion for electric school buses.

This is a total of 200 million in this year's budget for climate priorities.

As stated above, my wife grew up in Harlem. Her little brother suffers from acute asthma caused from the poor air he's breathed his whole life. We all deserve better, and Covid has taught us that we all need each other. We must move into the future differently than we came. We must invest in our communities and address racial inequalities, create good union jobs, and fight climate change. We are New York. Let's be the beacon of light that we claim to be.

**Testimony of Henry Garrido, Executive Director, District Council 37
Before the City Council Committee on Finance
FY 2022 Preliminary Budget
March 24, 2021**

Good afternoon. My name is Henry Garrido. I'm the Executive Director of District Council 37, New York City's largest municipal employee union, with over 150,000 members and 50,000 retirees. Thank you for having me here today. I appear (virtually) before you to testify regarding the Fiscal Year 2022 Preliminary Budget.

District Council 37 represents the workers we've spent the last year calling "essential." Our school lunch workers worked through school holidays to continue delivering food for families in need; our EMTs raced to every part of this city to deliver people to care; our H+H social workers helped countless grieving families. For the most part, they have reported to work as normal every day of this pandemic without question or complaint. They are the heroes who have kept this city running.

I spoke with you all last year, too, and unfortunately, I'm here today to repeat much of the same message. While we are sympathetic to the very difficult position

the City is in given the extent COVID-19 has decimated the City's financial coffers, we are tired of being the solution to all funding issues.

This year's preliminary budget is \$3 billion less than last year's adopted budget. If you read the fine print, it becomes clear that much of the savings is at the cost of labor.

I'd like to specifically focus on four areas of critical importance, both to DC 37 and to the overall recovery effort of this city: 1) our city's public hospitals; 2) libraries; 3) cultural institutions; and 4) parks.

I'll begin with Health + Hospitals. No hospital system has shouldered more of the burden throughout this pandemic than Health + Hospitals. Our public sector health professionals have given all they have to treat New Yorkers and keep our healthcare system afloat. And still, we find ourselves doing a familiar dance with Albany.

For the second year in a row, the Governor has proposed an across the board cut to Medicaid providers – this time of 1 percent. The cut could result in a loss of \$26 million for H+H and stands on top of the 1.5 percent cut from last year. Further,

this cut will hurt safety net providers disproportionately because they serve mostly lower-income communities more reliant on Medicaid. We already know that approximately 70 percent of H+H's patients are on Medicaid or uninsured.

We have seen with our very own eyes this last year what happens when we don't invest in the health of our communities. Lower-income New Yorkers were disproportionately hurt by COVID-19 because of decades of institutional neglect when it came to their health. This cut would only further exasperate a problem that we've all spent a year pledging to fix. We cannot allow this problem to get worse. We must all raise our voices and fight the proposed cut in the Governor's Executive Budget. If that is unsuccessful, the City must commit to filling the gap. There would be nothing more shameful right now than leaving our hospitals underfunded and stretched too thin.

Additionally, DC 37 represents revenue-generating titles such as Hospital Care Investigators and City Assessors. These positions – and the funding they bring in – are integral to building back New York City. We must be looking for more positions like these and not only maintaining the current headcount, but increasing it. Supporting our workforce and helping New Yorkers find employment is not only a moral imperative, it's a smart business decision for the City.

Next I'll discuss libraries, which we all know are central to the fabric of this city.

Libraries are places our children can spend their afternoons safely, they provide resources to students and the elderly alike, and most recently, they've been used to provide food to families in need and help get New Yorkers vaccinated.

Unfortunately, the FY22 Preliminary Budget cuts funding for New York City libraries by \$10.3 million, which does not include the loss of City Council non-baselined funds that was added in FY 21. The proposed cut combined with the potential loss of City Council funding could severely impact library services by leaving staff positions unfilled and reducing service levels at such a crucial time. Furthermore, all three library systems were already asked to take a PEG this fiscal year (FY 21). We cannot continue to call on our library buildings and workers with one hand, and reduce their resources and support with the other. Libraries are the great equalizer. Whether you're rich or poor, the services are available to all. That's what we need as we rebuild our City. Any reduction in services would be felt in communities from Coney Island to Norwood.

Now I turn to the city's cultural institutions. Institutions like the Natural History Museum and the Metropolitan Museum of Art are as iconic and tied to New York

City as the Empire State Building. But in addition to those universally known, we have jewels throughout the five boroughs and their contributions to this city make New York what it is.

Our cultural institutions are hurting. The Met just laid off 132 members at the end of February. The American Museum of Natural History laid off and furloughed more than a third of our members starting in June 2020. Some of the City's smaller institutions laid off their entire staff and have only been able to return 1 or 2 members thus far, if that. The Botanic Gardens in Brooklyn and Queens had various cost saving measures, such as reduced hours. These institutions are on life support and need help, and yet the current FY22 Preliminary Budget cuts \$45 million from the Department of Cultural Affairs. This is not the solution. The City must restore cuts to DCLA and keep our treasured museums and cultural institutions alive.

Last, but not least, I'd like to spend some time discussing our city's parks. Another place where our workforce helps generate much needed revenue.

The Fiscal 2022 Preliminary Budget does not include the one-time funding of \$10 million successfully negotiated by the City Council in the FY21 adopted budget.

The failure to restore the \$10 million funding in the FY22 budget could lead to the loss of 100 City Park Workers, such as maintenance staff, and 50 Gardeners for the Department. In FY21, due to COVID-19 and its impact on the city's fiscal condition, the Parks Department did not hire approximately 1,700 seasonal workers. As a result, many of the city's parks were left in an unsanitary condition over the 2020 summer months. This situation is likely to worsen in the event that the \$30m is not restored in the FY22 budget for the 1,700 seasonal workers citywide.

The City must also restore \$3 million for 50 Urban Park Ranger positions, as well as \$6 million to restore 80 Parks Enforcement Patrol (PEP) Officers – both created in the FY 20 budget, but not included in the FY 21 budget. The PEP officers provide safety and security in our parks, as well as generate revenue for the city by issuing fines. During the height of the pandemic at a time when park use was at a record level high, the city chose not to restore PEP officers. As is, there aren't enough PEP officers to patrol the thousands of acres of city parkland. We need more PEP officers, not less.

Our parks are where our children play and elderly relax. When the travel ban was in effect last year, New Yorkers had nowhere else to turn, but to their

neighborhood parks. These local parks provided many residents a place to go in the nice weather after being trapped inside for months due to the pandemic. These open park spaces must be maintained and kept safe. We've already seen what happens when hires don't happen as they should. We cannot repeat the mistakes of the past.

Let me conclude my remarks by acknowledging once again the unbelievable work of the brothers and sisters of DC 37 this past year. We asked them every day to show up and do their jobs, as though the world hadn't changed around them. Selflessly, they did, and far too many were lost to COVID-19. I appear before you today to remind you of their sacrifice and ask that we honor these workers by providing the support they deserve, not cuts that make their jobs harder. District Council 37 is always ready to offer constructive suggestions on how the City can balance their budget and still serve New Yorkers.

Thank you for your time today. I would be happy to answer your questions.

Testimony by New York Legal Assistance Group (NYLAG)
before the New York City Council Committee on Finance

March 24, 2021

Chair Dromm, Council Members, and staff, thank you for the opportunity to submit testimony for today's hearing. My name is Anamaria Segura, and I am the Project Director of the Employment Law Project at the New York Legal Assistance Group (NYLAG). NYLAG is a leading civil legal services organization combatting economic, racial, and social injustice by advocating for people experiencing poverty or in crisis. Our services include comprehensive, free civil legal services, financial empowerment, impact litigation, policy advocacy, and community partnerships. NYLAG exists because wealth should not determine who has access to justice, and we aim to disrupt systemic racism by serving individuals and families whose legal and financial crises are often rooted in racial inequality. We provide services in more than 150 community sites and on our Mobile Legal Help Center. During COVID-19, most of our services have been provided virtually, to keep our community safe. We are proud to share that NYLAG's staff of 300 impacted the lives of nearly 90,000 people last year.

NYLAG's Employment Law Project (ELP) represents working New Yorkers with employment discrimination, wage and hour, sick and family leave, and unemployment claims in city, state, and federal agencies, as well as in litigation. Most of our clients are workers in low-wage industries, immigrants, and workers of color; many are earning minimum wage and are living in poverty, or they are one paycheck away from falling into poverty. The ELP is made up of a team of two full-time attorneys, one part-time attorney, a legal fellow and a temporary paralegal, as well as a rotating group of volunteers who help us maximize our impact despite our relatively small size.

Unfortunately, the demand for ELP's services has always far outweighed our capacity to assist every

worker with meritorious claims. The COVID-19 pandemic has only exacerbated that problem, creating an extraordinary wave of need at a time when our legal resources are stretched to their limits. Our practice has shifted to the best of our ability to assist workers suffering the effects of the COVID-19 pandemic, especially focusing on essential workers who have been on the frontlines, as well as the thousands of newly unemployed New Yorkers suddenly left without an income.

I'd like to share the case of one typical client, Ms. M, whose experience reflects that of several of ELP's clients during the pandemic. Ms. M has been employed for years as a home health aide, caring for elderly and infirm New Yorkers in their home. When she contracted COVID, she was forced to stay home and quarantine while she recovered. Thankfully, she was lucky enough to get better within a couple of weeks. However, when she attempted to go back to work with clearance from her doctor, she learned that her employer had removed her from the schedule indefinitely. When she asked why, it became clear that she was being retaliated against for having taken time off due to her illness. In addition, when she asked if she could receive her lost wages for the time that she missed, which was required under the Families First Coronavirus Response Act, she was informed that she flatly told that she was not entitled to any paid leave. After she contacted the ELP, we informed her of her rights, counseled her about her options, and advocated on her behalf. Ms. M is now back at work.

We have spoken to countless workers in a position similar to Ms. M's since the pandemic's onset and have done everything we can to meet the needs of these clients. Even so, because the need for legal services for low-wage workers has skyrocketed, the ELP's resources have been especially strained.

I'd like to highlight a few case numbers that illustrate this increase in need. In the period between March 15, 2020, and March 14, 2021, NYLAG saw fifteen times more requests for legal services concerning unemployment insurance, compared to the same period in the previous year. In

addition, requests to NYLAG for assistance with sick and family leave issues tripled from the previous year. This increase was not only limited to the months immediately following the peak of the pandemic, rather – like the pandemic itself – the need has endured well into 2021. Our records from the ELP intake hotline and internal referral process show that in January 2021 we had 70% more employment cases come to ELP, compared to January 2020.

Notwithstanding the undeniable increase in need for legal services for low-wage workers with employment claims, in the last fiscal year, there was no dedicated funding for these services included in the initial City budget. Thankfully, after extensive advocacy efforts by the low-wage worker advocate community, the City agreed to restore funding in November 2020. We are grateful to those within the City leadership and City Council who have worked with advocates to ensure this restored funding. Now that we are preparing for a new City budget, we are here to request renewal of funding for the Low Wage Worker Initiative for legal services, and in addition, a commitment to robust, baseline funding dedicated to legal services for low-wage workers. Simply put, without such a commitment, NYLAG and other organizations' employment practices will not be able to keep up with the ongoing legal needs of New York City's low-wage workers. I am here today to urge the City Council and this Administration to meaningfully commit to legal services for low-wage workers this fiscal year. Doing so will go a long way towards helping NYLAG and others in the advocate community continue to combat abuse of workers in low-wage industries. I want to once again thank the Committee for hearing my testimony today. I am happy to answer any questions.

Respectfully submitted,

New York Legal Assistance Group



Fulfilling the promise of opportunity

TESTIMONY of FPWA

Presented to:

**New York City Council Committee on Education
Fiscal Year 2022 Preliminary Budget Hearing
Hon. Chair Daniel Dromm
Wednesday, March 24th, 2021**

Prepared By:

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Good morning committee members, Chair Dromm, and my fellow witnesses testifying today.

My name is Jessica Cinque, and I am a Policy Analyst at FPWA. I would like to thank Chairperson Dromm and the members of the Committee on Finance for hearing testimony on the Fiscal Year 2022 Preliminary Budget.

FPWA is an anti-poverty, policy, and advocacy nonprofit with a membership network of 170 human service and faith-based organizations. We have been a prominent force in New York City's social services system for nearly 100 years, advocating for fair public policies, collaborating with partner agencies, and growing our community-based membership network to meet the needs of New Yorkers. Each year, through our network of member agencies, FPWA reaches close to 1.5 million New Yorkers.

Nonprofit organizations have been critical to our city historically and during Covid-19. Their inherent ability to quickly adapt to the changing needs of the communities they serve has provided lifelines for residents living through these prolonged health and economic crises.

Poverty and other social indicators point to both the intensifying need for human services, and the increasingly challenging environment in which they operate.¹ As has been demonstrated before and throughout the pandemic, the human services sector is consistently utilized as the City's first line of defense in combating these pressing issues. In doing so, the sector contributes as significantly to the health and stability of the economy as it does to the health and stability of New Yorkers.

Unfortunately, the erosion of funding coupled with antiquated systems that make it difficult for nonprofits to operate have stymied their efficacy. With the onslaught of Covid-19, the sector is precariously balanced on the edge of a steep cliff. New York City is at a critical juncture and has an opportunity to secure the services provided by the sector to the millions of residents who receive them. Vital changes are needed to deliver essential services, both in the way nonprofits are funded and in the structure of how nonprofits work with government. Rising costs, increasing needs, and a lack of investment have undermined the health of the sector. Underinvestment is exacerbated by systems and processes that do not leverage nonprofit expertise in communities. With the cuts proposed in the FY22 Preliminary Budget, the sector is facing increasingly difficult challenges that could easily be avoided. Now is the time to reverse and correct this trend.

With the economy of the City and State less stable than ever, it is even more crucial for the City to adequately fund the covenants it has with nonprofits across New York. Therefore, FPWA strongly supports the investment of the City into its partnerships with nonprofits by:

- Investing Across All Human Services Contracts:
 - Fully restore the Indirect Cost Rate Funding Initiative (ICR) by providing adequate investments for FY20, FY21, and future years.
 - Award Human Service Workers with retroactive Emergency Pay.
- Investing in Sector-Specific Human Services Contracts:
 - Restore \$25.7 million in the FY22 Executive Budget to support Summer SONYC programming for 43,500 middle school students.
 - Work to clear the NYC DOHMH backlog of comprehensive background checks.

¹ Restore Opportunity Now. (2017a). Voices of New York's Human Services Sector. <https://humanservicescouncil.org/wp-content/uploads/Initiatives/RestoreOpportunityNow/Voices-of-Human-Services.pdf>

- Add \$16.6 million in funding to the DFTA for home-delivered meals to increase capacity to meet new demand and increase the per-meal reimbursement rate.
- Fully allocate the promised \$10 million in funding for Senior Center Staff, and \$5 million in funding for Senior Center kitchen staff.

These measures will ensure that all New Yorkers have access to dignity, opportunity, and upward mobility. This testimony seeks to address each request in brief detail to give the joint committee a contextualized understanding of the imperative of their immediate action.

Invest Across All Human Services Contracts

The human services sector has continued to reliably meet otherwise unmet needs. Continuing to underfund nonprofit human service providers at a time when their services are so critical to the City's recovery harms the sector's workers who are paid very low wages as determined by these funding contracts. Moreover, such underfunding pushes community-rooted nonprofits towards impossible choices during a time of increased need.

1. Fully honor the Indirect Cost Rate Funding Initiative (ICR) by providing adequate investments for FY21 and beyond.

In contracting nonprofits to deliver critical and often legally mandated services to New Yorkers, the City can be disconnected from the true cost of this work. However, government is the primary funder of human services. Across New York State, 68 percent of human services providers receive State government funding and 71 percent received local government funding. This means that the City is not able to deliver services without nonprofit partnership, and that nonprofits are not able to operate without government funding. This partnership between government and community-based nonprofits allows services to better reflect the needs of specific communities and populations. When given proper resources, nonprofits are empowered to respond nimbly to changing needs, with efficiency and cultural competence.²

Nonprofits across New York have been facing a funding crisis long before Covid-19. Recent additional cuts to the ICR Initiative have significantly threatened the viability of New York City's nonprofit organization. To truly support nonprofits through Covid-19 and beyond, the City must fully fund the ICR initiative so providers can keep their doors open, and all New Yorkers can obtain the critical services they need.

FPWA stands with the sector in strongly urging the City to reverse course and fully implement the ICR Initiative, including full funding of ICRs within all human services contracts.

2. Retroactively Award Emergency Pay

Over the last year, service providers across the human services sector stepped up when they were needed most. They put themselves and their families at risk to ensure that the most vulnerable members of their communities had what they needed to be healthy and safe. Given

² Restore Opportunity Now. (2017a). Voices of New York's Human Services Sector. <https://humanservicescouncil.org/wp-content/uploads/Initiatives/RestoreOpportunityNow/Voices-of-Human-Services.pdf>

the already low wages paid to human service workers, additional expenses incurred because of their selfless risks could be catastrophic to them and their families.

This has been a challenging time for us all, and the contributions made by the sector and by individual low-wage City-contracted frontline workers are of incredible value to those receiving them and to the City. A just recovery from this pandemic requires that we equitably pay for essential labor across all sectors.

Because of these factors, it is vital that comprehensive emergency pay for human services workers be retroactively awarded to March 23, 2020, when non-essential workers in New York were ordered to stay home.

Invest in Sector-Specific Human Services Contracts

Invest in Community-Based Services Funded by DFTA

1. Home-Delivered Meals

In FY20, over 4.6 million meals were delivered to over 31 thousand homebound adults across NYC³. Unfortunately, Covid-19 has driven significant increases to the demand for home-delivered meals, and thousands of new clients have been added to the service since then. However, many of the community-based organizations who serve these meals lose thousands of dollars every year on the program due to low reimbursement rates that do not cover the full cost of the meals. In FY21, despite the higher need for culturally competent home-delivered meals, the City continues to pay inadequate reimbursement rates that are below the national average by approximately \$2 per meal.

FPWA respectfully requests an additional \$16.6 million for the home delivered meals program in FY22, including \$13.6 million for weekday meals and \$3 million for weekend and holiday meals.

2. Funding for Senior Center Staff

Funds for Senior Center staff, including kitchen staff, were promised to organizations prior to Covid-19 but were not included in the Mayor's preliminary budget. This funding is particularly critical to ensure that wages for senior service professionals, a workforce made up of predominantly women and people of color, are paid competitively for their work, rather than exacerbating existing inequities. Without resolution, the City will continue to underpay this workforce, which will heighten the risk of more New Yorkers aging into poverty and relying on these same underfunded programs.

FPWA urges the City to allocate the promised \$10 million in funding for Senior Center staff, and \$5 million in funding for Senior Center kitchen staff.

Invest in Youth Services Programming

1. Summer SONYC Programming

³ <https://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2021/dfta.pdf>

Every year, parents and providers must fight for funding for summer programming. This fiscal year, despite an increase in State and Federal dollars coming to the City, the same parents and providers are facing an even larger cut than expected. The Preliminary Budget does not include funding for Summer SONYC programming which represents 43,500 middle school students who will be without support after a difficult year. On top of what is already an unwarranted cut, the Preliminary Budget proposes that on top of the \$20 million cut to Summer SONYC, an extra \$5.7 million be cut to baselined funding. This would result in an additional 9,500 middle school students without programming this summer. After the year our students have endured, summer programming and engagement is more critical than ever.

This cut comes after middle schools have been closed for months and parents have few options for affordable youth programming this summer. It is essential that New York City have program options in place this summer for youth to ensure that they have constructive activities that support their well-being and recovery after a traumatic year. Similarly, their parents, including many parents who are essential workers, need the security of knowing that there are safe child care arrangements in place on which they can rely.

This funding must be restored by the Executive Budget, otherwise the risk of providers not being able to use these funds because they arrived too late will continue to increase. The Mayor and City Council must work together to restore Summer SONYC funding immediately, as providers need time to plan and prepare for programs, especially due to the increased health and safety requirements. Families also need to know that summer programs will be available to them with time to plan accordingly.

With all of this in mind, FPWA urges the City to restore the \$25.7 million taken from our city's students to support Summer SONYC programming for 43,500 middle schoolers.

2. Comprehensive Background Checks

Since September 25th, 2019, New York State Office of Children and Family Services (OCFS) has required NYC DOHMH to perform new extensive background checks for staff and volunteers in afterschool and early childhood education. Providers and advocates strongly support rigorous background checks for all staff and volunteers, and we rely on our partners in government to process background checks quickly and efficiently so that programs can operate.

The chronic issues of underfunding are further complicated by the fact that DOHMH has not been able to complete the background checks in a timely manner and many prospective staff members in afterschool and early childhood education programs are unable to work due to pending clearances.

In February, the New York State Office of Children and Family Services provided some relief through a temporary rule change that allows staff members to work provisionally if they have been cleared through the State Central Register of Child Abuse and Maltreatment (SCR) and if they are supervised for 100% of the time that they are in contact with children by a staff member who has been cleared. However, this creates another strain in an already-strained system by adding time dedicated to the supervision of a colleague that would not be required if the backlog were cleared. This was never meant to be a permanent solution, it is *not* a

permanent solution, and DOHMH must be given the resources it needs to appropriately clear staff quickly and efficiently.

We strongly encourage ensuring that the DOHMH has everything it needs in order to clear the dense backlog of background checks.

Conclusion

The FY22 budget will be a determining force in how our city recovers. This budget can either ensure that New York City recovers more equitably and stronger than before, or it has the potential to deepen and further entrench the inequities laid bare by this pandemic.

Thank you for the opportunity to testify. FPWA hopes that you will consider our budget priorities and recommendations during this year's budget negotiation process and we look forward to working closely with you to ensure that New Yorkers receive the services they need in order to thrive.

NEW YORK COVID-19 FOOD COALITION

FY2022 Budget Requests

**Testimony Submitted by
Gabrielle Blavatsky, Co-founder and Policy Director of Equity Advocates
Before the NYC Council Committee on Finance**

**Preliminary Budget Hearing
March 24th, 2021**

My name is Gabrielle Blavatsky and I am the Co-Founder and Policy Director of Equity Advocates. Thank you to Chairperson Daniel Dromm as well as the members of the NYC Council Committee on Finance for holding today's hearing and the opportunity to submit this testimony.

Equity Advocates builds the capacity of nonprofit organizations to address the underlying causes of food inequity through policy and systems change. We partner with New York-based organizations working to alleviate hunger and poverty, providing them with the tools they need to be more civically engaged—including policy education, advocacy training and coalition building services.

New York City emerged as the first American epicenter of the COVID-19 pandemic and is still reeling from the twin economic and public health crises caused by the pandemic. In response, last March Equity Advocates organized the New York COVID-19 Food Coalition: a diverse multi-sector group of over 40 food system stakeholders from across New York City. Our Coalition is advocating for resources to ensure that the local food system and supply chain remains intact, that all families are able to access the food and support they need, and that front line community embedded organizations can respond effectively to the crisis

Since the pandemic shut down the City last March, millions of people have slipped into poverty and hunger due to job losses, school and senior center closures. During the peak of the pandemic, New York City's unemployment rate skyrocketed to more than 20 percent. According to Hunger Free America, it's estimated that between 1.6 to 2.2 million people are food insecure in New York- a significant increase from pre-COVID rates. As organizations embedded in community food access and emergency hunger relief work, we have seen demand for emergency food and social services increase significantly over the last year as a result.

The 21 undersigned members of the [NY COVID-19 Food Coalition](#) stand in full support of the NYC Budget Justice movement's calls for a reduction in the NYPD's FY22 Budget allocations and the re-prioritization of that funding towards human and social services

For more information please contact:

Gabrielle Blavatsky, Policy Director at Equity Advocates: gabrielle@nyequityadvocates.org

NEW YORK COVID-19 FOOD COALITION

FY2022 Budget Requests

organizations serving low income communities of color. We respectfully request your support for the inclusion of the following recommendations in the final FY22 New York City Budget. These investments will help advance equity, addressing some of the existing systemic inequalities exacerbated by COVID, and ensure that New Yorkers are well fed and supported as we start the slow process of rebuilding from these crises:

NYC EXECUTIVE BUDGET FUNDING RECOMMENDATIONS

Emergency Feeding and Benefits Access

- **Maintain baseline funding for Emergency Food Assistance Program (EFAP) in FY22 at \$20.2 Million, allow additional flexibilities with program operation.** Emergency food providers receiving EFAP funding should be allowed to use program funds to cover their increased administrative, rental and operational costs that have emerged since the start of the pandemic. In addition, we ask that the RFP for EFAP be adjusted to allow more opportunity and incentive for the purchase of fresh food and that pantries have choice in what they buy as they do with the New York State Hunger Prevention Nutrition Assistance Program and New York City's Pandemic-Food Reserve Emergency Distribution Program.
- **\$16.6M to Fully fund DFTA's Home Delivered Meals program for older adults.** Reimbursement rates for this program are currently 20% below the national average cost of a meal for urban areas. Agencies administering the program are struggling to stay afloat, especially with new meal choice requirements under the new RFP that were not funded. The City must bring funding in line with the true cost of a meal, which is close to the national average rate of \$11.78 per meal (currently \$9.58 per meal). An investment of \$15.3 million is required to meet this request.
- **Allocate additional funds within Human Resource Administration towards nutrition benefit program enrollment and outreach.** Food insecurity has nearly doubled in NYC since the start of the pandemic. To meet this need, we look to HRA to allocate additional funds within their budget towards promoting and enrolling New Yorkers in social safety net programs, re-opening field offices closed during the pandemic, adding additional One Stop Shop locations, expanding emergency food distribution efforts, adding additional staff to the hotline to enroll people in programs as well as additional money for promoting Health Bucks and Get the Good Stuff Program at DOHMH.
- **GetFoodNYC.** The Mayor's Preliminary Budget request includes a new infusion of \$52M for the Get Food NYC program in FY22. Yet, little to no information has been made available to advocates or City Council on the details and impacts of the Get Food program to date. Although we are supportive of additional funding for emergency food response, we call on City Council to hold an oversight hearing on

For more information please contact:

Gabrielle Blavatsky, Policy Director at Equity Advocates: gabrielle@nyequityadvocates.org

NEW YORK COVID-19 FOOD COALITION

FY2022 Budget Requests

the program and/or the Mayor's Office of Food Policy to publish a report within the next three months that includes data on:

- 1) Where was the greatest need for food during COVID-19 ? Where have 311 requests and Get Food Portal requests for food been coming from by zip code/neighborhood (while ensuring that this aggregated data protects participants' privacy) ?
- 2) Where did the city provide food through the Get Food Program and other emergency COVID food relief efforts by neighborhood/zip code (while ensuring that this aggregated data protects participants' privacy)? What gaps were identified from these deliveries/services?
- 3) What were the quality and types of the food delivered through the various emergency COVID relief food programs including the Get Food Program and DOE grab and go meals by zip code/neighborhood? How many were vegetarian, Kosher and Halal? (we have heard that there was significant variation between neighborhoods)
- 4) We understand that emergency meals and Grab and Go meals must meet City Food Standards, and that school meals must also meet federal standards. Can the City provide sample menus or specific details about the contents of the meals? How did these menus change over time? What was the rate of compliance with City Food Standards for the GetFoodNYC program?
- 5) Did the existing grab and go meal sites at schools set up around the City meet their community's needs? What were the participation levels at each site?
- 6) What orgs/businesses have received contracts to do food deliveries through GetFood Portal, including the number of MWBEs and CBOs? How many vendors were brought on to provide culturally relevant meals like Kosher and Hallal?
- 7) Why did the administration choose to only allow TLC drivers to deliver meals through the OEM's Temporary Meals for Homebound New Yorker's Program despite interest, public testimony, and expertise in the CBO community to do this work?
- 8) How much money did the City reimburse vendors per meal? Can the City provide a breakdown of how vendors use reimbursement to cover food, labor, and transportation costs? (We've heard there was significant variation in how much of the \$10 was spent on food vs transportation for example).
- 9) How did the Administration collect feedback from both vendors and community members that received meals through the Get Food Program and

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NEW YORK COVID-19 FOOD COALITION

FY2022 Budget Requests

integrate that information into the programs operation moving forward to improve service delivery?

10) What are the administration's plans for addressing the issues at HRA and SNAP and WIC participants inability to get through on phone lines and the drop off in program re-enroll that has been happening recently? Why wont HRA be re-opening their community based office locations?

- **Additional \$25 Million Reinvestment in Emergency Food Relief in NYC.** Last spring, the City distributed \$25 million to emergency food providers to help address the hunger crisis exacerbated by COVID. As we recover from this pandemic, we would like to see the City re-allocated these funds and reinvest this money to meet current food needs. However, Emergency Food providers need to be at the table to discuss how this program is administered this time around to make sure it is usable for Emergency Food Providers, that a wider range of orgs can receive the funding, and that data on the outcomes from the program are collected and reported. We urge the City Council to Include review of this program in an COVID emergency food response oversight hearing that also includes a review of the Get Food program.

School Food

- **\$3.5 million for additional school food managers in The Office of Food and Nutrition Services (OFNS).** OFNS has been working tirelessly to make sure that students have the food they so desperately need during COVID-19 school closures, and to ensure that these meals are high quality and culturally competent. In order to do so, an additional 60 school food managers should be employed to plan and review appealing menus, educate students on the importance of eating healthfully, train new personnel, and increase participation in the school meals program. Funding for these additional 60 managers would enable OFNS to better achieve these goals, helping to ensure that children are well-fed and ready to learn. To support these managers a culinary institute should be reinstated.

Community Food Sovereignty

- **Fully Restore \$32.6M Funding for NYC Composting program.** We were pleased to see that the NYC Council restored \$2.9 Million in the FY21 budget for community composting. However, if NYC is to meet its climate goals and zero waste goals and take the burden off of CBOs that have stepped in to fill this gap, NYC it must reinstate and fully fund the curbside composting program. (\$21.1 M for Organics Curbside Collection, \$3.5M for Community Composting Program, \$8 Million for Greenthumb program. All cut from FY21 budgets).

For more information please contact:

Gabrielle Blavatsky, Policy Director at Equity Advocates: gabrielle@nyequityadvocates.org

NEW YORK COVID-19 FOOD COALITION

FY2022 Budget Requests

- **Allocate \$1 Million to establish a new Food Justice Grant Program housed within the Mayor's Office of Food Policy (MOFP) that supports community-led projects to grow food justice.** In their recently released 10 Year Food Policy Plan, the MOFP calls for the establishment of a Food Justice Fund. We would like to see this initiative launched and modeled on USDA's Community Food Project and Philadelphia's Food Justice Initiative, and designed to support many different types of community-driven solutions to create a more just food system that empowers communities to grow, sell, and eat healthy food. The purpose of the Initiative is to improve healthy food access by investing in community-based projects designed and led by the people most impacted by race, social, health, and environmental injustices. We urge the City to fund this program at \$1 Million and offer grants of at least \$200,000 to each agency under this program for both planning and implementation projects serving high need areas identified by Racial Equity Task Force. We also ask that the Mayor's Office of Food Policy establish an advisory board of practitioners to establish grant criteria ,review grant RFPs and select awardees. Types of projects funded under this pilot should include:
 - The establishment of worker owned food cooperatives or funding for CBOs to support the creation of and provide technical assistance to consumer and worker-owned food businesses.
 - Community kitchen programs for CBOs to connect community based food businesses, chefs and caterers to affordable kitchen space to provide regular and emergency meal services offer culinary job training and programs like Red Rabbit and Hot Bread Kitchen.
 - Community based training and workforce development opportunities to support regional rural and urban agriculture enterprises, especially for youth and BIPOC farmers, such Green City Force and Farm School NYC to create a pipeline of urban farming and food systems career opportunities.
 - SNAP /Program benefits outreach and community organizing

NYC COUNCIL BUDGET INITIATIVE FUNDING RECOMMENDATIONS

It is imperative that discretionary funding through individual Council Members, Caucuses and Delegations is fully funded. City Council Discretionary Funding often represents a significant portion of small community based nonprofits' budgets, many of which are led by, serve and are embedded in communities of color. The work that our nonprofits and community-based organizations (CBOs) are doing to feed and support communities most heavily impacted by COVID-19 are more essential than ever as more and more New Yorkers turn to them during the recovery. We urge the City Council to fund the following initiatives:

For more information please contact:

Gabrielle Blavatsky, Policy Director at Equity Advocates: gabrielle@nyequalityadvocates.org

NEW YORK COVID-19 FOOD COALITION

FY2022 Budget Requests

- **Increase funding for Access to Healthy Food and Nutritional Education**, which included a pilot program at the City University of New York to increase food access for food insecure college students. This program was funded at \$2.259 Million in FY21.
- **Maintain \$5.659 million for food pantries (DYCD)**
- **Restore \$3.609 million for Worker Cooperative and Business Development Initiative at SBS.** (\$3.067 million restored in FY21)
- **Ensure \$725,000 for the Food Access and Benefits Initiative (HRA) is restored in FY22 Budget.**
- **Provide \$250,000 in continued funding for FoodEd Resource Hub** based within the Tisch Food Center.
- **Restore \$1 Million cut from Speakers initiative to address City Wide need in FY21**, need in FY21, some of which goes towards community driven food initiatives and CBOs nutrition education in DOE schools.

Thank you for your time and consideration.

Sincerely,

Bedford Stuyvesant Restoration
Corporation
Bronx Impact Food Access Collective
Bushwick Food Cooperative
Citizens' Committee for Children
City Harvest
CityMeals on Wheels
CUNY Urban Food Policy Center
Edible Schoolyard NYC
Equity Advocates
Food Bank For New York City
Laurie M Tisch Center for Food,
Education & Policy
LiveOn NY
New Settlement
Riseboro Community Partnership
Swipe Out Hunger
Teens for Food Justice
The POINT Community Development
Corporation

UJA Federation of NY
United Neighborhood Houses
United Way of New York City
Universe City NYC
Urban Outreach Center
Wellness in the Schools

For more information please contact:

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James McDermott
1744 Clay Avenue Apt. 1C
Bronx, NY 10457
718-909-3813, jpmcde@gmail.com
March 23, 2021

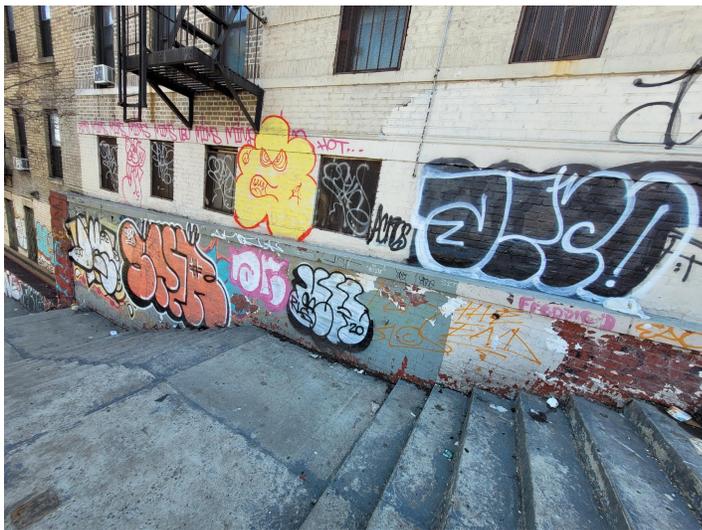
NYC City Council
Re: Graffiti Explosion

Dear City Council,

From the NYC 311 website, we learn that...

“The Graffiti Free NYC graffiti removal program for residential and commercial buildings has been suspended indefinitely so the City can devote resources to essential needs. Requests for free graffiti removal on residential and commercial buildings are not being accepted until further notice and open requests have been canceled.”

So what are we supposed to do about this?



All of this “art” created since the onset of the pandemic. These steps are DOT property and so maybe a portion of this wall qualifies for removal but you can be sure that the building owners are not interested in addressing this problem. As a result, the wall opposite this on the other side of the Cross Bronx is being populated with graffiti. I reported that to the Parks department since that’s their property. But between this and the disgusting increase in trash being disposed of here, this neighborhood is tanking badly.

If you’re TRYING to orchestrate a return to the crime and decay 80’s, you’re doing a good job. If not, please consider the message this communicates to our community, the increase in crime and dumping associated with uncared for areas, and the aesthetic of a neighborhood trying to escape poverty, and reinstitute the Graffiti Free NYC program before we start experiencing the associated effects even more.

Thank you,

James McDermott

From: John Papandrea <info@email.actionnetwork.org>
Sent: Friday, March 12, 2021 10:23 AM
To: Finance Testimony
Subject: #SaveOurCompost!

Finance Committee,

The Mayor's proposed budget would undercut much of the progress this City has made in diverting food scraps and yard waste from landfills - a major source of greenhouse gas emissions. The Administration is slashing the DSNY budget by \$106.5 million, with more than \$28 million of that coming from a total elimination funding for organic waste recycling. This is short-sighted and will set us back from achieving our sustainability goals.

I urge the City Council to ensure that we at least fund and maintain some food scrap recycling option for New Yorkers such as the successful community drop-off sites run by nonprofit organizations like Grow NYC, BigReuse, and the Lower East Side Ecology Center. Our environment, our green jobs, and our shared future are too important to throw away.

John Papandrea

jpap100@aol.com

110 west 90 street

New York, New York 10024

My name is Lena Melendez and I am concerned about the quality of education that is being offered to our public school children in NYC and the austerity budget we are all bracing for. Parents are sick and tired of being told there is not enough money for public schools. The first cuts are to special ed programs as if our special education children were any less valuable. Our children (mostly Black and Brown children are being offered an inferior education because the schools are underfunded. Our children will not be able to compete for the better high schools and to go on to college. We know students who do not complete high school are 40% more likely to go to jail. This cements the school to jail pipeline and is at the heart of systemic racism. However, we have a question about a funding source for public schools that has not had to account since its inception in 1967 – NY Lottery. This funding source was set up specifically for the purpose of supplementing the Board of Education (among other agencies) yet we keep getting told there is not enough money for our public school system. Our classes are overcrowded, our teachers are underpaid, and our public schools go without basic school supplies. We demand an audit of the NY Lottery since we have not received an accounting of the monies that were supposed to go towards funding our public schools. Where is the money? This is apart from the money New York State was said to be owed to NYC schools in fiscal equity. Where is the money? We need answers!

From: Lenore Greenberg <lenoreg@nyc.rr.com>

Sent: Friday, March 12, 2021 8:55 AM

To: Finance Testimony

Subject: #SaveOurCompost!

Finance Committee,

The Mayor's proposed budget would undercut much of the progress this City has made in diverting food scraps and yard waste from landfills - a major source of greenhouse gas emissions. The Administration is slashing the DSNY budget by \$106.5 million, with more than \$28 million of that coming from a total elimination funding for organic waste recycling. This is short-sighted and will set us back from achieving our sustainability goals.

I urge the City Council to ensure that we at least fund and maintain some food scrap recycling option for New Yorkers such as the successful community drop-off sites run by nonprofit organizations like Grow NYC, BigReuse, and the Lower East Side Ecology Center. Our environment, our green jobs, and our shared future are too important to throw away.

Lenore Greenberg

lenoreg@nyc.rr.com

120 Boerum Place. 1J

Brooklyn, New York 11201

New York City Council FY 2022 Preliminary Budget Hearing
City Council Committee on Finance
Testimony of Maria Policarpo, President of Local 1757, DC37
March 24, 2021

Good Afternoon honorable Speaker Corey Johnson; Chair Daniel Dromm and members of the City Council. My name is Maria Policarpo; I am President of Local 1757, DC37 which represents Assessors and I work as an Assessor with the NYC Tax Commission. I am going to speak in regard to the critical need for the hiring of additional Assessors as a crucial part of both the Department of Finance and Tax Commission budgets for the upcoming fiscal year. Assessors are responsible for overseeing the valuation of approximately \$1.1M parcels within the five boroughs and the single largest revenue source of NYC.

Staffing at the Department of Finance has been at crisis level and continues to decline. There are currently 9% less Assessors in 2021(83 Assessors) vs. 2020 (91 Assessors). The hiring of 50 additional Assessors will help to back fill the current vacancies and create smaller more manageable districts. The City continues to lose hundreds of millions of tax dollars due to the number of vacant districts and lack of Assessor training.

The modeling system was meant to be a tool, yet management continues in its attempt to have it take the place of the Assessor. In turn, the quality of the tax roll is very poor. This is evidenced in the 57,000 and counting property tax appeals filed annually with the Tax Commission.

This season, due to the shortage of assessment staff at the Department of Finance and increased taxpayer filings of a Request for Review of their assessments due to COVID-19, management has made the shocking decision to deny taxpayer claims without review on approximately 30% of cases. This is against department policy and rather unsettling. How does that conform to the agency's motto of being fair or transparent?

Due to the shortage of staff, The Tax Commission is extending the hearing season this year by five additional weeks. Assessors are already tasked with an insurmountable case load and mandated to twelve weeks of overtime. Excess annual leave has become a serious issue due to the nature of our demanding schedules, only to be compounded by this additional workload. More than half of the assessment staff are or will be eligible to retire in the near future; this calls for a line of succession to be addressed with the hiring of 10 additional Assessors in the Tax Commission.

There is hundreds of millions of dollars in uncollected revenue to capture which would be sustainable that could fund vital public services. Cell towers and billboards need regulation and monitoring; along with an audit process for those who do not report the income they produce. Physicals from alterations, new buildings, flip sales and condo conversions are being missed due to the number of vacant districts. The sale of air rights are not monitored or properly assessed.

The impact of the shortage of assessment staff will be a loss of billions of dollars in tax revenue in the coming years along with tremendous liability incurred if property tax appeals are not settled. We believe the investment in assessment staff will produce long term benefits the City cannot afford to ignore at such a critical time of budget crisis. Local 1757 thanks you for your time and consideration. I would be happy to answer any questions you may have.

**Laborers' Local 1010 Testimony Submission By Lowell Barton,
Vice President and Organizing Director, Laborers Local 1010**

*New York City Council Budget and Oversight Hearings on The Preliminary Budget for Fiscal
Year 2022, The Preliminary Capital Commitment Plan for Fiscal Years 2021-2025 and The
Fiscal 2021 Preliminary Mayor's Management Report*

Introduction- Laborers Local 1010

Laborers' Local 1010 is the premier Paving and Road Building Union of New York City. Our members work together to build streets, bridges, and highways throughout the five boroughs of NYC. Local 1010, an affiliate of the NYS Laborers', representing 40,000 men and women across the state, is a proud affiliate of the Laborers' International Union of North America (LIUNA). It is of the utmost importance for the Laborers' Union that accountability and transparency of NYC agencies, especially the Department of Parks & Recreation (NYCDPR), be utilized for the benefit and safety of the public, our members, and NYC contractors.

While tuning in virtually to the 3/12/21 New York City Council Budget and Oversight Hearings on the Preliminary Budget for Fiscal Year 2022, we were unfortunately not surprised by the frustration reiterated by NYC Council members and the public regarding the management of NYCDPR, specifically on Capital projects, overseen by the agency.

Accountability & Transparency

According to the *Report of the Finance Division on the Fiscal 2022 Preliminary Budget and the Fiscal 2021 Preliminary Mayor's Management Report for the Department of Parks and Recreation*, NYCDPR's Fiscal 2022 Preliminary Budget totals \$532.7 million (including City and non-City funds). With millions of dollars in funding, NYCDPR must ensure accountability and transparency to the public on the hundreds of projects overseen by their agency. During the oversight hearing, we were astonished to hear the cost of street tree-planting increasing over the years to about \$3,400, depending on the borough, as reported by Liam Cavanaugh, first Deputy Commissioner at NYCDPR. The cost of tree-planting is highlighted more now that NYC is seeing more superstorms, resulting in street trees lifting sidewalks. This cost, on top of traditional delays by NYCDPR contributes to the frustration and lack of faith in the Parks Department by the public and elected officials. During the hearing, Council Member Salamanca stated he would reconsider allocating capital dollars to the Department of Parks because of the delays he has seen. Council member Salamanca referred to a project in his district that

had almost \$2 million dollars allocated to it in 2018, that is currently still in the procurement phase. The Council member shared that he received varying responses as to which agency was holding up the project, for a mobile commanding station. How is NYCDPR ensuring clarity and transparency is occurring when Capital dollars are allocated to NYC DPR?

MWBE Requirements

Laborers' Local 1010 aims to support and promote not only our signatory minority, women-owned, disadvantaged, and service-disabled veteran-owned contractors but also all MWBEs in the construction industry. By raising the standard for all contractors doing work in NYC, we can promote economic growth and prosperity for all small businesses and community members.

For this reason, we would like to see more due diligence by NYCDPR in ensuring Minority & Women Owned construction companies, MWBEs, are participating and benefiting from NYC's ambitious requirements. Unfortunately, we still see contractors winning bids in NYCDPR and other city agencies who have opted out of using MWBE contractors because they claim they cannot meet the 30% threshold set forth by the city. We are disappointed to see MWBE waivers being approved when there are sufficient MWBE contractors who are desperate for work.

Benefits of Project Labor Agreements (PLA)

Laborers Local 1010 believes the enforcement of project labor agreement (PLAs) on city projects can play a significant role in helping NYCDPR meet their goals. PLAs provide a construction management tool for cost savings, on-time, on-budget, and quality construction. The connection between the labor standards set on DPR project sites and the efficiency of DPR projects is clear. We encourage the City Council to ensure city agencies, including DPR, enforce PLAs on all capital projects. Recent studies have shown that worker injuries and deaths occur more frequently on non-union job sites. The increased skill levels and production of union labor, in addition to the elimination of delays caused by worker non-payments would ensure capital projects

stick to their original timelines. PLA use would also open the door for more workers to become union members and career paths to the middle class.

Utilizing Design Build in Capital Projects

In December, 2019, Governor Cuomo signed “design-build” legislation that now allows NYC to save millions of dollars on public construction projects. The bill allows government agencies, like NYCDPR, to combine design and construction project bids into one contract to save dollars and time. This process has been used to build the \$4 billion Mario M. Cuomo Bridge and add a \$1.5 billion expansion of the Jacob Javits Convention Center. Prior results show that this program, when utilized, cuts time and costs on NYC DPR projects, for example, including street tree-planting, uprooting, and repairs through the city by bundling projects in each borough. Comfort stations, for example, historically take years to complete. NYCDPR could benefit from utilizing design-build to speed up their construction timeline. For use on other projects, the design-build program also allows building designers and contractors to begin working together at the beginning of a project to shorten the construction timeline.

Conclusion

In conclusion, I believe there are solutions that would benefit the execution of NYC DPR Capital Projects. As a member and Vice President of a 2,000+ member construction local, it is imperative that the agency overseeing the timely process of capital projects prioritize integrity and safety on all job sites. Thank you for your consideration of our comments. We look forward to continuing to work with the Council to create meaningful accountability in our City.

[1] http://nycosh.org/wp-content/uploads/2015/05/NYCOSH_PriceofLife05112015.pdf

**Catholic Migration Services
On Behalf of the Citywide Immigrant Legal Empowerment Collaborative**

**Testimony in Support of the Low-Wage Worker Initiative and the Urgent Need for
Ongoing Dedicated Employment-related Civil Legal Services for Workers from NYC's
Low-Income and Immigrant Communities**

**March 24, 2021
New York City Council Committee on Finance**

Catholic Migration Services submits this testimony on behalf of the Citywide Immigrant Legal Empowerment Collaborative (CILEC) in support of increased and sustainable multi-year/baseline funding for the Low Wage Worker Initiative. CILEC is a collaborative of several legal services organizations and community-based organizations that deliver high quality civil legal services in employment and immigration matters and provide community outreach and Know Your Rights to low-income and immigrant workers in the City.

For the past three years, the Administration and City Council have provided dedicated city funding to CILEC and other organizations that provide employment related legal services through the Low-Wage Worker Initiative to support the staffing and administrative structures needed to deliver high-quality, culturally sensitive, and trusted legal services and case management support for NYC's low-wage workers.

The Low Wage Worker Initiative is the only dedicated city funding for employment-related civil legal services to assist low wage and immigrant workers to obtain redress from wage theft, discrimination, and other workplace injustices. We strongly urge the New York City Council to demonstrate its commitment to NYC's low-wage and immigrant essential workers to stabilize this critical funding, and baseline \$7.5 million for the Low Wage Worker Initiative.

In FY19 and FY20, the Council's budget included \$2 million for the Low-Wage Worker Initiative and an additional \$500,000 for the Low Wage Worker Support for outreach and organizing efforts to low-wage workers. In FY21, the Administration and Council restored \$2 million for the Low-Wage Worker Initiative, after it was previously excluded from the budget, and unfortunately decreased funding for the Low Wage Worker Support. Without ongoing robust and sustainable funding, our organizations' ability to continue to effectively address the employment-related legal needs of the city's low wage essential workers is in jeopardy.

Workers throughout the city's immigrant communities rely on programs funded by the Low Wage Worker Initiative, as many cannot access or afford private legal representation. This grant has allowed organizations like Catholic Migration Services to represent workers, who have been denied their earned wages and benefits by unscrupulous employers and government programs. When workers' wages are stolen or they are prevented from taking paid sick leave or lose their employment due to discrimination, their families struggle to afford basic necessities, like putting food on the table and paying rent. Since January 2020 to date, Catholic Migration Services employment program of three attorneys has recovered over \$400,000.00 for low wage workers in recovered wages and settlements to resolve employment discrimination and retaliation.

The need for funding of programs that protect the economic security of low wage workers has increased since the outbreak of COVID-19. Our attorneys have responded to workers who have lost their jobs, fear for their health and safety on the job, and who have become sick or who have balanced the demands of working and caring for sick family members or children whose schools have closed. Failure to renew and expand this funding will have a devastating impact on low-wage and immigrant workers, leaving them without high-quality legal representation.

In light of the urgent need that I have described, I respectfully request that the New York City Council commit to baselining \$7.5 million for the Low Wage Worker Initiative. Thank you for the opportunity to present this testimony and our organizations look forward to working with the City Council to protect the most vulnerable workers' rights during the pandemic and beyond.

Magdalena Barbosa
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Catholic Migration Services
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Testimony

**New York City Council
Finance Committee**

**New York City Council Budget and Oversight Hearings on
The Preliminary Budget for Fiscal Year 2022**

Wednesday, March 24, 2021

Submitted by C. Mario Russell, Director

**Immigrant and Refugee Services
Catholic Charities Community Services, New York**

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Good afternoon Chair Dromm and members of the New York City Council Finance Committee. I am Mario Russell, Director of Immigrant and Refugee Services, Catholic Charities Community Services. I appreciate the opportunity to testify before you today to discuss the importance of our services to immigrants and refugees to New York City and the need they have for this City's discretionary program allocations. Last year's discretionary budget reductions were challenging, especially in our integration and literacy programming, where we had to reduce services to many in New York. I therefore urge that this year's discretionary budget be fully restored and expanded to cover the ongoing and growing needs of programs such as ours, which have been severely tested during the pandemic.

The impact of COVID-19 on the communities we serve, particularly immigrants and communities of color has been, is, and will be harsh, disproportionate, and lasting. Catholic Charities' connection to the immigrant and refugee community has a long history and today is as extensive as it is deep, with our Division serving close to 30,000 immigrants and refugees each year—through legal, resettlement, detention, integration, day laborer, ESL, clinical, family reunification, children, and court defense services—and providing information and referrals in over 86,000 calls through our immigration information and assistance hotlines. Indeed, adjusting and focusing our response to the pandemic—a job that is by no means finished—in just 12 months Catholic Charities distributed approximately 5 million dollars to 25,000 individuals and families in need throughout the Archdiocese. We also served hundreds of thousands of meals, engaging pop-up pantries, support fairs, and home delivery networks. We have adjusted and reengineered our services to meet social distancing and remote demands, deployed and redeployed staff as

appropriate, and, through that, deepened and extended our understanding of needs in the community and how best to serve them. Through this extensive network of outreach, legal, and education services in New York City communities, we continue to come into contact with and have come to know and understand the many needs and realities facing workers, families and children who have recently arrived or are long-time residents with no status. In particular, our work with day laborer groups and work collectives in the Bronx—our day-to-day engagement with them on workplace rights and safety—gives us a unique perspective on their realities and needs. Catholic Charities’ Immigrant and Refugee Services client base is 75% composed of individuals, children, workers, and families from the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Colombia, Jamaica, Ecuador, Guyana, Haiti, Trinidad, and China. They represent the breadth of diversity of nationality, ethnicity, culture, and race that make New York City strong and unique. They are mostly from communities that, for the most part, live with significant economic and social disadvantage. And they are our city’s fabric, its “new” ancestors who will shape its economic growth, cultural life, and rich future.

I need not remind this Council—but it is critical to restate here—that the onslaught of COVID-19 in March 2020 was preceded by more than three years of sustained legal, social, and economic assaults on immigrant families and vulnerable newcomers. Whether it was curtailing the reunification of families and refugees, eliminating important asylum protections such as those for victims of domestic violence, setting a moratorium on prosecutorial discretion for long-time residents, pulling out the stops on enforcement and detention and deportation, commanding the judge corps to accelerate and diminish case review, force the border separation of children from parents, or raising the bar on public charge, these policies—and there are many more—have had the cumulative effect of marginalizing immigrants economically, socially, and legally.

As a result, leading into 2020 and during the beginning months of the year, the clients we worked with reported already far higher levels of anxiety, distress, uncertainty, instability in family life, economic insecurity, lack of income, and food insecurity, than before. This created, in effect, a pre-existing condition on immigrants, rendering them more vulnerable to the many effects of COVID-19. With the full-blown arrival of the pandemic in mid-March, our clients and the communities we serve were doubly affected, intensifying the health, social, economic, and financial challenges that, with each day, have become increasingly dire and seemingly insurmountable. Recent federal changes, such as the rescinding of the new public charge rule, have been welcome, and we are proud to have worked with the City to provide food and financial assistance to immigrant families. But much more needs to be done to assist these communities.

It is for these very reasons that we particularly urge the Council, today, to renew its discretionary spending commitments in two important areas—legal defense for unaccompanied children and integration assistance—and continue to commit itself to the critical work it has undertaken in several other crucial areas, including legal assistance to children in schools, deportation defense for separated families and adults, day laborer support, and the coordination of legal services through the hotline referral system. Additionally, in recognition of the important role culture plays in the function and flourishing of immigrant communities, we ask that the Council renew its commitment to programs that showcase culture and connection, such as those at the Alianza Dominicana Cultural Center, I have laid out in discrete sections below the value of each of these programs for the clients and communities served, the value of each for New York City, and the staggering harm any diminution will have on them, and by reflection, on us. The bottom line is this: this Council has always demonstrated its belief in the fundamental truth of what immigrants

and refugees are for this City and for this nation—putting its actions behind words and supporting assistance to over 104,000, just through the work of this division of Catholic Charities in the past 7 years. This work is the patient but real work of integration, of welcome, and of the building of a just and compassionate society. In time of crisis—such as now—we remind you of this sacred work, which we call on you to stand by and support more than ever.

Thank you for your attention.

C. Mario Russell



**Immigrant and Refugee Services
Catholic Charities Community Services**

NYC Council // Discretionary Priorities

ICARE

March 2021

Immigrant Children Advocates' Relief Effort // ICARE

- Reuniting the children separated at the border is finally a federal government priority. In addition, the number of unaccompanied children arriving at the southern border is increasing to levels not seen in several years, at a time when the Office of Refugee Resettlement has slashed shelter capacity due to COVID restrictions. The most likely result will be that unaccompanied minors will be released to families in the United States more quickly. Because the released minors will be at social, financial, educational, and health risk due to the effects of the pandemic, it is critical for New York City to maintain and increase its support to a child-welfare and care program that it has built, nurtured, and proven to be a model of success for providing meaningful and direct care to thousands of children, so that they become successful and productive members of our community. Abandoning these children at this time—who already are excluded from federal and state supports—would run counter to core values of this city and would leave hundreds of children's legal cases without representation.

Value and purpose of program for immigrants.

- Places vulnerable new child-arrivals to the United States on a pathway to permanent residency, social integration, and economic success.
- Connects young immigrants and their families with social services beyond legal representation, including school and health insurance registration, access to medical and mental health care, English-language learning, and vocational training and job assistance.
- Without a lawyer, only 5% of children avoid deportation. With a lawyer, 92% of cases avoid deportation.
- Connects children to badly needed psycho-social and physical health resources.

Value of program for New York City.

- Since 2014, the City has been a national leader in the movement to protect children from deportation, establishing ICARE as the first major municipal funding for lawyers for unaccompanied minors.
- The City's investment ensured that New York has always been ready to respond to major humanitarian crises affecting immigrant children.
 - i. In 2018, ICARE attorneys represented the hundreds of children in New York who had been separated from their parents at the border.
 - ii. In 2020 and 2021, ICARE attorneys connected children and families to life-saving medical services through the Catholic Charities medical-legal partnership with Montefiore Hospital, Terra Firma.
- Stronger social supports that come with legal services for immigrant youth strengthen our neighborhoods and communities by connecting youth and young adults to opportunities for education, medical care, housing, and vocational training.
- NYC has built integrated connection to psycho-social and physical health resources with Montefiore Hospital // Terra Firma.

Risk to Catholic Charities clients. To date, since 2014:

- Catholic Charities has represented over 500 children and adults with children in court proceedings, with 90% or more resolved favorably.
- Next year we would take 25 additional cases and maintain litigation on 240 more.
- Number of staff tied to cases: approximately 5.55 FTE.
- Number of cases orphaned without funding as a result of loss of funding: 280.



**Immigrant and Refugee Services
Catholic Charities Community Services**

NYC Council // Discretionary Priorities

ESL

March 2021

English as a Second Language

- COVID19 has made it clear that preserving funding for adult literacy programs in New York City is critical. Over the past year adult learners have had to manage personal and family obligations, job loss and financial stress, food insecurity, health concerns—both COVID-19 and other, remote schooling for their children, uncertainty about their immigration status, systemic racial injustice, and more, all in the midst of a pandemic. Literacy funding will allow for stable, continued support by our International Center in areas of integration that permit its students to support their children’s schoolwork, successfully communicate at work, advocate for themselves and their families, and be meaningful participants in their communities. Catholic Charities seeks to maintain its modest discretionary funding so that our students, who are especially vulnerable at this time, can continue working toward their goals of becoming productive workers and supportive parents at this difficult time for our city.

Value and purpose of program for immigrants

- Our ESOL programs are designed to help New Yorkers gain the literacy skills and credentials they need to successfully integrate into their communities and increase their employment and earnings potential. In addition, during the pandemic, classes have provided a safe and welcoming space for students to share their struggles and receive support and comfort.
- Adult literacy programs are frequently the main connection that immigrant adult learners have to the wider network of New York City’s programs and services. During the pandemic, many students in our classes were connected with food pantries, healthcare, and emergency cash assistance.
- Non-English-speaking parents are being supported through our ESOL classes, leaving them better prepared to take on a greater role in the education of their school-aged children, a role that has become necessary in our current environment. The

- technology skills they learn in our ESOL classes help them to better support their children in online instruction and allow them to connect with remote parenting resources provided by the schools.
- In addition to our formal ESOL classes, we also offer targeted programming for the day laborer community and other essential workers in northern Manhattan and the South Bronx. An integral part of our programming is pairing our students individually with trained volunteers for 10 weeks to improve communication skills, pronunciation, grammar, and vocabulary. This partnership is a uniquely valuable resource for students to develop friendships, expand their professional networks, and receive individual support.

Value of program for New York City

- CCCS serves over 1,000 adult learners each year. Many of our students are grocery store workers, delivery workers, and home care workers who are risking their lives to maintain their livelihoods and to care for us all. These students provide key and critical work in our city's economic infrastructure.
- Adult literacy programs and providers are part of the larger human services sector, providing critical services to millions of New Yorkers. This sector must be kept whole as human services providers will be on the frontlines as our City responds, reopens, and recovers from the COVID-19 pandemic.
- Adult literacy education – and the additional support services that adult literacy programs provide – will play a vital role in the coming year to help stabilize the lives of many of our most essential, yet vulnerable, fellow New Yorkers.
- The educational gains made during this time can prepare our adult learners to help restart the economy instead of leaving them even further behind.

Risk to Catholic Charities students

- This is our fifth year of DYCD-funded programming, with a total of 580 students served since inception in 2016.
- This year CC will serve 110 students remotely.
- This programming supports portions of 1.15 FT positions.
- Students CC would be able to serve again next year with the funding: 150.



**Immigrant and Refugee Services
Catholic Charities Community Services**

NYC Council // Budget Priorities

ActionNYC in Schools

March 2021

ActionNYC in Schools

- ActionNYC in Schools launched in April of 2016, with CCCS as the sole inaugural, and current, legal service provider for programming, supports vulnerable immigrant youth and their families in the safe spaces of public schools throughout the five boroughs. In partnership with MOIA, collaborating with localized outreach partners, and through DOE, CCCS engages school partners reporting high foreign born and recently arrived middle and high school students by providing on-site legal screenings and full representation before NYC family courts, USCIS, and the NY Immigration Court. Our services provide immigrant youth with time sensitive representation in age-out SIJS, support mixed status families to gain greater stability, increase economic mobility during a time of expanding need, and close a gap in legal services through a sustainable partnership with public schools. In January 2021, CCCS was granted a three-year baselined contract for the ActionNYC in Schools program. The students and families served through ActionNYC in Schools rely on this programming, which provides access to exemplary legal representation and a direct conduit, within a trusted space, for referral supports ensuring effective community integration. Loss of city-based support for this legal services program would be devastating as these students and their families are often overlooked given the necessary focus on detained and removal defense representation.

Value and purpose of program for immigrants.

- Provides virtual and co-located outreach and legal services for immigrant youth and their families throughout the trusted NYC public school system.
- Closes the family court representation gap for non-removal age-out Special Immigrant Juvenile Status applicants.
- Places vulnerable new child-arrivals to the United States on a pathway to permanent residency, social integration, and economic success.
- Connects young immigrants and their families with social services beyond legal representation, health insurance registration, access to medical and mental health

care, English-language learning, cash and food assistance programming, safe housing options, and vocational training and job assistance.

Value of program for New York City.

- Since 2016, ActionNYC has provided access to high-caliber legal services through the City’s immigrant trusted partners – hospitals, community-based organizations, and schools.
- Since 2016, the City has continued to innovate ActionNYC to meet the needs of the diverse immigrant communities the programming serves, expanding with demand, serving as a first responder collaborative in crises and during mass-application changes in law.
 - iii. ActionNYC providers present a connectivity network for referral and capacity building programming, including responding as a collective for TPS deadlines and threatening DACA renewal expirations as well as scalable screening delivery in response to federal executive orders.
 - iv. The City continues to add community driven partners to ActionNYC programming, specifically for the in Schools Project:
 - local CBOs partnered with public schools for outreach and appointment scheduling,
 - NYC shelters for expanded service delivery and referral capacity,
 - partnering with the Administration of Children Services to serve abandoned, abused, and neglected youth within the NYC foster care system through directed referrals,
 - expanding to include *pro bono* NYC firm partners, with long-standing CCCS partnerships serving immigrant youth, for representation expansion of ActionNYC in Schools for SIJS eligible children.
- From launch, this program has provided representation on nearly 600 cases, and since 2021, ActionNYC in Schools provides a universal representation model for all affirmative applicants as well as increased removal defense capacity and maintains representation for nearly 500 immigrant clients.
- Stronger social supports that come with legal services for immigrant youth strengthen our neighborhoods and communities by connecting youth and young adults to opportunities for education, medical care, housing, and vocational training.
- NYC has built integrated connection to legal services through NYC public school partners, engaging principals, assistant principals, guidance counselors, community school representatives, and parents to expand access to justice for NYC immigrant youth through the City’s trusted school system.

Risk to Catholic Charities clients. To date, since 2016:

- Catholic Charities has served 4,700 immigrant youth and mixed status family members through ActionNYC in Schools,
- We have accepted 1,130 new cases, ranging from DACA applicants and green card renewals, naturalization applications, including associated filings to access

fee waiver benefits, to the full gamut of complex affirmative representation and removal defense cases,

- We have made approximately 700 social services referrals for immigrant families served through ActionNYC,
- We have provided over 250 in-person clinics and over 60 remote clinical events for over 45 school partner sites, and after immediately implementing remote assistance for immigrant families due to the COVID-19 pandemic, we have provided nearly 400 screenings for individuals from 30 DOE schools,
- Number of staff tied to cases: 11.15 FTEs, including some supervision in kind from state and foundational contracts.
- Nearly 500 clients with over 1,130 orphaned cases would result as a loss of this funding.



**Immigrant and Refugee Services
Catholic Charities Community Services**

NYC Council // Budget Priorities

ActionNYC Hotline

March 2021

ActionNYC Hotline

- Since 2016, leveraging its in-house expertise on immigration, CCCS has operated the ActionNYC hotline and appointment-scheduling system. Funded by the City through the Mayor’s Office of Immigrant Affairs (MOIA), the ActionNYC hotline provides valuable information about immigration benefits, makes appointments for legal services with ActionNYC providers throughout the five boroughs, and connects callers with other legal service providers. The hotline, which can be accessed by calling 311 and saying “ActionNYC” or directly by calling 800-354-0365, operates from 9 a.m. until 6 p.m. on weekdays, has the ability to extend hours to respond to emergent needs and currently answers an average of 2,000 calls per month. Our hotline operators speak English and Spanish, and also use a language service line to answer calls in up to 200 languages.

Over the past 5 years, the ActionNYC hotline has become a crucial resource for New Yorkers to obtain information about immigration developments and to schedule an appointment with an ActionNYC provider for free, safe immigration legal help. The ActionNYC hotline is also funded and has developed the necessary infrastructure to expand operations in emergency situations, and to work with partners to offer broader coverage when needed.

Our knowledgeable attorneys regularly train and update ActionNYC hotline staff on legal developments, and regularly partner with multilingual media and other providers to provide important and accurate information to immigrant communities by hosting televised phone banks on emergent issues. For example, in partnership with MOIA, ONA, the New York Immigration Coalition, other non-profits, and Univision and El Diario, the ActionNYC hotline has participated in phone banks about public charge regulations, immigration raids, standby guardianship, drivers’ licenses for immigrants and legal services fraud. Previously, two of those phone banks culminated with expert discussions on Facebook Live, reaching thousands of viewers.

Additionally, the ActionNYC hotline has responded to the increased need for emergency legal advice caused, for example, by the flurry of anti-immigrant rules and policies issued by the Trump Administration—such as public charge and COVID19 travel restrictions—to provide basic screenings by phone, followed by referrals to specific legal providers with increased capacity to handle specific types of cases.

Since mid-March of 2020 the ActionNYC hotline has been functioning remotely and has quickly pivoted to providing information and referral to immigrants on COVID19-related needs beyond legal representation, including access to Medicaid and health insurance, unemployment benefits, paid leave, food assistance, eviction stays, etc.

Value and purpose of program for immigrants.

- By providing information related to immigration law and policy and connecting immigrants and their families with free legal services through trusted ActionNYC providers, the ActionNYC hotline reduces the likelihood that immigrants are defrauded or placed at risk of deportation by fraudulent practitioners. Most recently, the hotline has been responding to questions and explaining the legislative process regarding proposed legislation by the new Administration in order to clarify confusion resulting from advertisements by unscrupulous providers regarding the availability of a “Biden Green Card.”
- By leveraging CCCS’ in-house immigration expertise, the ActionNYC hotline has continuously been responsive to developments affecting New York’s immigrant communities, such as, for example, in June - July 2019 and February 2020, when the hotline opened on weekends to provide support and Know Your Rights information to callers terrified by the announcement of massive ICE raids.
- By continuing to clarify the effects of public charge changes, the ActionNYC hotline reduces the likelihood that immigrants and citizens not subject to public charge forgo important benefits, including food stamps and Medicaid.

Value of program for New York City.

- Since 2016, the ActionNYC hotline has provided more than 90,000 New Yorkers with accurate information about immigration issues, appointments with ActionNYC providers, and referrals to reputable non-profit legal service providers funded by the City to assist immigrants.
- ActionNYC hotline operations increase access to accurate legal information, as well as help eligible immigrants access important safety net benefits during the COVID-19 pandemic, including food banks, health and mental health services, etc. The health, safety and well-being of immigrants increase the health, safety, and well-being of all New Yorkers.
- ActionNYC hotline has been deployed to keep New Yorkers informed of the benefits of participating in important public programs, including NYC ID, Green Light drivers’ licenses, and the 2020 Census. Participation by immigrants in these programs benefits all New York City residents.
- As described above, the ActionNYC hotline leverages attorney expertise and technical and administrative infrastructure to regularly partner with City agencies,

the media, and legal staff from other non-profits to set up large-scale informational phone banks in response to developments that affect immigrant communities. Phone banks take place during primetime hours on one or more consecutive evenings; during this time, CCCS staff and volunteers answer hundreds of calls, providing accurate information and referrals to non-profit legal service providers. During phone banks, our attorneys impart information about immigration policies and developments to a larger audience through interviews, and some phone banks culminate with a Facebook Live panel of experts answering questions posed online. These large-scale events reach thousands of New Yorkers to clarify complex immigration policies and legal developments, reduce anxiety, warn against *notario* fraud, and provide referrals to free legal services.

Risk to Catholic Charities:

- The ActionNYC and NYS New Americans hotlines work synergistically to increase our capacity to respond to crises affecting immigrants; part of this trained, efficient workforce and all of the effort put into training staff and acquiring technology would be lost.
- Number of staff tied to ActionNYC hotline: 5.50 FTE.



**Immigrant and Refugee Services
Catholic Charities Community Services**

NYC Council // Budget Priorities

Legal Aid Immigrant Opportunity Initiative Sub-Contract

March 2021

Immigrant Opportunity Initiative ~ Separated Families and Adults with Children

- In the summer of 2018, a historical federal cruelty exploded at the southern border and simultaneously in NYC as hundreds of thousands of children were torn and transferred to Office of Refugee Resettlement shelters across the country away from their young parents who remained in ICE custody in Texas as well as Arizona, with several hundred immigrant youth moved to New York. Through the strong foundation built by the City's ICARE program, legal service providers banded together, joining forces with their long known *pro bono* firm partners to immediately address this vulnerable community's needs. These families, known as adults with children, are fleeing unconscionable persecution, extreme violence, and an utter lack of protection from their governments. In the fall of 2018, the City's Human Resource Administration stepped in to support this life-saving legal service provision, and for the first time, offered baseline funding for legal services *pro bono* programming dedicated to immigrant representation. To date, the migration of young families, with infants and toddlers, fleeing their homes to avail themselves at our borders, has only abated due to increased US enforcement policies preventing their entry. Despite facing immigration detention camps in Mexico, forced returns to countries where they fear for their lives, inhumane treatment processing entry to the United States, and deplorable access to effective legal representation, these children and young parents continue to seek refuge in our country, hoping to make NYC their forever home. Abandoning these families at this time—who already are excluded from federal and state supports—would run counter to core values of this city and would leave hundreds of children and young parents' legal cases without representation.

In 2020 COVID-19 definitively reshaped the ways in which immigrant families accessed services, interacted with service providers, and went about their daily lives. No facet of their lives was untouched by the pandemic. Our agency shifted to a blended remote services model: providing staff supports to address collective trauma, holding remote client intakes and needs assessments, and digital accompaniment to address ongoing challenges with access due to language barriers, and digital literacy. We engaged with our clients through emergency cash distribution and addressed needs of complex cases in

crisis. Our work was strengthened by our interconnectedness with our deep and broad network. Many of the immigrant families we serve are undocumented or in mixed status households and are more likely to be exposed to risky work conditions as essential workers who are critical to the way our city runs. Continued support for critical case management services will provide much needed relief and navigation assistance for immigrant families in crisis and help them to expand upon their sense of belonging in the community.

Value and purpose of program for immigrants.

- Places vulnerable new child- and family-arrivals to the United States on a pathway to permanent residency, social integration, and economic success.
- Case Management Services
 - Connects young immigrants and their families with social services beyond legal representation, including school and health insurance registration, access to medical and mental health care, English-language learning, and vocational training and job assistance.
 - Connects children and parents, many of whom who faced extreme abuse and cruelty, to badly needed psycho-social and physical health resources.
 - In 2020, IOI Case Management Services connected with over 120 families and adolescents for connection to social service support ranging from housing, education, and other important social service needs like document applications and interpretation services.
 - Introduces key concepts in mental health care and provides psychoeducation to children and parents who have experienced abuse and connects children and parents to badly needed psycho-social and physical health resources through mutual aid support groups, referrals for individual and family counseling and other community-based agencies providing key mental health and stress reduction services.
 - In 2020, 60 adults and adolescents were evaluated for continuing mental health services and connected to ongoing support, evaluated for supportive documentation for their asylum cases, and connected to individual counseling services.
 - Respond to emergency needs and families in crisis to ensure that they can adequately meet the situation and not become overwhelmed. More than 40 families and youth were connected to emergency shelter services, through intake referral, housing advocacy, or homelessness prevention.
- Legal Services
 - Preserves due process for newly arriving families facing enforcement under the fiercest federal regime in history by increasing access to representation through rapid response programming.
 - Offers exemplary, scalable collaboration responsive to emerging needs such as frivolous challenges to SIJS eligibility by federal adjudicators infringing on state family court discretion and rapid network creation to ensure access to City resources during crises such as the current global pandemic.

Value of program for New York City.

- ICARE Incubator. Since 2014, the City has been a national leader in the movement to protect children from deportation, establishing ICARE as the first major municipal funding for lawyers for unaccompanied minors. The City's investment ensured that New York has always been ready to respond to major humanitarian crises affecting immigrant children. In 2018, ICARE attorneys, with the support of *pro bono* partners, represented the hundreds of children in New York who had been separated from their parents at the border.
- IOI Expansion. In 2020, IOI AWC attorneys have continued to connect children and families to life-saving medical services through the Catholic Charities medical-legal partnership with Montefiore Hospital, Terra Firma. NYC has now built integrated connection to psycho-social and physical health resources there.
- Integration and case management.
 - Stronger social supports that come with legal services for immigrant youth and families strengthen our neighborhoods and communities by connecting children and their parents to opportunities for education, medical care, housing, and vocational training.
 - Supports the acculturative process by advocating for school enrollment, social service agency navigation, appropriate language access with interpretation and translation, and connection to community resources.
- Pro Bono.
 - IOI-AWC partners the City's preeminent immigrant youth legal service providers with trusted *pro bono* firms, who under the supervision and mentorship of LSPs, increase direct representation capacity for this ever-growing population of vulnerable families.
 - To continue streamlining referral processes with an eye toward continuous expansion of our own capacity for supervision, the CCCS Pro Bono Project offers existing and new pro bono partners the opportunity to host signature events where volunteers receive both legal training in assessing legal relief and developing cultural humility while also serving clients under the supervision of CCCS through small-scale clinics.
 - Incorporating our pro bono partners in the secondary screening process broadens our ability to place cases effectively on a tighter timeline, an essential component to serving young people who face impending deadlines for asylum or age-out risks, particularly during the uncertainty created by the COVID-19 crisis.
 - Our Pro Bono staff have also been working on the frontlines to protect this vulnerable population from harmful federal policies by engaging federal litigation on behalf of immigrant detainees who face greater risks of contracting COVID-19 and submitted public comments on Trump administration asylum adjudication rule changes.
 - Since inception, the program has been able to serve to over 70 unaccompanied children and adults in removal proceedings with over 30 pro bono partners. The Pro Bono project has continued to successfully engage the volunteer community despite the pandemic through case

placements with and mentorship of over 80 volunteer attorneys, all while mobilizing law students and non-legal volunteers to support individual client needs during this crisis.

Risk to Catholic Charities clients. Through this funding, to date, since 2018:

- Catholic Charities has accepted nearly 400 removal defense cases representing unaccompanied children and families seeking asylum, with over 150 matters supported by *pro bono* partners,
- We have engaged over 350 *pro bono* volunteer attorneys, trained over 60% of them, and continue to receive new capacity opportunities through *pro bono* partnerships, who specifically seek to support UAC and AWC representation,
- Number of staff tied to cases: 5.65 FTE.
- Number of cases orphaned without funding as a result of loss of funding: 375.



**Immigrant and Refugee Services
Catholic Charities Community Services**

NYC Council // Budget Priorities

IOI - CILEC

March 2021

Immigrant Opportunity Initiative - Citywide Immigrant Legal Empowerment Collaborative (IOI - CILEC)

- Since August 2016, CCCS has received IOI funding through the Citywide Immigrant Legal Empowerment Collaborative (CILEC), a partnership with the Urban Justice Center/TakeRoot Justice, Catholic Migration Services, and Make the Road New York, to provide a wide range of free immigration legal services to indigent New York City residents. In addition to legal consultation and representation in straightforward immigration cases, CILEC attorneys handle a wide variety of complex cases, including asylum, U and T visas for victims of serious crimes and trafficking, special immigrant juvenile status (SIJS) for children who have been abandoned, neglected or abused by their parents, self-petitions under the Violence Against Women Act (VAWA), removal proceedings, bond hearings, motions to reopen, appeals, and federal court litigation.

CILEC's partnership with grassroots, base-building groups is especially designed to reach under-represented immigrant groups in New York City. Thus, CILEC accepts referrals from seven base-building groups that serve different immigrant communities: African Communities Together, Chinese Staff and Workers' Association, Damayan Migrant Workers Association, Desis Rising Up and Moving, National Mobilization Against Sweatshops, New Immigrant Community Empowerment, and Workers' Justice Project. In addition, CILEC accepts referrals of complex and removal defense cases from the City's ActionNYC programs, which generally handle only straightforward matters, as well as from the Mayor's Office for Immigrant Affairs and the Human Resources Administration.

In 2018, in recognition of its valuable work, CILEC was awarded additional funding to take on more complex and removal defense cases in response to the rising need caused by

increased immigration enforcement. To date, CCCS has served 2,598 New York City residents under the CILEC program.

In addition to immigration legal services, several CILEC partners aid with employment legal matters, including workers' compensation, unemployment insurance, unpaid wages, family & medical leave, etc. The base-building groups provide outreach to immigrant communities and case management support on ongoing immigration and employment legal cases. The CILEC partners also join efforts to organize and provide trainings, clinics and community presentations, a testament to the effectiveness of this collaborative. Preserving the CILEC model is crucial at this time when the previous Administration's relentless rollout of policies that hurt immigrants and refugees is about to be rolled back by the new Administration. Demand for immigration legal services is increasing as thousands who had been afraid to come forward under the Trump Administration are reaching out for consultations, application assistance and representation.

Value and purpose of program for immigrants.

- Provides wrap-around services to immigrant New Yorkers, particularly those in hard-to-reach communities that trust and turn to our partner base-building groups.
- Connects immigrant New Yorkers to both immigration and employment legal services, including representation in complex immigration cases not available through the ActionNYC network.
- Provides the opportunity to offer legal consultations by phone and video conferencing to members of the communities served by our partner base-building groups. In response to heightened demand, CCCS has already provided 200 legal consultations through CILEC in fiscal year 2021.

Value of program for New York City.

- Since FY'2017, the CILEC collaborative has provided effective immigration and employment legal assistance to thousands of the City's immigrants.
- By partnering with grassroots base-building groups, the CILEC legal partners have served hard to-reach communities through one-on-one lawyering, community clinics, and informational workshops.
- Free legal services provided through CILEC protect vulnerable communities from falling prey to immigration services (aka "*notario*") fraud.

Risk to Catholic Charities clients. To date, since late 2016:

- We have provided services to 2,598 New Yorkers, assisting many of them with multiple matters.
- Number of staff tied to cases: 8.25 FTE.
- Number of cases orphaned without funding as a result of loss of funding: approximately 900.



**Immigrant and Refugee Services
Catholic Charities Community Services**

NYC Council // Budget Priorities

Day Laborers Program

March 2021

Day Laborer Program

- COVID-19 has disproportionately affected many immigrant communities, particularly those who are undocumented and from Black, Indigenous, and people of color communities. These communities were excluded from many state and national financial support programs. Jobs for men and women from these communities are usually limited to daily odd jobs that are precarious and unstable. In the Bronx, CCCS works to engage, promote, further, advance, and strengthen this population—in partnership with five other organizations (under the Day Laborer Workforce Initiative) that, collectively, maintain and expand day labor centers in all five boroughs. These centers provide job placement, workforce development, and occupational safety training, wage theft services, workers’ rights training, and referral services to low-income day laborers. Since the onset of the COVID-19 pandemic, workers’ centers across New York City have been at the front lines delivering essential services to day laborers in high-impacted areas. These worker centers have delivered food and emergency cash assistance, trained workers in Site Safety training and emergency preparedness, and have helped day laborers achieved job security through job dispatching. These centers have also connected day laborers to other essential services such as housing and rent relief, legal services (as it relates to wage theft), and mental health services.

Value and purpose of program for immigrants.

- Provides workforce development and job assistance to vulnerable community members who are often targets of wage theft and dangerous working conditions.
- Provides essential training for immigrants– such as the city-mandated 40 hours Site Safety Training, OSHA trainings, workers’ rights, and Disaster Preparedness trainings.
- Connects immigrants to vital resources to aid in community integration, better job opportunities, and legal protection by providing Know Your Rights trainings,

connections to immigration legal consultations, and English- language learning classes.

- Assists in recovery of stolen wages and workers' compensation claims, claims that are often unexplored and unfiled for fear of retribution from employers due to workers lack of immigration legal status.
- Provides of a thriving center which is a safe and dignified location for immigrants to access jobs and services.

Value of program for New York City.

- Since 2016, the City has been a national leader in the protection of day laborers and has consistently expanded its support and resourcing for this programming over the years.
- The City's investment ensures that day laborer centers can conduct Site Safety Trainings to comply with Local Law 196. This law, created to address the rise of construction related deaths in the city, mandates a total of 40 hours of construction safety training for all of its workers. The City has made a significant investment into an online platform to be able to deliver these trainings in a safe, remote environment.
- However, as many of these communities lack technological training and have limited access to the consistent internet at home, Catholic Charities has implemented a blended model of safe in-person and online training to be able to reach communities and assist them in developing computer literacy skills. Without this assistance and dedication to these communities, these works will be unable to access training that are linguistically and culturally competent, and they will be unable to secure work.
- Creating safe and dignified centers for day laborers ensures that workers do not have to utilize public spaces that are often precarious to access work and help contribute to the NYC economy.
- Stronger social supports that come with legal and social services for immigrant families who depend on daily work.

Risk to Catholic Charities clients. To date, since 2016:

- Catholic Charities has assisted thousands of day laborers to date with trainings, social service referrals, and other needs.
- With the expansion and development of our day laborer center, more fully trained workers can be connected to jobs throughout NYC.
- Number of staff tied to services: 5.6 FTE.
- As Catholic Charities is the preeminent organization serving day laborers in the Bronx, a loss of funding would create a vacuum for vital services and trainings to day laborers in this borough, the borough with the highest rate of poverty in NYC.



New York City Council

Finance Committee Hearing

March 24, 2021

Testimony of the Center for Family Representation

This testimony is submitted by the Center for Family Representation (CFR). CFR is the New York City countywide assigned indigent defense provider for parents who are Respondents in abuse and neglect proceedings in Queens and Manhattan family courts. CFR has maintained all its operations during the pandemic. CFR was founded in 2002 to support indigent parents in raising their children safely and minimize the City's reliance on foster care. Currently, pursuant to a contract with the New York City Mayor's Office of Criminal Justice (MOCJ), CFR represents on average 1300 new clients each year in these proceedings, and in supplemental proceedings like custody, guardianship, visitation and termination of parental rights cases. Pursuant to our contract, we also provide representation on interim appeals and at least 10 final appeals a year. Since becoming a high volume provider in 2007, CFR has served over 9,235 parents with more than 18,470 children. More than 55% of our clients' children avoid foster care altogether, and for those that do enter care, the average time they spend in care is half as long as the citywide average prior to 2007 when CFR became a high volume countywide provider. **We estimate we've saved taxpayers \$48 million in foster care costs.**

Our testimony today addresses the importance of increased funding for the Legal Services for the Working Poor and Legal Services for Low Income New Yorkers (which funds CFR's *Home for Good Practice*); increased funding for the DOVE initiative; increasing the revenue allocated to the Speaker's Right to Family Advocacy Initiative, and restoring CFR's Article 10 funding to FY21 levels in FY22. Specifically,

- **We are asking the City Council to insure that MOCJ and OMB restore FY22 funding for CFR and the other Family Defense providers at the FY 21 level. The current FY 22 contracts are baselined at an amount that represents an \$8.7 million decrease across the providers (more than 30% of our budgets) and must be restored;**

- **We are asking that the City Council allocate \$325,000 from Legal Services for the Working Poor and Legal Services for Low Income New Yorkers to fund CFR's Home for Good Practice;**
- **We are asking the City Counsel to allocate \$50,000 in DOVE funding to support CFR's social worker and legal advocacy for survivors of domestic violence as they navigate the family regulation system; and**
- **We are asking the City Council to fully fund the *Right to Family Advocacy Initiative* at the level requested in FY 21 which provides representation to parents during ACS investigations, avoids unnecessary family separation and case filings, and provides representation in SCR hearings.**

The COVID-19 crisis threw ACS, the foster system, and the family court (the 'Family Regulation system) into disarray. The harrowing cascade of physical and mental health consequences, economic devastation, and social disruption have fallen disproportionately on the families we serve: low-income communities and Black and Brown people. These conditions have exacerbated the harm of family separation for parents and children, created conditions ripe for family regulation involvement, and slowed the progress on existing cases. It has also made the filing of termination of parental rights petitions -- an attempt to dissolve a family -- more likely because cases are pending longer and families are less able to fulfill the service plan requirements required to regain custody of their children. CFR, along with the other three family defense providers (Bronx Defenders, Brooklyn Defender Services and Neighborhood Defender Services) have met this challenge and have continued to provide effective representation to parents during this crisis in and out of court. As we outline in detail below, it is clear that our clients and their families will face more hardship for the foreseeable future, with serious emotional and legal consequences, as a result of the many interruptions in services, limitations on in-person contact, and restricted access to due process in family court that has continued for more than a year.

The primary goal of our representation is to ameliorate the underlying issues that drive families into the Family Regulation system, and to reduce the harmful consequences of system involvement, including criminal charges, housing and income loss, education issues and immigration status. We currently represent over 3400 respondent parents in Article 10 cases each year. Since our founding in 2002, our services have benefited over 11,000 families, most of whom are Black and Brown and live in the most marginalized low-income communities in New York City. Our model was the first of its kind in the country and has produced results. For our clients whose children do enter foster care, their stay is less than the city's average. With our model of representation in place, the foster care census has been reduced by almost 50% in New York City from over 17,000 children in 2007, when the city began contracting with institutional providers, to just under 8,000 today. We also provide dozens of training sessions to more than 300 professionals around the city, state and country. This includes judges, court personnel, attorneys, social workers, and parent advocates.

I. Family defense provider FY 22 revenue must be maintained at at least FY 21 levels.

Despite more than a decade of excellent interdisciplinary representation that is saving the City substantial monies in foster care costs, the Mayor's budget has a dramatic DECREASE in funding for CFR and the other family defense providers in FY 22. This is not related to COVID-19 and the most recent budget concerns that are affecting the City, but actually reflects a funding pattern that has occurred for the past four years. A decision was made to baseline our contracts at \$8.7 million less than we were allocated in FY 16 and in each year since then we have had to work hard and wait a long time to have our budget restored to necessary levels. It is imperative that the City Council require that the Mayor restore our FY 22 funding to FY 21 levels in the budget that is passed on June 30.

Our effectiveness in reducing the length of foster care is well documented. The largest study of parental representation in family court ever conducted found that holistic, interdisciplinary institutional representation in New York City significantly reduces the time children spend in foster care.^[5] This study compared length of foster care stays for the children of BxD, BDS, and CFR's clients with the children of parents who were assigned solo attorneys pursuant to Article 18-b of the County Law, Indigent Defense Legal Panel Plan. The study found that representation by multidisciplinary providers reduced children's time in foster care by nearly 4 months during the 48 months following filing of the petition, through earlier reunification outcomes translating to up to nearly \$40 million in annual savings in foster care expenditures for New York City. According to the study, these outcomes were achieved without any difference in safety to children between the two groups.

A. History of the Article 10 contracts and funding

The current contract term for the four family defense providers is FY 14-FY 20, but MOCJ has extended the contracts for a seventh year, and will extend the contract again for an 8th. The base revenue in the Article 10 contracts for FY 22 is currently set at FY 16 levels even though each year since then, MOCJ has provided each of the Article 10 providers increased revenue for FY 17, FY 18, FY19, FY 20, and FY 21 through the contract amendment process. MOCJ has not given us assurances that it can do the same for FY 22.

Although we are requesting that the family defense providers receive the same funding as last year, even FY 20 and FY 19 revenue levels were insufficient to meet the total cost of the practice and we expect it will be insufficient for FY 21. The revenue has not kept pace with increased costs in salary, rent and health insurance. As well, over time, the backlog created in the courts has made it more likely that every Article 10 client would face supplemental proceedings—when it takes longer to resolve a case, there is a greater likelihood that additional matters will be filed against a client—and under the current structure of our contracts, our revenue corresponds to pending *client* load, rather than pending case load. The result is an extreme shortfall in our

budgets because the City has not increased our funding sufficiently to meet the increase in our pending client loads after 2016, the number of cases per client, the growing complexity of our caseload which includes many cases that are more than five years old, and the expanded need for critical casework outside of court by our social workers and parent advocates.

We would be on solid ground if we argued that we needed an increase in our budgets due solely to the enormous needs our clients face right now. They are the poorest people in the City who face the most obstacles during the best of times. During the pandemic, which is affecting our client communities at a much higher rate than other neighborhoods in the City, we are often the only resource they have to help them access basic necessities like food, PPE, and a safe place to sleep. The increasing need of our client base in light of Covid-19 and the related City shut down and the impact of that need on their families and Article 10 cases justifies our funding request at the full level requested in the prior fiscal year. We are mindful of the competing budget priorities facing the city in this challenging moment and are requesting only that our budget be restored.

B. Active, pending client loads remain high and are expected to increase in FY 22, as ACS files more cases and a backlog of unaddressed matters increases; this makes immediate restoration of our revenue critical so that we can maintain sufficient staff to handle our current clients and new clients as well as address the needs of the families we work with during the continued pandemic.

Initial case filings in the early stages of COVID-19 were lower, as ACS and court actors all adjusted to the physical shut down of the court and offices, but filings have increased and are back up in many months in some boroughs to pre-pandemic levels. Although intake is inconsistent, the vast majority of cases are family separation cases, which require the same intensive, up front work we had to do prior to the pandemic. Our offices are essentially doing the same number of preliminary hearings to reunify families. At the same time, however, our ability to secure important due process protections for parents remains dramatically limited, even though the family court has gradually expanded its virtual capacity. This is particularly true for those hearings that result in children leaving foster care, which is the most likely predictor of expeditious case resolution. Hundreds of cases have been adjourned several months in the future despite our efforts to see progress on our cases. The court has not had sufficient capacity to hold fact finding hearings which results in a much higher percentage of our cases being at the pre fact finding stage. Very significantly, many clients' matters have no future adjourn date at all. To cite just one data point, 62% of CFR's clients' matters have no next scheduled court date and CFR is now closing cases at half the rate it was prior to the pandemic. This means that even if the family court can reopen or create more virtual capacity, there is already a significant backlog of cases the court must address and that backlog will increase. These limitations and delays only make it more likely that complicated supplemental proceedings like TPRs and custody petitions will be filed. The work required to reduce the backlog will be time consuming, complicated and staggering. It is essential that we are fully staffed and prepared for that eventuality.

C. MOCJ needs to at least restore our FY 22 revenue to FY 21 levels because active, pending client load (not annual intake) drives our costs and is a more accurate measure of our workload.

Our workload can not be assessed based on the number of new clients we are assigned (intake). Many of our clients have more than one case and the longer they have a case pending in family court, the more likely they will have more cases filed. Every supplemental matter adds time and workload to the representation. The longer cases pend, the more likely it is that supplemental petitions are filed against our clients. While intake may fluctuate, *it is the pending client load that determines how many attorneys, social work staff and other supports we need to run our practices and serve clients well.* Cases that resolve quickly are the exception. In most cases we work with clients for a long time—on average, more than two years. It is therefore common for us to be litigating two or more matters that involve different discovery, legal standards, and court proceedings for a client simultaneously, sometimes before different jurists. There are no statutory requirements for cases to go to trial within a set timeframe, yet when children are in foster care for 15 out of 22 months, federal law requires, with few exceptions, that a petition to terminate parental rights (TPR) be filed. A petition to terminate parental rights, if successful, has been called the ‘civil death penalty,’ because it wholesale dissolves the legal relationship—and usually any connection at all—between a parent and child. In cases involving domestic violence, substance use, incarceration, mental illness, children with complex needs, or difficulty obtaining safe and permanent housing, 22 months is a very short time to address the myriad barriers to family reunification, and that is why our interdisciplinary teams are so critical to the representation of parents in child protection proceedings. Supplemental matters, like custody and termination cases, often involve new parties, different attorneys, new motion practice, and new needs for investigation and retaining forensic experts. That is why the current measure of our contracts, new annual intake, is not an adequate measure of our workload. Our work is defined by our current pending caseload and should be measured by that standard.

Our pending client loads, while flattening somewhat, are much higher than they were in FY 16 as a result. Higher pending client numbers means we need more attorneys and administrative staff to handle these cases, as well as more social workers and parent advocates to help parents negotiate service plans, attend meetings and conferences with caseworkers, support and expand visitation, and fulfill the requirements of the service plans required by ACS. To provide quality representation, move cases toward permanency, and ensure children do not languish needlessly in the foster system, our staffing must ensure that each attorney is handling a manageable pending client load. We believe that the target for pending clients should be set at 50, and that has been recognized by the Commission on Legal Representation as the appropriate standard.^[10] In order to meet that pending client target, we would not only need to have the \$8.7 million restored, but we would need to add additional funds.

D. COVID-19 and its harrowing impact on low-income NY families makes it likely that we will see increased ACS filings and court cases filed in FY 22.

The social and economic instability caused by COVID-19 is precisely the type of circumstance that gives rise to the vast majority of calls to the SCR, ACS investigations, case filings, and forced family separations through the foster system. Much of our work to come will be a continuation of our efforts to ensure that families are supported and children are not unnecessarily and traumatically separated from their parents due to poverty or instability. It will, however, be significant and require more resources than ever before in the wake of the catastrophic COVID-19 pandemic.

New York City's family defense providers have met the challenge of an extremely limited Family Court through continued high quality representation of parents during this crisis. We have represented parents in new cases filed in the virtual court, including litigating emergency hearings to prevent foster care placement; worked to conference and resolve as many pending cases as possible; and advocated in agency conferences with ACS and foster care agencies and with Family Court Legal Services regarding visitation, access to services and reunification of families. We created a digital flyer with our contact information translated into several languages that ACS agreed to provide to parents when it summoned them to virtual court. Our social work staff connected parents to virtual services when in-person services were abruptly discontinued, preventing interruption in services that could lead to children entering the foster system or delay their return home. And social work staff continued to advocate at the full array of foster agency and ACS conferences by phone and video, even in person.

ACS and foster agencies have unilaterally and summarily restricted the ability of families to visit in-person, despite court orders from before the pandemic and despite ACS's own guidelines to evaluate each case individually to assess whether in-person visitation can continue safely. Families were left to maintain their bond, even with infants and very young children, virtually over telephone and video chat. For many parents, this has meant that their access to their children has become dependent upon their access to the requisite technology and WiFi. Our attorneys and social workers have had to renegotiate the terms of almost every case where children are separated from their families because of foster agencies' and foster caretakers' inability or refusal to continue in-person visits and their insistence on limiting the amount of contact parents have with their children. In the face of this massive and systemic distancing of families that have already been separated, the court's capacity to hear applications by parents to enforce their rights to spend time in-person with their children or to reunite families with children in foster care has been greatly reduced and remains limited. As a result, our staff have shifted focus to helping our clients navigate these newly-erected obstacles to remaining connected with their children by negotiating creative solutions with ACS and foster agencies.

Despite these efforts, our clients' access to the court remains drastically curtailed and many cases have been adjourned to a date in the far future. Some have no adjourn date at all. This means that we can not close cases as frequently as we did in the past. To cite one data point, in the last two quarters of 2020, CFR's average intake was 187 cases and average cases closed was 106, meaning **there was a net increase in pending cases of 81 per quarter**. The change in case closing rates was also significant. Now, CFR is closing on average 106 cases per quarter, compared to 224 cases in the same time period of 2019. An increasing backlog, and an inability to close our cases, means that our pending caseload will increase.

At the same time, we believe that ACS will increase the number of cases it files over the next several months as the court reopens. As the vaccine is rolled out, and school and other children's programs open, allegations of maltreatment that often lead to court filings are also likely to increase. This, combined with a backlog, will make it even more important for family defenders to have the revenue needed to staff at prior fiscal year levels.

There is no quantitative or qualitative metric that can capture the cascading impact this pandemic is going to have on New York City's families with ACS involvement. All of these changes have amplified the intensity of separation between parents and children in foster care and, by default, increased the length of stay for every single child in foster care. We fear that once we return to some level of normalcy, there will be an absolute flood of Termination of Parental Rights ("TPR") proceedings as well, meaning that many of our clients will face permanent and irrevocable termination of their families because of the obstacles created by the pandemic. Our continued ability to work around these obstacles and implement creative solutions is more critical than ever.

II. We ask that the *Home for Good Practice* be fully funded at the level requested in FY 21, \$325,000

Many parents in family court face multiple additional legal challenges that arise out of or are related to their child welfare case—all of which undermine their ability to raise their children safely. In recognition of the fact that parents who face a child welfare case also face multiple additional legal challenges, outside of family court, which undermines their ability to raise their children CFR launched *Home For Good*, with City Council support. *Home for Good* is an efficient, one-stop solution providing integrated services and legal advocacy so parents need not go outside CFR for assistance navigating other complicated legal and bureaucratic systems. Until *Home for Good*, our clients had to access attorneys or professionals in other organizations, who typically lacked knowledge of the child welfare case and often unwittingly compromised the family's ability to avoid or shorten foster care. Building on the relationship our teams have with our clients, we can easily identify and efficiently rectify collateral issues and minimize the extent to which clients have to access critical services elsewhere. Notably, families in both the Bronx and Brooklyn now have access to such holistic assistance. We want to ensure that

families in Queens and Manhattan receive the same opportunity for long-term safety and stability.

Home for Good consists of 1 civil services attorney supervisor, 1 housing attorney, 1 immigration attorney supervisor, 1 immigration specialist, 1 experienced criminal social worker, 1 client coordinator, 1 parent advocate, 1 experienced social worker, 1 investigator and dedicated paralegal and supervisory support. Parents who are poor deserve the same representation that any parent of means would seek out: one law office to handle all of their legal issues including: Immigration matters, Criminal matters, and Civil Legal Services.

30% of our clients are non-citizens and in FY 2020 our immigration attorney and our immigration specialist have assisted 100 clients with immigration related matters by assessing their eligibility to attain legal status, defending them in deportation proceedings, and assisting them in engaging in culturally competent services. A third of our clients face criminal prosecution for the same events that led them into family court. Our goal for our criminal practice was to defend parents in criminal court and provide social work support to secure services that minimize incarceration. In FY 2020 our criminal defense team represented over 90 clients in criminal court proceedings. Over 30% of our clients are homeless or have housing insecurity. We have built a highly skilled housing team to represent parents in housing court and administrative proceedings to avoid eviction, secure repairs, or access benefits to obtain stable housing and public benefits. In FY 2020, our housing attorney and public benefits specialist together assisted 305 parents in either avoiding eviction or otherwise maintaining safe housing, including securing necessary repairs and obtaining or maintaining public benefits.

Though we were awarded reduced funding in FY21 (\$219,000) the demand for our services did not decrease and we served more clients in FY21. We found new ways to assist clients virtually, often helping clients access public benefits for the first time and assisting them in immigration, housing and criminal matters. Once evictions begin again in New York, we expect the demand for housing assistance in particular to grow, and as we outline above, new family court filings will also increase the demand for these holistic, wrap around collateral services.

III. We ask that CFR receive \$50,000 in DOVE funding to support our social worker and legal advocacy for survivors of domestic violence in Article 10 proceedings

DOVE funding will allow CFR to offer enhanced, well-coordinated services to our clients who are survivors or victims of domestic violence, which includes 20% of our clients. We assign a family defense team to every client, and this funding will enable us to maintain the intensive social work support and coordinated legal representation survivors need. Social work staff will continue to do complete assessments to determine the needed services for a family and make appropriate referrals that address not only the issues of violence, but also the client's cultural

background. CFR social work staff will find appropriate referrals for our undocumented clients who need either free or sliding scale services.

CFR staff collaborate with service provider staff to offer ongoing support to the client while they participate. Attorney and social work staff will coordinate their efforts, making sure that ACS and the family court have needed information on our client's progress, to resolve the client's family court case as quickly as possible, hopefully with the client's children home and the family in a safe and stable environment. Whenever necessary, the family defense team will work with other CFR staff to address issues related to immigration, housing or criminal defense issues-- importantly, a parent charged by ACS in family court in the Bronx or Brooklyn has access to such coordinated collateral assistance, but only CFR offers that to parents in Queens. Thus, DOVE funding is all the more critical to giving parents an efficient one stop solution to a variety of needs

IV. We ask that the *Right to Family Advocacy Initiative* be fully funded at the level requested in FY 21.

Thanks to the support of Speaker Corey Johnson and Councilperson Stephen Levin, the City Council allocated \$1.5 million in FY 20 for the four family defense providers (\$325,000 for each organization) to provide representation to low-income parents during ACS investigations, as well as at Office of Children and Family Services (OCFS) hearings that are necessary to amend an indicated case from the State Central Register for Child Maltreatment (“SCR hearings”). This undertaking, called the *Right to Family Advocacy Initiative*, provides desperately needed due process, legal representation, and advocacy services to low-income individuals and families involved in the Family Regulation system. Our Article 10 contracts with MOCJ do not fund us to provide this critical representation before a court case is filed and without these advocacy services, the low-income Black and Brown parents disproportionately targeted by the Family Regulation system would not have access to counsel before an Article 10 petition is filed. With the funding provided by the City Council in FY 20, the family defense providers collectively represented over 1,160 parents during child welfare investigations and in SCR hearings.

Last February, just before COVID-19 swept through the City and New York came to a stand-still, the Article 10 providers jointly applied to renew the *Right to Family Advocacy Initiative* for fiscal year 2021 at 3 million. The funding request for FY 21 reflected an increase from the prior year of one million to maintain the program and to meet the rising need for the services. This year’s funding request is at that same level of FY 21. Because the City needed to address multiple challenges and shortfalls in revenue in FY 21, as the pandemic raged, funding for the initiative was understandably reduced in the current fiscal year to \$216,666 per provider. Even with reduced funding, we have served, collectively, 1,140 parents in the first several months of FY 21, providing nearly all our services virtually, including community outreach. The need for the advocacy funded by this initiative continues and has become even more essential during the

pandemic. We expect the demand to increase as our clients come from the communities most in need and most impacted by the compounding physical and financial hardships of the pandemic. Therefore, we are asking for 3 million (\$750,000 per provider) so that we can continue to provide these vital services in FY 22.

A. Low-income parents do not have access to counsel during ACS investigations, resulting in unnecessary traumatic and harmful family separations and case filings.

Currently, parents with family regulation involvement who cannot afford to hire counsel are not provided assigned attorneys until ACS files an abuse or neglect case against them in Family Court. Before a case is filed in court, however, crucial decisions are made that have grave consequences for how cases proceed, including whether the family will be diverted to prevention programs and services; whether a case will be filed in court; and, most significantly, whether children will be separated from their parents. Without access to counsel during this critically important investigative stage of an Article 10 case, parents are forced to meet with ACS, make critical decisions, and navigate the city’s intervention into their family’s life on their own. When parents are required to proceed under these circumstances—without knowing their rights or how the investigative and Family Court process works—the result is that too many children are unnecessarily separated from their parents, many unnecessary cases are filed, and invaluable court time is taken away from important hearings and other critical matters impacting families’ lives. For all of these reasons, the Commission on Parental Legal Representation established in 2018 by Chief Judge Janet DiFiore recommended that parents be granted access to counsel during these investigations.^[11] In addition, the standards of practice for parents’ attorneys adopted by the American Bar Association in 2006 recommend that attorneys actively represent parents during an investigation.^[12] Because representation at the investigative phase of a case is an effective and much needed bulwark against a multitude of avoidable harms to families occurring within the Family Regulation system, it is crucial that the City fund this type of advocacy.

B. Low-income parents do not have access to counsel in SCR hearings and are unjustifiably categorically denied employment opportunities.

Parents are not given access to counsel in SCR hearings that are necessary to amend an indicated case from the State Central Register for child maltreatment (the “SCR”). New York parents who are listed on the SCR are routinely denied employment based on unproven allegations of child abuse and neglect. New York state has one of the most restrictive SCRs in the country and SCR records remain accessible to employers and others for years, restricting parents’ ability to work and support their families. The majority of parents listed on the SCR never have cases filed against them in court and never have the allegations against them reviewed by a judge to determine whether they are supported by evidence and actually warrant drastically limiting a

person's employability. In these cases where there is no court filing, parents are never assigned an attorney to inform them of their right to challenge their listing on the SCR which could bar them from employment. Last year New York law was changed and there will be some modifications that could benefit parents, but the law does not go into effect until January of 2022 and there is a new type of rehabilitation hearing that parents will have the opportunity to apply for. It is critical that the City provide low-income parents with access to attorneys to represent them in these hearings and remove unjustifiable and unreasonable barriers to their employment. This is even more urgent as the unemployment rate in New York City remains high. People who challenge their inclusion in the SCR and have their names cleared can get jobs that serve society and financially support their families once they are cleared.

C. *The Right to Family Advocacy Initiative* avoids unnecessary family separation and court filings.

Through the *Right to Family Advocacy Initiative*, low-income parents in New York City have access to attorneys and social work assistance when they are faced with an ACS investigation or have been denied employment due to having an indicated case on the SCR. Teams of attorneys, social workers, paralegals, and parent advocates are available to advise parents about their rights, their choices, and the consequences of decisions during an ACS investigation. As a result, parents are more meaningfully engaged in the process and ACS is better informed about a family's circumstances. We are able to assist parents in providing helpful information to ACS, identifying their strengths and resources, accessing services and material assistance, and addressing the issues that brought their children to the attention of ACS in the first instance. Our advocates attend conferences at ACS, schools, and medical providers with our clients. This support often results in resolving cases without ACS having to file a petition court.

Throughout the pandemic, each of the providers continued to represent parents during investigations and in SCR proceedings. We continued to conduct intake by phone, text, WhatsApp and video, and adapted our procedures to obtain e-signatures on releases and other documents needed to assist parents. We appeared by video or phone at SCR administrative hearings and ACS conferences to provide advocacy and to prevent court filings. Many critical services like day care and counseling were abruptly discontinued during the pandemic and our social work staff helped connect parents to virtual replacement services, and supported them in addressing essential needs, like locating food pantries and PPE. We also assisted clients in applying for public benefits, navigating the challenges of remote schooling, and by providing crisis intervention and support in myriad ways.

Through early advocacy and identification of appropriate services and resources, we avoid unnecessary and traumatic family separations and often keep family court cases from ever being filed against the families we assisted. This essential work has resulted in tremendous fiscal

savings for the City, preserving valuable court resources and time for cases that require court intervention.

D. The pandemic has already resulted in an increased demand for our assistance and we expect that demand to grow as the City re-opens.

It is well understood that the novel coronavirus has disproportionately impacted Black and Brown low-income New Yorkers. In 2019, the vast majority of the families prosecuted by ACS were from this same demographic and from low-income communities. Accordingly, the Covid-19 crisis and the cascade of physical and mental health consequences, economic devastation, and social disruption have fallen disproportionately on the families we serve. In addition, parents who benefited from the eviction moratorium but who lost part-time work during the pandemic will now face housing insecurity and homelessness. These are the very conditions that give rise to increased reports to the SCR, lead to ACS involvement and result in unnecessary family separations and court filings that would be avoided if parents had access to counsel and social work advocacy during the investigation. Parents who had critical services interrupted and may be struggling as a result are also more likely to find themselves investigated by ACS. In addition, we expect the ‘reopening’ of schools, daycares, and other services to lead to an increase in reports to the SCR and ACS investigations. Parents will need representation and assistance navigating ACS investigations, under circumstances where they are already strained by the impact of the pandemic.

In addition to the work we have done, in partnership with other community based providers, to hold “Know Your Rights” presentations in our client’s communities and online, in the past year we have also created a Know Your Rights website for parents. The website is designed to provide critical information about ACS investigations and about how to contact us, in English and Spanish. We anticipate that both our community outreach efforts, and the visibility and accessibility that the website provides will result in heightened demand for our services when it is launched in the near future.

Providing parents with legal assistance and social support in order to prevent unnecessary family separation and family court filings should be an urgent goal for the City. Children, who have already suffered interrupted connections with friends and families as a result of the pandemic, should not be further harmed by unnecessary separation from their parents. In addition to preventing unnecessary family separation, early defense is especially critical because the family court, which is already dealing with a backlog of cases, is likely to be further overwhelmed if an increase in investigations leads to more court cases. Funding early defense will ensure that cases that do not need to be filed in court are properly diverted to preventive services. Finally, everyone who suffered economic loss during the pandemic will be looking to re-establish employment and financial security; for parents burdened with an SCR record as a result of ACS involvement, their need to preserve and expand employment will be no less critical. And given

that the majority of parents impacted by ACS are Black and Brown, SCR advocacy is an important measure towards addressing the racial economic disparity that is an embedded consequence of ACS involvement.

Even before the pandemic, we could not meet the need of every parent facing an investigation or needing advocacy with the SCR. Therefore we are asking that the Council provide us with adequate funding to meet this demand that increases economic mobility for parents, saves the City money in reduced foster care and court filings, eases the burden on the city's Family Courts and prevents the short and long term harmful consequences of family separation.

I am to answer any questions you may have and you can reach me at the contact information provided below. We greatly appreciate this opportunity to provide you with information on the critical importance of maintaining our funding to ensure that parents faced with the loss of their children are provided high quality legal representation and social work and parent advocate services.

Center for Family Representation, Michele Cortese

mcortese@cfrny.org

[1] New York has long recognized a parent's right to counsel in child protection proceedings. In a pioneering 1972 decision, *Matter of Ella B.*, 30 N.Y.2d 352, the New York Court of Appeals recognized the equal protection and due process right to indigent parents to assigned counsel in child neglect and abuse cases. Three years later, sections 261, 262, and 1120 of the Family Court Act codified a broad parental right to counsel. Additionally, numerous provisions throughout Article 10 of the Family Court Act address implementation of the parental right to counsel in child welfare proceedings.

[2] See Commission on Parental Legal Representation, Interim Report to Chief Judge DiFiore (February 2019), pps. 27-28. See also Martin Guggenheim & Susan Jacobs, *A New National Movement in Parent Representation*, 47 CLEARINGHOUSE REV. 44, 45 (2013), available at <http://www.cfrny.org/wp-content/uploads/2013/07/A-New-National-Movement-in-Parent-Representation-Clearinghouse-Review.pdf>.

[3] *Interim Report to Chief Judge DiFiore*, pg. 26.

[4] Center for New York City Affairs, The New School, *Watching the Numbers: A Six-Year Statistical Survey Monitoring New York City's Child Welfare System* (November 2016), available at

https://static1.squarespace.com/static/53ee4f0be4b015b9c3690d84/t/5849a22f725e254385d753eb/1481220657883/FINAL_Watching+the+Numbers_2016.pdf.

^[5] See study at <https://www.sciencedirect.com/science/article/pii/S019074091930088X>; see also *Providing Parents Multidisciplinary Legal Representation Significantly Reduces Children’s Time in Foster Care*, by Martin Guggenheim & Susan Jacobs, June 4, 2019.

^[6] See, e.g., *Matter of Jamie J.*, 30 N.Y.3d 275, 280 n.1 (2017).

^[7] See Center on the Developing Child at Harvard University, *Toxic Stress Derails Healthy Brain Development*, at <https://www.youtube.com/watch?v=rVwFkcOZHJw&feature=youtu.be>.

^[8] See, e.g., Jayesh M. Rathod, *The Transformative Potential of Attorney Bilingualism*, 46 U. Michigan J. Law Reform 863-920 (2013).

^[9] Data are from the New York State Unified Court System, comparing 1,140 at the end of 2016 (see the second row, penultimate column of the chart available here: <http://www.nycourts.gov/publications/pdfs/Family-Court-statistics2016.pdf>) with 1,584 at the end of 2017 (see the second row, penultimate column of the chart available here: <http://www.nycourts.gov/publications/pdfs/Family-Court-statistics2017.pdf>).

^[10] Commission on Parental Legal Representation, *Interim Report to Chief Judge DiFiore*, February 2019. See also Indigent Legal Services, *Standards for Determining Financial Eligibility for Assigned Counsel* February 16, 2021, pg 31 (“*counsel shall also be provided for parents in child welfare proceedings during a child protective agency investigation and sufficiently in advance of their first court appearance..*”); written testimony of American Bar Association, Government Affairs Office, e.g. ABA, *Indicators of Success for Parental Representation*, at ii-iii (describing results of evaluation of a Texas pilot project setting a cap of 50 clients and finding that after six months, “the model had already improved the quality of representation for parents,” and resulted in reduced continuances and delays). See also ILS Model Upstate Parental Representation Office Request for Proposals (“Given the unique complexities involved in state intervention cases, caseload limits are essential to permit attorneys to comply with their ethical responsibilities. This RFP therefore contemplates an office average of no more than 50 clients per attorney at any given time.”), available at <https://www.ils.ny.gov/files/Parent%20Representation/RFP-Upstate%20Model%20Parental%20Representation%20Office%20Grant%20032017.pdf>.

^[11] Commission on Parental Legal Representation, *Interim Report to Chief Judge DiFiore*, February 2019.

^[12] See American Bar Association, *Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases* 10 (2006), available at https://www.americanbar.org/content/dam/aba/administrative/child_law/aba-parent-rep-stds.pdf

^[13] Total clients represented includes all clients for whom Early Defense & SCR advocacy began between July 1, 2019 - April 30, 2019 and is now concluded. It does not include cases that began during this time period, but which are still pending.

[14] Villarosa, Linda (April 29, 2020) “ A Terrible Price: The Deadly Racial Disparities of Covid-19 in America”; New York Times; Mays, Jeffrey C. Andy Newman. (2020 April 8). “Virus is Twice as Deadly for Black and Latino People Than Whites in N.Y.C” New York Times.
<https://www.nytimes.com/2020/04/08/nyregion/coronavirus-race-deaths.html>

[15] Grench, Eileen. (2020 April 28). “Parents Expecting Ipads Deliveries Got Knock on Door from Child Welfare Workers”. The City. https://thecity.nyc/2020/04/some-parents-awaiting-ipads-got-visit-from-child-welfare.html?utm_campaign=mailchimp&utm_source=daily&utm_medium=newsletter



**BROOKLYN
DEFENDER
SERVICES**



New York City Council

Committee on Finance

March 24, 2021

Testimony of the Article 10 family defense organizations:

**Bronx Defenders, Brooklyn Defender Service, Center for Family Representation, and
Neighborhood Defender Service of Harlem**

This testimony is submitted jointly by the Bronx Defenders (BxD), Brooklyn Defender Services (BDS), Center for Family Representation (CFR) and the Neighborhood Defender Service of Harlem (NDS). Our offices are the primary providers of mandated legal representation to indigent parents in Article 10 cases filed in family court in each of our boroughs (collectively the “family defense providers”). Together, we have created a model of interdisciplinary representation for parents charged with abuse or neglect and at risk of losing their children to the foster system. Our model connects clients with attorneys, social workers, and parent advocates to provide comprehensive representation and advocacy both in and out of court.

The COVID-19 crisis threw ACS, the foster system, and the family court (the ‘Family Regulation system) into disarray. The harrowing cascade of physical and mental health consequences, economic devastation, and social disruption have fallen disproportionately on the families we serve: low-income communities and Black and Brown people. These conditions have exacerbated the harm of family separation for parents and children, created conditions ripe for family regulation involvement, and slowed the progress on existing cases. It has also made the filing of termination of parental rights petitions -- an attempt to dissolve a family -- more likely because cases are pending longer and families are less able to fulfill the service plan requirements required to regain custody of their children. The family defense providers have met this challenge and have continued to provide effective representation to parents during this crisis in and out of court. As we outline in detail below, it is clear that our clients and their families will face more hardship for the foreseeable future, with serious emotional and legal consequences, as a result of the many interruptions in services, limitations on in-person contact, and restricted access to due process in family court that has continued for more than a year.

The primary goal of our representation is to ameliorate the underlying issues that drive families into the Family Regulation system, and to reduce the harmful consequences of system involvement, including criminal charges, housing and income loss, education issues and immigration status. Collectively we represent over 12,000 respondent parents in Article 10 cases each year. Since New York City first contracted with institutional providers to represent parents, we have represented over 40,000 parents in Family Court, touching the lives of more than 80,000 children, the vast majority of whom are Black and Brown and live in the most marginalized low-income communities in New York City. With our model of representation in place, the foster care census has been reduced by almost 50% in New York City from over 17,000 children in 2007 when we formed to just under 8,000 today.

Since fiscal year (“FY”) 2020, we have also provided two critical additional services to parents, made possible only with City Council funding of the Right to Family Advocacy Initiative: we represent parents during an ACS investigation, with the primary goal of preventing family separation and court filings, and in administrative proceedings to help parents clear or modify their State Central Register (SCR) records that result after ACS investigations to thousands of people each year, thereby expanding their employment opportunities.

The City Council plays an important role in monitoring the Administration for Children’s Services and in ensuring that the families affected by ACS have legal assistance that is adequately funded to achieve positive outcomes for family reunification. Our testimony today addresses the importance of increased funding of the City Council’s Right to Family Advocacy Initiative, and restoring our Article 10 funding to FY21 levels in FY22. Specifically,

- **We are asking the City Council to fully fund the *Right to Family Advocacy Initiative* at the level requested in FY 21 which provides representation to parents during ACS investigations, avoids unnecessary family separation and case filings, and provides representation in SCR hearings; and**
- **We are asking the City to maintain FY22 funding for the family defense providers at the FY 21 level. The current FY 22 contracts are baselined at an amount that represents an \$8.7 million decrease across the providers (more than 30% of our budgets) and must be restored.**

I. We ask that the *Right to Family Advocacy Initiative* be fully funded at the level requested in FY 21.

Thanks to the support of Speaker Corey Johnson and Councilperson Stephen Levin, the City Council allocated \$1.5 million in FY 20 for the four family defense providers (\$325,000 for each organization) to provide representation to low-income parents during ACS investigations, as well as at Office of Children and Family Services (OCFS) hearings that are necessary to amend an indicated case from the State Central Register for Child Maltreatment (“SCR hearings”). This undertaking, called the *Right to Family Advocacy Initiative*, provides desperately needed due

process, legal representation, and advocacy services to low-income individuals and families involved in the Family Regulation system. Our Article 10 contracts with MOCJ do not fund us to provide this critical representation before a court case is filed and without these advocacy services, the low-income Black and Brown parents disproportionately targeted by the Family Regulation system would not have access to counsel before an Article 10 petition is filed. With the funding provided by the City Council in FY 20, the family defense providers collectively represented over 1,160 parents during child welfare investigations and in SCR hearings.

Last February, just before COVID-19 swept through the City and New York came to a stand-still, the Article 10 providers jointly applied to renew the *Right to Family Advocacy Initiative* for fiscal year 2021 at 3 million. The funding request for FY 21 reflected an increase from the prior year of one million to maintain the program and to meet the rising need for the services. This year's funding request is at that same level of FY 21. Because the City needed to address multiple challenges and shortfalls in revenue in FY 21, as the pandemic raged, funding for the initiative was understandably reduced in the current fiscal year to \$216,666 per provider. Even with reduced funding, we have served, collectively, 1,140 parents in the first several months of FY 21, providing nearly all our services virtually, including community outreach. The need for the advocacy funded by this initiative continues and has become even more essential during the pandemic. We expect the demand to increase as our clients come from the communities most in need and most impacted by the compounding physical and financial hardships of the pandemic. Therefore, we are asking for 3 million (\$750,000 per provider) so that we can continue to provide these vital services in FY 22.

A. Low-income parents do not have access to counsel during ACS investigations, resulting in unnecessary traumatic and harmful family separations and case filings.

Currently, parents with family regulation involvement who cannot afford to hire counsel are not provided assigned attorneys until ACS files an abuse or neglect case against them in Family Court. Before a case is filed in court, however, crucial decisions are made that have grave consequences for how cases proceed, including whether the family will be diverted to prevention programs and services; whether a case will be filed in court; and, most significantly, whether children will be separated from their parents. Without access to counsel during this critically important investigative stage of an Article 10 case, parents are forced to meet with ACS, make critical decisions, and navigate the city's intervention into their family's life on their own. When parents are required to proceed under these circumstances—without knowing their rights or how the investigative and Family Court process works—the result is that too many children are unnecessarily separated from their parents, many unnecessary cases are filed, and invaluable court time is taken away from important hearings and other critical matters impacting families' lives. For all of these reasons, the Commission on Parental Legal Representation established in 2018 by Chief Judge Janet DiFiore recommended that parents be granted access to counsel

during these investigations.^[11] In addition, the standards of practice for parents' attorneys adopted by the American Bar Association in 2006 recommend that attorneys actively represent parents during an investigation.^[12] Because representation at the investigative phase of a case is an effective and much needed bulwark against a multitude of avoidable harms to families occurring within the Family Regulation system, it is crucial that the City fund this type of advocacy.

B. Low-income parents do not have access to counsel in SCR hearings and are unjustifiably categorically denied employment opportunities.

Parents are also not given access to counsel in SCR hearings that are necessary to amend an indicated case from the State Central Register for child maltreatment (the "SCR"). New York parents who are listed on the SCR are routinely denied employment based on unproven allegations of child abuse and neglect. New York state has one of the most restrictive SCRs in the country and SCR records remain accessible to employers and others for years, restricting parents' ability to work and support their families. The majority of parents listed on the SCR never have cases filed against them in court and never have the allegations against them reviewed by a judge to determine whether they are supported by evidence and actually warrant drastically limiting a person's employability. In these cases where there is no court filing, parents are never assigned an attorney to inform them of their right to challenge their listing on the SCR which could bar them from employment. Last year New York law was changed and there will be some modifications that could benefit parents, but the law does not go into effect until January of 2022 and there is a new type of rehabilitation hearing that parents will have the opportunity to apply for. It is critical that the City provide low-income parents with access to attorneys to represent them in these hearings and remove unjustifiable and unreasonable barriers to their employment. This is even more urgent as the unemployment rate in New York City remains high. People who challenge their inclusion in the SCR and have their names cleared can get jobs that serve society and financially support their families once they are cleared.

C. The *Right to Family Advocacy Initiative* avoids unnecessary family separation and court filings.

Through the *Right to Family Advocacy Initiative*, low-income parents in New York City have access to attorneys and social work assistance when they are faced with an ACS investigation or have been denied employment due to having an indicated case on the SCR. Teams of attorneys, social workers, paralegals, and parent advocates are available to advise parents about their rights, their choices, and the consequences of decisions during an ACS investigation. As a result, parents are more meaningfully engaged in the process and ACS is better informed about a family's circumstances. We are able to assist parents in providing helpful information to ACS, identifying their strengths and resources, accessing services and material assistance, and

addressing the issues that brought their children to the attention of ACS in the first instance. Our advocates attend conferences at ACS, schools, and medical providers with our clients. This support often results in resolving cases without ACS having to file a petition court.

Throughout the pandemic, each of the providers continued to represent parents during investigations and in SCR proceedings. We continued to conduct intake by phone, text, WhatsApp and video, and adapted our procedures to obtain e-signatures on releases and other documents needed to assist parents. We appeared by video or phone at SCR administrative hearings and ACS conferences to provide advocacy and to prevent court filings. Many critical services like day care and counseling were abruptly discontinued during the pandemic and our social work staff helped connect parents to virtual replacement services, and supported them in addressing essential needs, like locating food pantries and PPE. We also assisted clients in applying for public benefits, navigating the challenges of remote schooling, and by providing crisis intervention and support in myriad ways.

Through early advocacy and identification of appropriate services and resources, we avoid unnecessary and traumatic family separations and often keep family court cases from ever being filed against the families we assisted. This essential work has resulted in tremendous fiscal savings for the City, preserving valuable court resources and time for cases that require court intervention.

D. The pandemic has already resulted in an increased demand for our assistance and we expect that demand to grow as the City re-opens.

It is well understood that the novel coronavirus has disproportionately impacted Black and Brown low-income New Yorkers. In 2019, the vast majority of the families prosecuted by ACS were from this same demographic and from low-income communities. Accordingly, the Covid-19 crisis and the cascade of physical and mental health consequences, economic devastation, and social disruption have fallen disproportionately on the families we serve. In addition, parents who benefited from the eviction moratorium but who lost part-time work during the pandemic will now face housing insecurity and homelessness. These are the very conditions that give rise to increased reports to the SCR, lead to ACS involvement and result in unnecessary family separations and court filings that would be avoided if parents had access to counsel and social work advocacy during the investigation. Parents who had critical services interrupted and may be struggling as a result are also more likely to find themselves investigated by ACS. In addition, we expect the ‘reopening’ of schools, daycares, and other services to lead to an increase in reports to the SCR and ACS investigations. Parents will need representation and assistance navigating ACS investigations, under circumstances where they are already strained by the impact of the pandemic.

In addition to the work we have done, in partnership with other community based providers, to hold “Know Your Rights” presentations in our client’s communities and online, in the past year we have also created a Know Your Rights website for parents. The website is designed to provide critical information about ACS investigations and about how to contact us, in English and Spanish. We anticipate that both our community outreach efforts, and the visibility and accessibility that the website provides will result in heightened demand for our services when it is launched in the near future.

Providing parents with legal assistance and social support in order to prevent unnecessary family separation and family court filings should be an urgent goal for the City. Children, who have already suffered interrupted connections with friends and families as a result of the pandemic, should not be further harmed by unnecessary separation from their parents. In addition to preventing unnecessary family separation, early defense is especially critical because the family court, which is already dealing with a backlog of cases, is likely to be further overwhelmed if an increase in investigations leads to more court cases. Funding early defense will ensure that cases that do not need to be filed in court are properly diverted to preventive services. Finally, everyone who suffered economic loss during the pandemic will be looking to re-establish employment and financial security; for parents burdened with an SCR record as a result of ACS involvement, their need to preserve and expand employment will be no less critical. And given that the majority of parents impacted by ACS are Black and Brown, SCR advocacy is an important measure towards addressing the racial economic disparity that is an embedded consequence of ACS involvement.

Even before the pandemic, we could not meet the need of every parent facing an investigation or needing advocacy with the SCR. Therefore we are asking that the Council provide us with adequate funding to meet this demand that increases economic mobility for parents, saves the City money in reduced foster care and court filings, eases the burden on the city’s Family Courts and prevents the short and long term harmful consequences of family separation.

II. Family defense provider FY 22 revenue must be maintained at at least FY 21 levels.

Despite more than a decade of excellent interdisciplinary representation that is saving the City substantial monies in foster care costs, the Mayor’s budget has a dramatic DECREASE in funding for the family defense providers in FY 22. This is not related to COVID-19 and the most recent budget concerns that are affecting the City, but actually reflects a funding pattern that has occurred for the past four years. A decision was made to baseline our contracts at \$8.7 million

less than we were allocated in FY 16 and in each year since then we have had to work hard and wait a long time to have our budget restored to necessary levels. It is imperative that the City Council require that the Mayor restore our FY 22 funding to FY 21 levels in the budget that is passed on June 30.

Our effectiveness in reducing the length of foster care is well documented. The largest study of parental representation in family court ever conducted found that holistic, interdisciplinary institutional representation in New York City significantly reduces the time children spend in foster care.^[5] This study compared length of foster care stays for the children of BxD, BDS, and CFR's clients with the children of parents who were assigned solo attorneys pursuant to Article 18-b of the County Law, Indigent Defense Legal Panel Plan. The study found that representation by multidisciplinary providers reduced children's time in foster care by nearly 4 months during the 48 months following filing of the petition, through earlier reunification outcomes translating to up to nearly \$40 million in annual savings in foster care expenditures for New York City. According to the study, these outcomes were achieved without any difference in safety to children between the two groups.

A. History of the Article 10 contracts and funding

The current contract term for the four family defense providers is FY 14-FY 20, but MOCJ has extended the contracts for a seventh year, and will extend the contract again for an 8th. The base revenue in the Article 10 contracts for FY 22 is currently set at FY 16 levels even though each year since then, MOCJ has provided each of the Article 10 providers increased revenue for FY 17, FY 18, FY 19, FY 20, and FY 21 through the contract amendment process. MOCJ has not given us assurances that it can do the same for FY 22.

Although we are requesting that the family defense providers receive the same funding as last year, even FY 20 and FY 19 revenue levels were insufficient to meet the total cost of the practice and we expect it will be insufficient for FY 21. The revenue has not kept pace with increased costs in salary, rent and health insurance. As well, over time, the backlog created in the courts has made it more likely that every Article 10 client would face supplemental proceedings—when it takes longer to resolve a case, there is a greater likelihood that additional matters will be filed against a client—and under the current structure of our contracts, our revenue corresponds to pending *client* load, rather than pending case load. The result is an extreme shortfall in our budgets because the City has not increased our funding sufficiently to meet the increase in our pending client loads after 2016, the number of cases per client, the growing complexity of our caseload which includes many cases that are more than five years old, and the expanded need for critical casework outside of court by our social workers and parent advocates.

We would be on solid ground if we argued that we needed an increase in our budgets due solely to the enormous needs our clients face right now. They are the poorest people in the City who face the most obstacles during the best of times. During the pandemic, which is affecting our client communities at a much higher rate than other neighborhoods in the City, we are often the only resource they have to help them access basic necessities like food, PPE, and a safe place to sleep. The increasing need of our client base in light of Covid-19 and the related City shut down and the impact of that need on their families and Article 10 cases justifies our funding request at the full level requested in the prior fiscal year. We are mindful of the competing budget priorities facing the city in this challenging moment and are requesting only that our budget be restored.

B. Active, pending client loads remain high and are expected to increase in FY 22, as ACS files more cases and a backlog of unaddressed matters increases; this makes immediate restoration of our revenue critical so that we can maintain sufficient staff to handle our current clients and new clients as well as address the needs of the families we work with during the continued pandemic.

Initial case filings in the early stages of COVID-19 were lower, as ACS and court actors all adjusted to the physical shut down of the court and offices, but filings have increased and are back up in many months in some boroughs to pre-pandemic levels. Although intake is inconsistent, the vast majority of cases are family separation cases, which require the same intensive, up front work we had to do prior to the pandemic. Our offices are essentially doing the same number of preliminary hearings to reunify families. At the same time, however, our ability to secure important due process protections for parents remains dramatically limited, even though the family court has gradually expanded its virtual capacity. This is particularly true for those hearings that result in children leaving foster care, which is the most likely predictor of expeditious case resolution. Hundreds of cases have been adjourned several months in the future despite our efforts to see progress on our cases. The court has not had sufficient capacity to hold fact finding hearings which results in a much higher percentage of our cases being at the pre fact finding stage. Very significantly, many clients' matters have no future adjourn date at all. To cite just one data point, 62% of CFR's clients' matters have no next scheduled court date and CFR is now closing cases at half the rate it was prior to the pandemic. This means that even if the family court can reopen or create more virtual capacity, there is already a significant backlog of cases the court must address and that backlog will increase. These limitations and delays only make it more likely that complicated supplemental proceedings like TPRs and custody petitions will be filed. The work required to reduce the backlog will be time consuming, complicated and staggering. It is essential that we are fully staffed and prepared for that eventuality.

C. MOCJ needs to at least restore our FY 22 revenue to FY 21 levels because active, pending client load (not annual intake) drives our costs and is a more accurate measure of our workload.

Our workload can not be assessed based on the number of new clients we are assigned (intake). Many of our clients have more than one case and the longer they have a case pending in family court, the more likely they will have more cases filed. Every supplemental matter adds time and workload to the representation. The longer cases pend, the more likely it is that supplemental petitions are filed against our clients. While intake may fluctuate, *it is the pending client load that determines how many attorneys, social work staff and other supports we need to run our practices and serve clients well.* Cases that resolve quickly are the exception. In most cases we work with clients for a long time—on average, more than two years. It is therefore common for us to be litigating two or more matters that involve different discovery, legal standards, and court proceedings for a client simultaneously, sometimes before different jurists. There are no statutory requirements for cases to go to trial within a set time frame, yet when children are in foster care for 15 out of 22 months, federal law requires, with few exceptions, that a petition to terminate parental rights (TPR) be filed. A petition to terminate parental rights, if successful, has been called the ‘civil death penalty,’ because it wholesale dissolves the legal relationship—and usually any connection at all—between a parent and child. In cases involving domestic violence, substance use, incarceration, mental illness, children with complex needs, or difficulty obtaining safe and permanent housing, 22 months is a very short time to address the myriad barriers to family reunification, and that is why our interdisciplinary teams are so critical to the representation of parents in child protection proceedings. Supplemental matters, like custody and termination cases, often involve new parties, different attorneys, new motion practice, and new needs for investigation and retaining forensic experts. That is why the current measure of our contracts, new annual intake, is not an adequate measure of our workload. Our work is defined by our current pending caseload and should be measured by that standard.

Our pending client loads, while flattening somewhat, are much higher than they were in FY 16 as a result. Higher pending client numbers means we need more attorneys and administrative staff to handle these cases, as well as more social workers and parent advocates to help parents negotiate service plans, attend meetings and conferences with caseworkers, support and expand visitation, and fulfill the requirements of the service plans required by ACS. To provide quality representation, move cases toward permanency, and ensure children do not languish needlessly in the foster system, our staffing must ensure that each attorney is handling a manageable pending client load. We believe that the target for pending clients should be set at 50, and that has been recognized by the Commission on Legal Representation as the appropriate standard.^[10] In order to meet that pending client target, we would not only need to have the \$8.7 million restored, but we would need to add additional funds.

D. COVID-19 and its harrowing impact on low-income NY families makes it likely that we will see increased ACS filings and court cases filed in FY 22.

The social and economic instability caused by COVID-19 is precisely the type of circumstance that gives rise to the vast majority of calls to the SCR, ACS investigations, case filings, and forced family separations through the foster system. Much of our work to come will be a continuation of our efforts to ensure that families are supported and children are not unnecessarily and traumatically separated from their parents due to poverty or instability. It will, however, be significant and require more resources than ever before in the wake of the catastrophic COVID-19 pandemic.

New York City's family defense providers have met the challenge of an extremely limited Family Court through continued high quality representation of parents during this crisis. We have represented parents in new cases filed in the virtual court, including litigating emergency hearings to prevent foster care placement; worked to conference and resolve as many pending cases as possible; and advocated in agency conferences with ACS and foster care agencies and with Family Court Legal Services regarding visitation, access to services and reunification of families. We created a digital flyer with our contact information translated into several languages that ACS agreed to provide to parents when it summoned them to virtual court. Our social work staff connected parents to virtual services when in-person services were abruptly discontinued, preventing interruption in services that could lead to children entering the foster system or delay their return home. And social work staff continued to advocate at the full array of foster agency and ACS conferences by phone and video, even in person.

ACS and foster agencies have unilaterally and summarily restricted the ability of families to visit in-person, despite court orders from before the pandemic and despite ACS's own guidelines to evaluate each case individually to assess whether in-person visitation can continue safely. Families were left to maintain their bond, even with infants and very young children, virtually over telephone and video chat. For many parents, this has meant that their access to their children has become dependent upon their access to the requisite technology and WiFi. Our attorneys and social workers have had to renegotiate the terms of almost every case where children are separated from their families because of foster agencies' and foster caretakers' inability or refusal to continue in-person visits and their insistence on limiting the amount of contact parents have with their children. In the face of this massive and systemic distancing of families that have already been separated, the court's capacity to hear applications by parents to enforce their rights to spend time in-person with their children or to reunite families with children in foster care has been greatly reduced and remains limited. As a result, our staff have shifted focus to helping our clients navigate these newly-erected obstacles to remaining connected with their children by negotiating creative solutions with ACS and foster agencies.

Despite these efforts, our clients' access to the court remains drastically curtailed and many cases have been adjourned to a date in the far future. Some have no adjourn date at all. This means that we can not close cases as frequently as we did in the past. To cite one data point, in the last two quarters of 2020, CFR's average intake was 187 cases and average cases closed was 106, meaning **there was a net increase in pending cases of 81 per quarter**. The change in case closing rates was also significant. Now, CFR is closing on average 106 cases per quarter, compared to 224 cases in the same time period of 2019. An increasing backlog, and an inability to close our cases, means that our pending caseload will increase.

At the same time, we believe that ACS will increase the number of cases it files over the next several months as the court reopens. As the vaccine is rolled out, and school and other children's programs open, allegations of maltreatment that often lead to court filings are also likely to increase. This, combined with a backlog, will make it even more important for family defenders to have the revenue needed to staff at prior fiscal year levels.

There is no quantitative or qualitative metric that can capture the cascading impact this pandemic is going to have on New York City's families with ACS involvement. All of these changes have amplified the intensity of separation between parents and children in foster care and, by default, increased the length of stay for every single child in foster care. We fear that once we return to some level of normalcy, there will be an absolute flood of Termination of Parental Rights ("TPR") proceedings as well, meaning that many of our clients will face permanent and irrevocable termination of their families because of the obstacles created by the pandemic. Our continued ability to work around these obstacles and implement creative solutions is more critical than ever.

We are happy to answer any questions you may have and you can reach us at the contact information provided below. We greatly appreciate this opportunity to provide you with information on the critical importance of maintaining our funding to ensure that parents faced with the loss of their children are provided high quality mandated legal representation and on the importance of continuing and enhancing the Right to Family Advocacy Initiative.

Bronx Defenders, Emma Ketteringham

emmak@bronxdefenders.org

Brooklyn Defender Services, Lauren Shapiro

lshapiro@bds.org

Center for Family Representation, Michele Cortese

mcortese@cfny.org

Neighborhood Defender Service of Harlem, Zainab Akbar

zakbar@nds.org

[1] New York has long recognized a parent's right to counsel in child protection proceedings. In a pioneering 1972 decision, *Matter of Ella B.*, 30 N.Y.2d 352, the New York Court of Appeals recognized the equal protection and due process right to indigent parents to assigned counsel in child neglect and abuse cases. Three years later, sections 261, 262, and 1120 of the Family Court Act codified a broad parental right to counsel. Additionally, numerous provisions throughout Article 10 of the Family Court Act address implementation of the parental right to counsel in child welfare proceedings.

[2] See Commission on Parental Legal Representation, Interim Report to Chief Judge DiFiore (February 2019), pps. 27-28. See also Martin Guggenheim & Susan Jacobs, *A New National Movement in Parent Representation*, 47 CLEARINGHOUSE REV. 44, 45 (2013), available at <http://www.cfny.org/wp-content/uploads/2013/07/A-New-National-Movement-in-Parent-Representation-Clearinghouse-Review.pdf>.

[3] *Interim Report to Chief Judge DiFiore*, pg. 26.

[4] Center for New York City Affairs, The New School, *Watching the Numbers: A Six-Year Statistical Survey Monitoring New York City's Child Welfare System* (November 2016), available at https://static1.squarespace.com/static/53ee4f0be4b015b9c3690d84/t/5849a22f725e254385d753eb/1481220657883/FINAL_Watching+the+Numbers_2016.pdf.

[5] See study at <https://www.sciencedirect.com/science/article/pii/S019074091930088X>; see also *Providing Parents Multidisciplinary Legal Representation Significantly Reduces Children's Time in Foster Care*, by Martin Guggenheim & Susan Jacobs, June 4, 2019.

[6] See, e.g., *Matter of Jamie J.*, 30 N.Y.3d 275, 280 n.1 (2017).

[7] See Center on the Developing Child at Harvard University, *Toxic Stress Derails Healthy Brain Development*, at <https://www.youtube.com/watch?v=rVwFkcOZHJw&feature=youtu.be>.

[8] See, e.g., Jayesh M. Rathod, *The Transformative Potential of Attorney Bilingualism*, 46 U. Michigan J. Law Reform 863-920 (2013).

^[9] Data are from the New York State Unified Court System, comparing 1,140 at the end of 2016 (see the second row, penultimate column of the chart available here: <http://www.nycourts.gov/publications/pdfs/Family-Court-statistics2016.pdf>) with 1,584 at the end of 2017 (see the second row, penultimate column of the chart available here: <http://www.nycourts.gov/publications/pdfs/Family-Court-statistics2017.pdf>).

^[10] Commission on Parental Legal Representation, Interim Report to Chief Judge DiFiore, February 2019. *See also* Indigent Legal Services, Standards for Determining Financial Eligibility for Assigned Counsel February 16, 2021, pg 31 (“*counsel shall also be provided for parents in child welfare proceedings during a child protective agency investigation and sufficiently in advance of their first court appearance..*”); written testimony of American Bar Association, Government Affairs Office, *e.g.* ABA, Indicators of Success for Parental Representation, at ii-iii (describing results of evaluation of a Texas pilot project setting a cap of 50 clients and finding that after six months, “the model had already improved the quality of representation for parents,” and resulted in reduced continuances and delays). *See also* ILS Model Upstate Parental Representation Office Request for Proposals (“Given the unique complexities involved in state intervention cases, caseload limits are essential to permit attorneys to comply with their ethical responsibilities. This RFP therefore contemplates an office average of no more than 50 clients per attorney at any given time.”), available at <https://www.ils.ny.gov/files/Parent%20Representation/RFP-Upstate%20Model%20Parental%20Representation%20Office%20Grant%20032017.pdf>.

^[11] Commission on Parental Legal Representation, Interim Report to Chief Judge DiFiore, February 2019.

^[12] *See* American Bar Association, Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases 10 (2006), available at https://www.americanbar.org/content/dam/aba/administrative/child_law/aba-parent-rep-stds.pdf

^[13] Total clients represented includes all clients for whom Early Defense & SCR advocacy began between July 1, 2019 - April 30, 2019 and is now concluded. It does not include cases that began during this time period, but which are still pending.

^[14] Villarosa, Linda (April 29, 2020) “A Terrible Price: The Deadly Racial Disparities of Covid-19 in America”; New York Times; Mays, Jeffrey C. Andy Newman. (2020 April 8). “Virus is Twice as Deadly for Black and Latino People Than Whites in N.Y.C” New York Times. <https://www.nytimes.com/2020/04/08/nyregion/coronavirus-race-deaths.html>

^[15] Grench, Eileen. (2020 April 28). “Parents Expecting Ipads Deliveries Got Knock on Door from Child Welfare Workers”. The City. https://thecity.nyc/2020/04/some-parents-awaiting-ipads-got-visit-from-child-welfare.html?utm_campaign=mailchimp&utm_source=daily&utm_medium=newsletter



**Testimony of Julie Tighe
President
New York League of Conservation Voters**

**City Council Committee on Finance
FY22 Preliminary Budget Hearing
March 24, 2021**

Good afternoon, my name is Julie Tighe and I am the President of the New York League of Conservation Voters (NYLCV). NYLCV represents over 30,000 members in New York City and we are committed to advancing a sustainability agenda that will make our people, our neighborhoods, and our economy healthier and more resilient. I would like to thank Chair Dromm and all of the Council Members on the committee for the opportunity to testify today.

NYLCV supports a Fiscal Year 2022 City budget that secures progress on many of the environmental, transportation, and public health priorities Mayor de Blasio has committed to in OneNYC and beyond. Our city is on the road to recovery from the COVID-19 pandemic, and it is incumbent upon our elected leaders to invest our tax dollars in climate action and solutions as we rebound from this crisis and not lose ground, especially with the influx of relief funds that will flow from the American Rescue Act.

We would like to highlight three budget investments in FY22 in order to fight climate change and protect public health; parks, organic waste management, and electric school buses.

Parks and other green spaces are one of the city's most valuable environmental assets and are a major source of the city's urban canopy, which mitigates climate change, provides clean air and habitats for native wildlife, and contributes to the well-being of our residents and economy. Preserving these spaces is a top priority for NYLCV.

But over the past year, through the hardships of the pandemic, we have seen the cleanliness and safety of our parks drop significantly due to unfair budgetary cuts to staffing and programs, which also impacts access to parks for people most in need. Due specifically to the \$45 million in cuts to seasonal staff spending and forestry contracts last year, parks saw one of their worst years for cleanliness on record.

Therefore, in this critical 3rd year of our play fair campaign, we ask the council to Play Fair Now and restore \$78.9 million in the FY22 Parks budget to ensure our parks are safe, clean and

accessible. NYLCV and the entire Play Fair Coalition requests this funding be allocated in the following ways:

- *Baseline \$10M to make permanent 100 City Park Workers and 50 Gardeners, and create secure, stable jobs.*
- *\$30M to restore the critical Seasonal staff budget for maintenance and operations workers citywide.*
- *\$3M to restore the Parks Opportunity Program and provide a pathway to full-time employment.*
- *\$4.5M for NYC's natural forests, wetlands, and trails to receive the proactive care and maintenance they need to remain healthy and resilient in our changing climate, and as they receive unprecedented use by New Yorkers.*
- *\$15M to restore critical parks forestry contracts for tree pruning, stump removal and sidewalk repair, and invasive species control.*
- *\$4M to restore the Parks Equity Initiative, and support park stewardship organizations citywide.*
- *\$3.4M to restore 15 GreenThumb staff, and expand access to plant materials, resources and tools for community gardeners citywide.*
- *\$3M to hire 50 Urban Park Rangers to connect New Yorkers with the nature that surrounds us, and help ensure our parks remain safe and accessible for all.*
- *\$6M to restore 80 Parks Enforcement Patrol officers citywide to make sure our parks are safe.*

Last year, the City also made substantial cuts to the Sanitation Department budget. The City was already behind schedule on meeting its Zero Waste goal of reducing the amount of waste we send to landfills 90% by 2030 before these cuts, so we implore the City to take bold action to drastically reduce waste over the next 9 years.

First, we must ensure that the Department of Sanitation receives \$4M to fully fund the staff, consultants, and data management needed to implement Commercial Waste Zones. This program will reduce emissions and improve safety for workers and pedestrians by requiring commercial carters to operate within well-designed waste zones instead of rushing to cover long and circuitous routes.

The FY22 budget must also include \$14M in funding for composting programs across the city that will start to bring us back towards our Zero Waste goal. This \$14M will double the current funding for New York's food scrap drop off program, provide additional funding to large scale compost sites such as BigReuse and the LES Ecology Center, reinstate the in-school composting educational program, and explore a multi-family building collection pilot program.

This funding will position us to take aggressive waste reduction actions such as legislation to create a citywide curbside composting program. An initiative such as this will ultimately save

the city money, put organic materials back to use as fuels and soil amendments instead of treated as waste, reduce emissions from landfills, and put us back on track with our waste reduction goals.

Lastly, we can no longer allow dirty diesel school buses to pollute our air, contribute to greenhouse gas (GHG) emissions, and put the health of our children at risk. Therefore, we ask for \$3 million to be added to the FY22 budget for the purchase of electric school buses. This funding, along with grants from the NY Truck Voucher Incentive Program (TVIP), will cover the difference in the cost of replacing 15-17 diesel buses with type A electric school buses along with the necessary charging infrastructure.

In addition to the current investment needed to start transitioning away from dirty diesel buses to clean buses, we urge the council to consider passing legislation, such as Intro 455 from 2018, to mandate that all school buses be electrified by the year 2040.

We should also highlight that the majority of school bus depots are located in environmental justice communities, where lower-income communities and communities of color face higher rates of air pollution and bear the brunt of the impacts of climate change. These communities would benefit the most from the implementation of electric school buses and we urge the city to prioritize the routes and depots in these areas for these buses.

The COVID-19 crisis is still placing stress on our economy and communities. This was apparent in the FY21 budget but does not need to be the case again this year now that the federal government has provided relief. We urge the City Council to have foresight and prepare for the next crisis that we are already amidst, the climate crisis. Combined, our asks are less than 0.1% of the total FY22 budget and will help us protect New Yorkers from climate change in 2021 and in years to come.



Embracing Hope *and* Building Futures *for* Generations

Testimony delivered by Nadine Duncan, Controller
Prepared for the New York City Council
Committee on Finance
FY22 Preliminary Budget Hearing
March 24, 2021

Good afternoon. My name is Nadine Duncan and I am the Controller at Sheltering Arms. Thank you, Chair Dromm and members of the Committee on Finance, for the opportunity to submit testimony.

Sheltering Arms is one of the City's largest providers of education, youth development, and community and family well-being programs for the Bronx, Manhattan, Brooklyn, and Queens. We serve nearly 15,000 children, youth, and families each year, and employ more than 1,100 staff from across New York City.

Restore Funding for the Indirect Cost Rate (ICR) Initiative

First, New York City's FY22 budget must honor the City's commitment to cover providers' true indirect costs by including \$171 million in ICR funding. Disinvestment in the ICR Initiative is the primary risk to organizations like Sheltering Arms. It is unconscionable that NYC would commit to this initiative, require providers to go through a lengthy process to demonstrate actual costs, and then refuse to pay providers the full rate approved by the Mayor's Office of Contract Services (MOCS).

Through the ICR, Sheltering Arms was approved for an indirect rate of 13.46%, however, under the current Executive Budget, MOCS is only able to honor a rate of 10%. This reduction will result in a gap of approximately \$2M in critical indirect funding across our FY21 contracts. This funding is needed to support our core infrastructure that allows us to continue providing high quality services to our communities across NYC, things like:

- Upgrading and maintaining our payroll system to ensure staff are paid accurately and on-time.
- Ensuring that our technology across 50 sites, including 20 residential sites (and hundreds of home offices!), are effectively meeting the needs of increased reliance on internet, including video meetings and therapy sessions, remote learning, and file sharing (e.g. improving WiFi, maintaining computers and laptops, upgrading licenses for LogMeIn and VPN access).
- PPE and cleaning for administrative staff and offices for staff whose work could not be completed remotely (e.g. our Facilities team continuing to make deliveries of PPE and donations to our residential and program sites; our Accounts Payable team which must continue to print paper checks to ensure our bills are paid)

We are lucky to have received CARES Act funding, however, financial uncertainty at the City and State levels mean that the financial future of our agency is also uncertain, driving our Board of Directors to remain very cautious. **With more than \$6 billion slated for NYC, which more than covers the anticipated shortfall of \$5.25 billion for FY21, there is no excuse for the City to not baseline the full \$91M that the Office of Management and Budget (OMB) has said is needed in order to fully fund the**

ICR for FY22, and to restore the \$80M needed to make providers whole for retroactive cuts made to the ICR for FY20 and FY21. Full funding for the ICR initiative is critical to our ability to continue providing high quality services to children, youth, and families across NYC.

EDUCATION

DOE RFPs for Birth-to-Five and Head Start/Early Head Start

The Department of Education (DOE) began the process of rebidding the entire early childhood education system in 2019. We are now three months away from contract start dates, enrollment for the 2021-2022 school year has already begun, and there is considerable confusion for both providers and parents. While we know the DOE is trying to meet the needs of our communities, we are concerned that the process is being rushed, including the calculation of need in our communities, and we are not confident that our contracts will be registered by the start date in July 2021.

1. We do not have any finalized contracts for preliminary awards that are set to begin in just three months. Many providers, including Sheltering Arms, received partial awards for far fewer seats at some of our sites than our we currently serve – including in communities that have now been identified by the DOE as high-need communities where they need additional seats.
2. Proposals for the DOE’s most recent RFP, which will award additional seats in these high-need communities most impacted by COVID-19, are due next week for contracts that are scheduled to begin in just three months.

The City Council must ensure that contracts for the City’s early childhood education system, which is absolutely vital for the recovery of our communities, are completed in a timely and transparent manner gives both providers and families the confidence and stability we need as we enter the 2021-2022 program year.

Increased Investment in Mental Health and Academic Support

The impact of COVID-19 on the families we serve cannot be overstated. Children have lost parents, families have lost income, food insecurity has increased dramatically, and like parents across the country our families have had to figure out how to balance work with their children’s education. The disproportionate impact of COVID-19 (physically, emotionally, and financially) on Black and Latinx communities in NYC has fallen on both the families in our program and our staff members. Our communities have experienced incredible trauma and need additional support.

We are grateful that New York City has invested some resources and training in recent years to ensure that early childhood education programs provide trauma-informed care to the children and families we serve. Trauma Smart has equipped our staff with critical skills and strategies to address the behavior issues that are often a result of trauma that they face at home, or in their communities. Sheltering Arms has also operated a Thrive NYC Connections to Care program within some of our ECE centers since 2016, allowing us to embed mental health education and screening services into our programs. While these have been helpful in equipping staff with skills and tools to support a trauma-informed environment, more is needed to provide staff and families with tangible mental health services that are integrated into the program.

For example, in April one of our families suffered the loss of the father due to COVID. The father always worked while mom stayed home, so his loss was a devastating emotional and financial loss for the family. Our Early Head Start (EHS) program provided this family with mental health services (made possible with private funding) and intensive family services to assist her with navigating the medical and benefit systems during her husband's illness and death. After his death, the mother moved temporarily

with her three sons to a family member's home in Connecticut, where we were able to stay in touch. Her family came together to help her obtain a small studio apartment in the Bronx for her and her three sons ages 14, 10, and 2. The mother now has to work long hours at a nail salon six days a week and is overwhelmed with not being able to help any of her children with remote learning. Instead, the mother relies on the help of their babysitter and grandmother, who are both limited in education and technology skills, to watch the children during the day and help with remote learning as best as possible. We were eventually successful in enrolling the youngest child in our blended learning option, and continue to support the babysitter and grandmother as much as possible during the remote learning days.

We urge the Department of Education to provide additional resources, including onsite mental health counseling in our ECE centers, to support the growing mental health needs of staff and families, especially for our BIPOC mothers. Research continues to point to the increased need for mental health support in BIPOC communities, and especially for BIPOC women. Our programs are designed to work with parents, and NYC has recognized that the trusting relationship parents have with their childcare provider makes us an effective access point to needed care. NYC must invest additional resources to address the profound trauma our communities have and continue to face.

Similarly, we know that the impact of the pandemic has caused many students to fall behind in school – from the earliest years of development all the way through high school. Even in preschool some children are receiving one-on-one tutoring to ensure they are ready to enter kindergarten. Children of all ages are going to need additional support in the coming school year and beyond. **The City must invest additional resources to support children and their parents, including tutoring and expanded afterschool services, to ensure the learning gap between families who can afford additional support and those who can't does not continue to grow.**

Students in Foster Care

Sheltering Arms also provides foster care services, serving more than 220 school-aged children and youth each year through our family foster care program and two-group homes. **We stand with nearly 30 foster care agencies and child advocacy organization in calling on the City to include \$1.5 million to establish a DOE office focused on supporting students in foster care, and \$5 million to provide bus transportation for students in foster care from kindergarten through sixth grade.** This funding is vital to supporting the well-being of students in foster care. **At a minimum, the City Council should ensure that the FY22 budget includes funding for at least one DOE staff member focused full-time on students in foster care.**

DOE Office for Students in Foster Care

Additionally, despite specific laws outlining the rights of students in foster care and the educational barriers often faced by these students, the DOE does not have a single staff member focused full-time on students in foster care. As a result, the DOE has not developed and implemented needed policies to assist students in foster care. In addition, schools, foster care agencies, and families do not have a DOE point person to contact with questions or concerns regarding students in foster care.

In March 2018, the City's Interagency Foster Care Task Force, whose membership included the DOE Chief Operating Officer and the Commissioner of ACS, recommended that the DOE establish an infrastructure to focus on students in foster care, similar to the DOE's Office of Students in Temporary Housing, that would "oversee and advise a team of borough-based foster care content experts" who

would be responsible for providing schools with individual case consultation and professional development regarding students in foster care.

In November 2018, a group of advocates met with Deputy Chancellor Robinson to collaboratively discuss how the DOE can better support students in foster care. We are encouraged by the partnership we've encountered with the DOE, and are glad to see that there is interest in doing more to assist students in foster care. However, it is clear that more resources are needed in the budget in order to have staff at the DOE who are dedicated to this vulnerable population. **We recommend that the FY 2022 budget include \$1.5 million per year to establish a DOE office focused on students in foster care.**

Busing for Students in Foster Care

While two federal¹ laws require local school districts and child welfare agencies to collaborate to keep students in their original schools when they enter foster care or change foster care placements, and to provide transportation to their original schools, it is our experience that such transportation is largely never provided for by the City. New York City guarantees bus service to students in foster care only when they have special transportation recommended on their Individualized Education Programs. The City allows other students in foster care to apply for busing through the DOE's Office of Pupil Transportation. However, these requests are almost never approved.

The burden of not having this service then falls heavily on foster parents and foster care case planners, and actively undermines the stability and well-being of students in foster care. Without bus service, too many young children in foster care are forced to change schools even though such a transfer is not in their best interests, causing additional disruption to students and setting them back in their academics. Lack of reliable transportation options also makes it more difficult to recruit foster parents. Some prospective foster parents are unable to accept foster children into their homes unless they know how the child will be transported to school, and it is not unusual for a foster parent to reject a placement or submit a 10-day notice of removal because they cannot realistically support the student's transportation needs, leading to unnecessary disruption and further instability for children. **We recommend that the FY 2022 budget include \$5 million per year for bus service or other door-to-door transportation for kindergarten through sixth grade students in foster care.**

GENERAL WELFARE

Pay Parity for Human Services Workforce (Close to Home & Child Welfare)

Additionally, our frontline workers have borne the brunt of chronic underfunding and disinvestment for decades even before the pandemic, with City agencies often paying their own staff significantly more than they contract providers to pay for identical positions.

In Close to Home, for example, entry-level Youth Specialists can make up to \$15,000 more annually working for the Administration for Children's Services. If they travel just a bit further to Westchester and Nassau counties right outside the City, where providers are paid per diem rates that are almost double the City rate through State-funded Raise the Age programs, they can earn even more. This led to turnover rates of 30-40% long before the COVID-19 crisis. Our workforce has been even further destabilized by the pandemic.

¹ Every Student Succeeds Act (ESSA) and the Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections)

As the Administration for Children's Services (ACS) prepares to issue a Concept Paper and then a Request for Proposals (RFP) to rebid the entire juvenile justice system, including Close to Home, pay parity must be included. **The City must ensure that the upcoming RFP provides parity for equal positions, whether employed by City agencies or human services providers contracted with the City, to ensure the stability of critical services like Close to Home where the safety of children depends on a stable workforce.**

Fair Futures

Our organization is proud to be a member of Fair Futures, a coalition of over 100 non-profit organizations focused on supporting young people in and aging out of foster care. Since the inception of the COVID-19 pandemic, Fair Futures coaches and tutors have been on the forefront helping our youth in foster care secure safe housing, food, medical supplies, and assisting in the transition to virtual learning. In the midst of this crisis, they continue to provide emotional and academic support to our young people and, for many, are the only support system they have. More than ever, we ask for the City to fulfill its promise to foster youth. In order for our young people to survive this crisis and its long-term effects, **we urge the City Council to work collaboratively with the Mayor to restore funding and baseline \$20M for Fair Futures in the City's FY2021 budget.**

MENTAL HEALTH

Restore Funding for Council Mental Health Initiatives: Children Under Five Seen and Heard Program – Serving Children Ages 0-5

All three of our clinics specialize in serving children ages 0-5 through our signature Seen & Heard (S&H) program which uses the evidence-based Child-Parent Psychotherapy (CPP) model to provide therapeutic support in both English and Spanish. This program helps young children process trauma they have experienced, and equips caregivers with the skills they need to rebuild and restore the child's overall sense of safety, attachment, and trust, while also processing their own experience with the trauma.

Our S&H program is almost entirely funded through the Children Under Five Council Discretionary Initiative, supplemented by some private funding. S&H has been a critical lifeline for our families with very young children (pre- and post-pandemic), and we urge the Council to ensure funding for the Children Under Five initiative is restored to FY20 funding levels, and even consider increasing the allocation for this incredibly vulnerable population.

The pandemic added an immense amount of stress, anxiety, and depression into the lives of the caregivers and children we serve. Our team spent the initial months of the pandemic prioritizing stabilizing caregivers and focusing sessions on crisis response and safety planning. Many caregivers lost their jobs or feared they would, were challenged to manage many new or intensified stressors, and feared what would happen to their children if they contracted COVID. Our uninsured clients also faced scams targeted at their communities related to COVID testing (e.g. being asked to pay for testing).

Through S&H, we worked with families to transition to telehealth services, provided families with needed materials to support their therapeutic sessions (e.g. play-doh, books, devices), and connected them to our Children's Health Home program and our privately-funded Family Emergency Fund to ensure their basic needs were met.

For one five-year-old boy in treatment with his grandmother, the support of S&H throughout the pandemic has been crucial and immensely beneficial. This young boy endured severe trauma early in his life, including witnessing the death of his baby brother. As a result, he suffers PTSD, has lots of

nightmares, is hypervigilant, and fears the police. All of this made going to our clinic a very triggering experience for him as he encountered all of the activity and stimulation on the streets in Jamaica, Queens (e.g. shoppers, sirens, music). Additionally, he began to associate our office with remembering his past trauma and struggled to open up. Once we began virtual treatment, where he was able to be in his own home, he started talking freely about everything he endured and we were finally able to construct a trauma narrative (a therapeutic tool). Providing teletherapy in his home also allowed us to see some of the behaviors we wouldn't normally get the chance to see in our clinic, which helps to inform his therapy in a more holistic manner.

Services provided by S&H were critical before the pandemic, and have only become more necessary as we support children and families process, cope, and recover from the ongoing traumas it has caused. **We urge the Council to restore funding for Children Under Five to FY20 levels.**

YOUTH SERVICES

Restoration of Summer SONYC

We thank the Council for its long-standing support of summer programs for students, and are grateful that the Council has consistently restored funding that has been cut in the Executive Budget. After the stress that families and providers were put through last summer we were hopeful that summer funding for youth would be prioritized, especially as the City continues to move towards recovery and opening schools.

However, here we are again with zero funding for SONYC middle school programs. We know this is a tough budget year, but the Council and the Mayor know these programs are vital for the well-being and development of our students, and the recovery of our communities. Providers like Sheltering Arms are ready and able to provide these programs safely in-person. We have done so from more than 120 students across five elementary schools this semester.

The Council must ensure that full funding is restored for summer SONYC for middle schoolers.

Hold Harmless and Right-Size Runaway and Homeless Youth (RHY) Contracts

Throughout the pandemic, Sheltering Arms has worked closely with DYCD to manage our programs safely, including reducing the number of youth in our Crisis Shelter to allow for social distancing and isolation, when necessary; and closing our daytime youth drop-in center in Far Rockaway during the initial months of the crisis in order to avoid in-person activities. These actions, which were necessary to ensure the safety of our clients and staff members, resulted in lower utilization in both of these programs.

DYCD is currently penalizing RHY providers for this type of under-utilization, marking us as "Far Below Standard" on our Annual Performance Evaluation. They have assured us that a note will be added to this evaluation in PASSPort, but this does not reassure us that future decisions based on provider performance will not be impacted. **Just as DOE is holding schools harmless for attendance this year, DYCD must hold RHY providers harmless for under-utilization of in-person services throughout the pandemic.**

Additionally, while we are grateful that the City has largely kept RHY programs whole in the FY22 budget, there are key areas in the RHY system that require investment in order to ensure the City can meet the needs of RHY:

- **Fully fund the cost of services provided** (\$3.01M) – in addition to the need for fully funding the ICR initiative, funding for RHY contracts has consistently fallen short of covering the true cost of running programs.
- **40 additional beds for 21- to 24-year-olds** (\$2.02M) – throughout the pandemic, our 24hr drop-in center in Jamaica, Queens is full every night because youth don't want to enter the adult homeless system. Youth who are between the ages of 21-24 have often aged out of every other support system, and with only 60 beds citywide, many are still being left to fend for themselves.
- **Fund targeted mental health support or specialized TIL pilots** (\$2.6M) – youth with severe mental health needs are being done a disservice; providers need resources to provide on-site clinical services and intensive case management
- **Create a Peer Navigator program** (\$200K) – private funding has allowed Sheltering Arms to provide a peer navigator program for youth in our continuum for the past year. These peer navigators provide critical support to youth learning many life skills for the first time – peer navigators accompany youth to get their State ID, access resources, and navigate a path to permanent housing.

Thank you again for the opportunity to testify before you today, and for the City Council's partnership on the issues impacting our sector and our communities. I am happy to answer any questions you may have.

Nadine Duncan
nduncan@shelteringarmsny.org



Good afternoon, my name is Mohamed Attia, I am the Director of the Street Vendor Project. The Street Vendor Project (SVP) is a membership-based organization working to improve the working conditions of the approximately 20,000 people who sell food and merchandise on the streets of New York City.

SVP, founded in 2001, strives to improve and expand vending as a viable, lawful employment option for immigrants, military veterans, and other entrepreneurs.

As the only organization that focuses on street vendors in New York City, through direct legal representation, small business development and training, organizing support, leadership development, and strategic legislative advocacy.

We have connected nearly 3,000 street vendors to resources and information about housing, food access, and loan and grant opportunities in the past year alone.

The Street Vendor Project (SVP) requests support from New York City Council to further develop and expand the essential multilingual services we offer to street vendors, an estimated population of 20,000.

These vendors are our City's smallest business owners who provide fresh, affordable food and merchandise to New Yorkers.

Vendors have special needs related to the mobility of their businesses. Additionally, it can be difficult to establish relationships within the vendor community due to language, residency status, and other barriers.

In January 2021, New York City Council passed landmark legislation, Introduction 1116-B, reforming the entire street vending system.

The news of the bill has excited street vendors across the city who are eager to apply for a supervisory license and become part of the formalized economy.

SVP staff members are fielding hundreds of calls per week to advise vendors.

As the only organization that focuses on street vendors in New York City, our services were already in high demand throughout the COVID-19 crisis, as we connected nearly 2,000 street vendors to resources and information about housing, food access, and loan and grant opportunities.

Vendors across the five boroughs reach out to SVP because of our long history working within the community. Since the COVID-19 pandemic has devastated New York City, street vendors, many of whom are undocumented immigrants, have seen up to a 90% loss of income in their daily lives.

This high volume of intakes has presented an unsustainable demand on a small staff body and the organization, hence our urgent request of support to increase our ability to respond. With the increased need to inform vendors of the updated rules and regulations, as well as to respond to urgent COVID-19 related needs, SVP requests support to expand capacity for our culturally and linguistically specific outreach services across the five boroughs. SVP proposes to hire Outreach & Education Specialists who will conduct outreach to vendors across the five boroughs in a variety of engagement methods, with each of these positions focused in one of the five most common languages spoken by vendors: Arabic, Bengali, Mandarin, Spanish, and Wolof. Additionally, the Education and Outreach Specialists will work with SVP's Graphic Designer to create linguistically specific materials, as well as materials for the illiterate population. To monitor and evaluate progress, the

Education and Outreach Specialists will document and track their education and outreach efforts by collecting vendors' demographic information, initial knowledge (or lack thereof) of the bill, and resources needed.

Mohamed Attia
Director
Street Vendor Project
Urban Justice Center

City Council Testimony – 3-24-2021

From:

William (Bill) Bateson

Representing CIVITAS.

Notes for Testimony during the March 24th Finance and Budget meeting.

On January 28th of this year Mayor De Blasio announced \$284 million in funding for repairs to the East River Esplanade between Gracie Mansion and 125th street RFK bridge – which is East Harlem; **CIVITAS** has with **Friends of the East River Esplanade** cosponsored a letter signed by 23 other groups including two members of the state assembly and leaders both community boards 8 and 11 thanking the Mayor for this needed funding and requesting the money be included in the NYC capital budget and that the project be moved forward in the most expeditious manner possible.

This significant funding seems urgent and justified to our coalition for three main reasons:

- 1) The erosion and structural collapse manifest by numerous recent sink holes seem likely to continue without structural remediation that prevents tidal action from eroding and removing the fill from underneath the walkway and surrounding area. This waterfront park is a very thin but important strip of recreational space between the FDR drive and the Harlem River; the ongoing erosion here should also concern anyone who uses the FDR Drive. Repairing the existing seawall to resist tidal action and scouring will require replacing most of the existing seawall and the existing fill underneath it. Other measures to long-term protect the repaired seawall, such as a rubble-rocks to break up the waves and provide habitat would also be prudent.
- 2) The Esplanade has astonishing potential as a waterfront destination for the adjacent neighborhoods including the upper East Side, East Harlem, and Central Harlem. It is a key link in the Manhattan Greenway. NYC could transform this narrow green strip with reasonable spending on better vegetation, potable water for community gardens, improved barriers to the nearby traffic, comfortable benches, shading, and sanitary facilities.
- 3) Finally, this is one of the very few good park spaces for East Harlem. The city has dedicated substantial funding to multiple locations along the east river waterfront farther south between the battery and 59th street bridge, most recently engineering a magnificent \$100 million elevated east midtown greenway between 53rd and 60th Street. The East Harlem waterfront is collapsing and eroding and should have been a higher priority for a long time. The disparity in spending and quality of waterfronts between East Harlem and other parts of Manhattan should concern everyone.

Attached is our **East Harlem Coalition letter to the office of the Mayor**, supported by a variety of groups including two members of the state assembly and leaders of Community Boards 8 and 11. The letter is followed by 3 pages of photographs of the deteriorating East Harlem Waterfront. Thank you.

Coalition for the East Harlem Waterfront

Bill de Blasio, Mayor of the City of New York
City Hall
Manhattan, New York

The Coalition for the East Harlem Waterfront is writing to express our profound appreciation for your decision to commit \$284 million in City capital funds to repair and restore the East River Esplanade from 94th to 125th Street. Considering the deteriorating condition of this section of the Esplanade, we urge you to include these funds in your FY 21-22 capital budget and do everything in your power to move this project forward in the most expeditious possible manner. We stand ready to support its approval this spring by the City Council together with a speedy design, procurement process, and construction.

This East Harlem section is the final major segment of your grand vision for the Manhattan Waterfront Greenway, a celebrated initiative to create a continuous loop around the entire perimeter of Manhattan. Until now, it has not been the beneficiary of a substantial capital investment to restore and improve it. The west side of this Greenway with Hudson River Park as its centerpiece is in good shape. The City has started work on six critical projects on the East Side: 1) East River Pinch Point project at East 13-15th Streets, 2) United Nations Esplanade from 41st to 53rd Streets, 3) waterfront park from East 53rd to East 61st Street, 4) Harlem River Greenway from East 125th to 134th Streets, 5) Harlem River Speedway project from 145th to 165th Streets and 6) Inwood section that encompasses Sherman Creek to Inwood Hill Park. Your \$284 million dollar investment addresses the current gap, and is also a vital component of Regional Plan Association's Five Borough Bikeway proposal.

A City press release proudly proclaimed two years ago that the completion of these projects would "connect five miles of continuous waterfront greenway from East 53rd to 145th Streets". However, the progressively deteriorating condition of the East Harlem Esplanade from 94th to 125th Street belies this noble vision with its sinkholes, two sets of fences blocking access through 114th and 117th Streets, and over 1300 feet of crumbling seawall. In addition, the neglected state of the East Harlem Esplanade is epitomized by the condition of the Pier at 107th Street that is now condemned. The attached photographs make this assessment graphically compelling. Groups like East River CREW once provided free rowing instruction and access to the water at East 96th street and that is no longer available. This problem is compounded by the exceptionally low portion of land set aside as parkland on the Manhattan side of the East River in the highly diverse and growing East Harlem community. They deserve easily accessible outstanding waterfront and recreational activities.

In light of our strong interest in and support for restoration of this final section of the Manhattan Waterfront Greenway, we request the City keep us apprised of your timeline for formal approval of this capital budget item. It is imperative that the City advance this project all the way to completion in the most expedient manner feasible as a matter of elemental social justice and public safety. Given the experience of the NYCEDC in overseeing the other East Side projects that include significant resiliency measures, we would like to assume that NYCEDC will play a cooperating role with City Parks in view of the extensive coastal resiliency measures being put into place around our waterways.

For these reasons, the Coalition for the East Harlem Waterfront strongly applauds your decision to invest \$284 million in the East Harlem Esplanade. We look forward to a spectacular new open green space along the East Harlem Waterfront and completion of the Manhattan Waterfront Greenway.

Sincerely,

Please see signature pages that follow



Alliance for Kips Bay

Molly Hollister
Molly Hollister, President



Bike New York

Kenneth J. Podiziba
Kenneth J. Podiziba, President and CEO



Billion Oyster Project

Katie Mosher
Katie Mosher, Director of Programs



Community Board 8

R. Squire
Russel Squire, Chair CB 8
Tricia Shimamura, Barry Schneider
Co-chairs of Parks & Waterfront



Community Board 11

Nilsa Orama
Nilsa Orama, Chair of CB11



Concrete Safaris

Mac Levine, Executive Director

Jessica Elliott

Jessica Elliott, Chair of Environment, CB11



Harlem One Stop



CIVITAS

Jim Tripp
Jim Tripp, Board VP
William Bateson
Bill Bateson, AIA Board Member



East River Crew

V. Gilbert
Victoria Gilbert, President
vgilbert@saintdavids.org



El Barrio Fishing Club

Roger Hernandez
Roger Hernandez, Jr., President



Friends of the East River Esplanade

Jennifer Ratner
Jennifer Ratner, Board President
Stacy Papas
Stacy Papas, Executive Director



Friends of the Upper East Side Historic District

Rachel Levy
Rachel Levy, Executive Director,
rlevy@friends-ues.org



Lower East Side Ecology Center

Christine Datz-Romero
Christine Datz-Romero, Executive Director



The NY Harbor School

Jeffrey Chetirko
Jeffrey Chetirko, Principal

Mauricio Gonzalez
Mauricio Gonzalez, Biologist



New Yorkers For Parks

Adam Ganser
Adam Ganser, Executive Director



New York League of Conservation Voters

Julie Tighe
Julie Tighe, President



**Robert J. Rodriguez
NYS Assembly**

Robert J. Rodriguez
Robert J. Rodriguez



**Rebecca A. Seawright
NYS Assembly**

Rebecca A. Seawright
Rebecca A. Seawright



Regional Plan Association

Tom Wright
Tom Wright, President



Shorewalkers NYC

Pamela Cress
Pamela Cress, President
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Transportation Alternatives

Danny Harris
Danny Harris, Executive Director



Tri-state Transportation Campaign

Janna Chernetz
Janna Chernetz, Deputy Director
janna@tstc.org



Uptown Grand Central

Carey King
Carey King, Director



The Waterfront Alliance



WE ACT for Environmental Justice

Peggy Shepard
Peggy Shepard, Co-founder and Executive Director

Please send any responses to EastHarlemWaterfront@gmail.com

cc.

Diana Ayala, *Member of the City Council*

Justin Brannan, *Chair of NYC Council Committee on Resiliency and Waterfronts*

Gale Brewer, *Manhattan Borough President*

Daniel Dromm, *Chair of NYC Council Committee on Finance*

Adriano Espaillat, *US Congressman*

Henry Gutman, *Commissioner of the City Department of Transportation*

Ben Kallos, *Member of the City Council*

Peter Koo, *Chair of NYC Council Committee on Parks and Recreation*

Rachel Loeb, *Acting President of NYC Economic Development Corporation*

Carolyn Maloney, *US Congresswoman*

Mitchell J. Silver, *Commissioner of the City Department of Parks and Recreation*

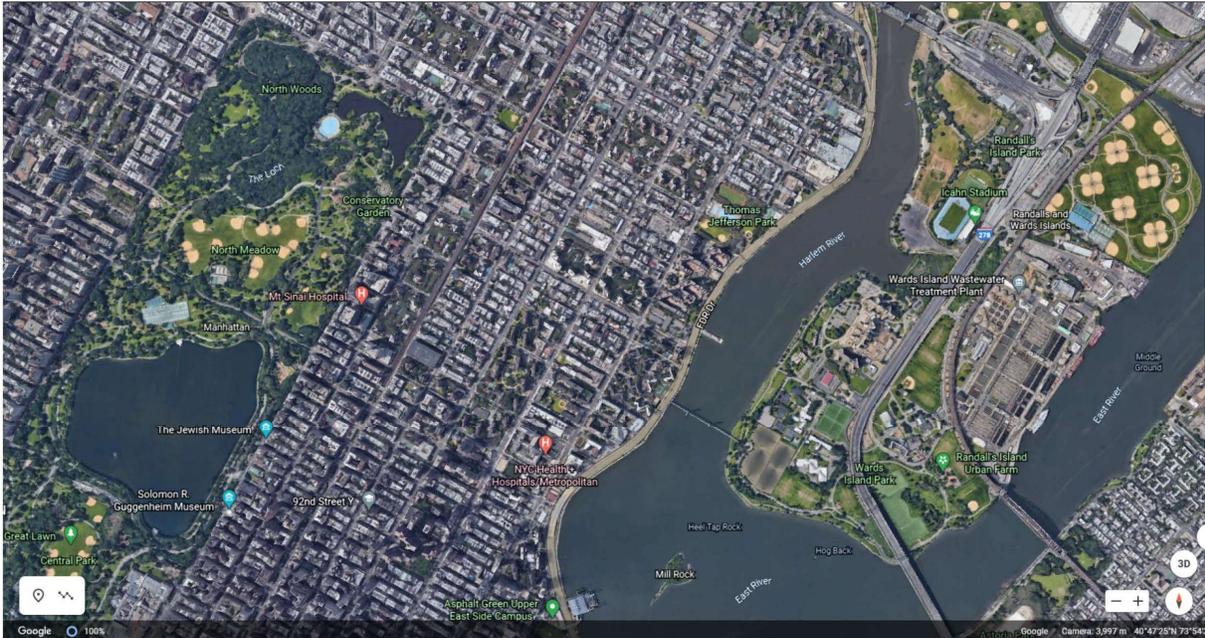
Scott M. Stringer, *City Comptroller*

Jumaane D. Williams, *NYC Public Advocate*

And to key members of pertinent City Council Committees.

East River Esplanade, 90th to 125th Streets

2/24/2021 Update 2



Map of East River Esplanade, west side of the Harlem River from Transfer station (bottom of photo) at 90th Street to RFK Bridge at 125th Street (top of photo). Central Park and Randal's Island are included for context. East Harlem has few parks of its own besides the Esplanade.

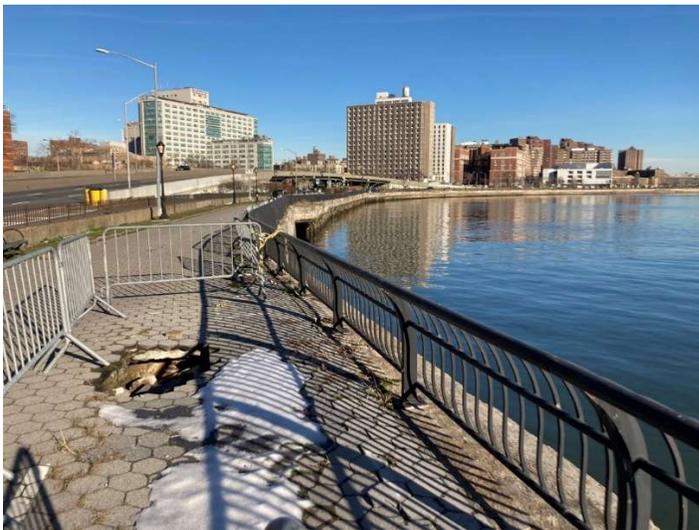


Photo 1 : Looking north from 93^d street, typical sink hole, one of many. See "A" on Keymap



Close up of the same sink hole. See "A" on the keymap, page 3.

Above: Hexagonal pavers and concrete topping have collapsed into a **cavity formed by tidal action and water seeping underneath the structure**. This happens frequently along the esplanade. Temporary barriers are installed for safety here.



Photo 2 Looking north from 98th St. Another sinkhole from tidal action. The FDR drive can be seen to left, adjacent to eroding structure.



Fencing around multiple sinkholes often leaves only a narrow strip of bare earth between fencing and the FDR



Photo 4: Pier at 107th Street: See "C" on Keymap Potentially at major destination, it has deteriorated and been deemed unsafe and closed.



Photo 5: The smaller pier at 110th street is deteriorated and closed to public. It could be destination for fishing or sitting, away from FDR.



Photo 6: The remaining areas have minimal planting to obscure noises of nearby cars.



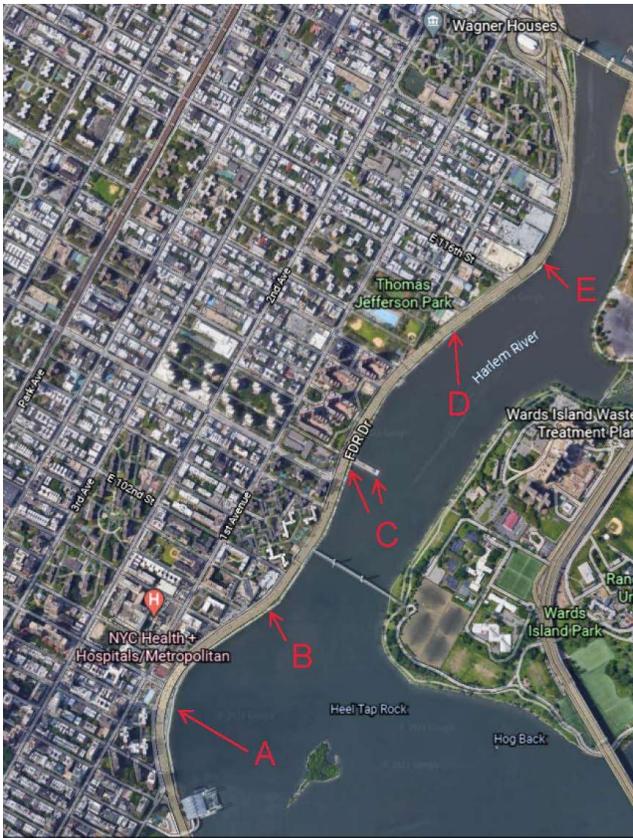
Photo 7: Esplanade north of 114th street has all been closed for safety concerns from structure. See "D" on Keymap, page .



Photo 3: Typical Railing near 105th Street looking north. Concrete is deteriorating under the rails. Balusters in background are not attached to anything as the concrete is missing



For comparison and to show potential: Around 112th street across from Thomas Jefferson Park, this brief section has better planting and not yet any collapsing sink holes. In addition to repairs needed elsewhere, preventative structural work will be needed to preserve the remaining places like this.



Keymap showing 91st – 125th Street.



Above: Fencing at 117th street, looking south.

Photo Key for this letter – see map at right.

- (A) Sinkhole at 94th St.
- (B) Sinkhole and fencing at 101st St.
- (C) Closed Pier at 107th St.
- (D) Fencing at 114th street that blocks all traffic trying to go north
- (E) Fencing at 117th street blocks all traffic heading south.

Note: the area north of 121st street is also closed off by fencing for approximately five years, waiting for installation of safety railings.



**Written Testimony
New York City Council
Committee on Finance, Jointly with the Subcommittee on Capital Budget
Fiscal Year 2022 Preliminary Budget Hearing
March 24th, 2021**

On behalf of Urban Pathways, thank you for the opportunity to provide this written testimony regarding the needs of the human services workforce and homeless New Yorkers in the Fiscal Year 2022 Preliminary Budget.

Urban Pathways is a nonprofit homeless services and supportive housing provider. We assist single adults through a unique combination of street outreach, drop-in services, safe havens, extended-stay residences, and permanent supportive housing. We also offer a wide range of additional programming to meet the needs of our clients, including our Total Wellness Program and UPwards Employment Program. Last year Urban Pathways served over 3,900 New Yorkers in need.

Throughout the pandemic, our doors have never closed, and our services have never stopped. In fact, we opened an additional program with 60 stabilization beds to bring New Yorkers experiencing street homelessness inside to safety. **At great risk to their own health and that of their families, our frontline staff continued to come to work to ensure the wellbeing of our clients and residents.** And like Urban Pathways, human service providers across the City have continued to provide food, childcare, and other critical in-person services throughout the last year.

While the human services sector stepped up to meet the needs of New Yorkers in crisis, unfortunately, New York City government did not step up to support us in the same way. Throughout the last calendar year, the City has allowed the COLA for human services workers to expire in the middle of the pandemic by not renewing it in the FY21 budget, failed to provide comprehensive emergency pay for low-wage City-contracted frontline workers, and created fiscal chaos for the sector by retroactively cutting the Indirect Cost Rate (ICR) Funding Initiative. This has pummeled a sector already facing a funding crisis, with contracts that only pay 85 - 87 cents for every dollar of the actual costs to run our programs as the norm long before the pandemic hit. On top of an already underfunded budget, we have experienced increased costs related to COVID-19 for PPE, increased cleaning, and expanding Wi-Fi access for our clients that are relying on telemedicine and virtual behavioral health services.

In order to address this crisis, the FY22 budget must include the following:

- **The restoration of the COLA on the personnel services line of all human services contracts at a rate of at least 3%;**
- **Comprehensive emergency pay for human services workers retroactive to March 23, 2020, when non-essential workers in New York were ordered to stay home; and**
- **\$171 million to fully honor the Indirect Cost Rate (ICR) Funding Initiative for FY20, FY21, and FY22.**

These urgent investments are needed while workers, advocates, providers, and elected officials continue to work together on more comprehensive solutions to ensure that human services workers finally earn fair pay for their essential labor.

Human services workers have long been and continue to be extremely underpaid. In fact, 60% of New York's workforce qualified for some form of public assistance pre-pandemic.¹ On top of losing their COLA, the majority of the workforce has not received any sort of additional compensation as recognition for their essential work. As residential programs, Urban Pathways' contracts did receive emergency pay for our employees working on site through DHS and DOHMH. However, these funds were only available through June 1st. As we know the pandemic, and the risks to our staff members' health, has continued long past June and continuing emergency pay without government funds has proved unsustainable.

While the City committed to funding a full Indirect Cost Rate (ICR) on human services contracts in November 2019, following the release of the FY21 Budget we were informed that **40% of our increased ICR would not be funded for FY20**. The result for our organization was a **retroactive cut of \$387,553**. Having already planned on how that money would be used, a retroactive cut was particularly harmful; this is a cut for services already rendered that we cannot go back and un-spend. Since July, we have been waiting to find out what our ICR funding would be for FY21. Last week, (over seven months into the fiscal year), we found out that we would be receiving a **70% reduction to our increased ICR**. This is a **\$678,218 reduction** from our approved increase that we were originally told we would receive in FY20. These cuts are impacting providers across the City doing essential work.

In order for the City to honor its commitment to fund nonprofit human services providers it contracts with to provide essential services, the FY22 budget must include \$171 million: \$91 million in total for FY22, including the \$34 million already currently baselined for ICR funding, \$57 million for FY21, and \$23 million for FY20 to fill in the gaps between the cost of the City's commitment to nonprofits and the amount included in the past two budgets.

¹ Undervalued and Underpaid: How New York State Shortchanges Nonprofit Human Services Providers and their Workers <https://humanservicescouncil.org/wp-content/uploads/Initiatives/RestoreOpportunityNow/RONreport.pdf>

With over \$6 billion in federal relief now coming to New York City, there is simply no excuse for the FY22 budget not to include full funding for the Indirect Cost Rate, emergency pay, and COLAs to the nonprofit human services sector that has kept the City running throughout the COVID-19 pandemic.

The work our staff does is immensely challenging, and one of the most difficult tasks they face is helping our clients experiencing homelessness find independent, permanent housing. One of the tools they turn to is the CityFHEPS rental voucher. **While the CityFHEPS voucher has the potential to provide meaningful access to the private market for low-income New Yorkers, it must be competitive in order to do so, and with a maximum monthly rental allowance of \$1,265 for a one-person household, it simply falls short in its efficacy.** Even as apartments sit empty with the vacancy rate remaining over 5% and rents decreasing² across the City, the CityFHEPS voucher remains extremely difficult to utilize. With the HUD Fair Market Rent for New York City in FY21 at \$1,760 for a studio and \$1,801 for a one-bedroom, finding an apartment at \$1,265 is a frustrating and near impossible task for our clients experiencing homelessness.

To address homelessness, the City must take a first step in creating adequate access to the private market by raising the maximum rent on CityFHEPS vouchers to at least the Fair Market Rent value. Funding to raise these rates should be included in the FY22 Budget as a priority in the allocation of the \$6 billion in federal relief allocated to the City. As the housing crisis approaches a critical juncture with some households owing as much as one year of back-rent, it is also imperative that the City takes steps to ensure rent relief for households that run the risk of eviction.

It is impossible to ignore that our services and workers are invaluable to the health and wellbeing of the City, and that having a home has never been more critical than in a global pandemic. The FY22 budget must reflect these priorities. Thank you for the opportunity to provide written testimony. We appreciate the City Council's partnership in addressing these essential needs.

For questions or further information, please contact:

Nicole McVinua, Director of Policy

nmcvinua@urbanpathways.org

212-736-7385, Ext: 233

² <https://www.nytimes.com/2021/01/14/realestate/new-york-city-real-estate-market.html>