



Legislation Text

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Res. No. 609

Resolution opposing the newly proposed public charge rule and urging the federal government not to move forward with its adoption.

By The Speaker (Council Member Johnson) and Council Members Menchaca, Levin, Levine, Chin, Ayala, Constantinides, Lancman, Dromm, Richards, Cumbo, Lander, Eugene, Yeger, Treyger, Grodenchik, Cabrera, Rosenthal, Rivera, Kallos, Gibson, Williams and Miller

Whereas, Under current regulations, a public charge determination identifies whether an individual is, or is likely to become, primarily dependent on the United States (U.S.) government for subsistence; and

Whereas, The public charge determination is made when an individual is filing for a visa to reside in the U.S. or to adjust their status to become a lawful permanent resident; and

Whereas, Under current regulations, public charge determinations are based on reliance or use of Temporary Assistance for Needy Families (TANF), Supplemental Security Income, or institutionalization for long-term care; and

Whereas, On October 10, 2018, the Trump Administration filed a proposed rule that would expand the public charge definition to include more types of benefits and increase the frequency of public charge testing; and

Whereas, Under the newly proposed rule, a public charge determination will encompass the additional use of non-emergency Medicaid, the Supplemental Nutrition Assistance Program (SNAP), housing assistance through public housing and Section 8 vouchers, and the Medicare Part D low-income subsidy; and

Whereas, The proposed rule is projected to impact more than 475,000 New York City residents; and

Whereas, Up to 75,000 immigrant New Yorkers will need to decide whether to access benefits for which

they are legally eligible or face possibly adverse immigration consequences; and

Whereas, Further, up to 400,000 immigrant New Yorkers could face adverse immigration consequences due to other changes included in the proposed rule that place a higher weight on factors such as age, health, education, employment history and income; and

Whereas, Immigrants in New York pay an estimated \$8 billion in City and State personal income taxes and approximately \$2 billion in City property taxes ever year; and

Whereas, In 2017 alone, immigrants contributed an estimated \$195 billion to the City's Gross Domestic Product (GDP), or about 22% of the City's total GDP; and

Whereas, The proposed rule could have a detrimental effect on New York City's economy as well as our national economy; and

Whereas, If enacted, the proposed rule could result in an annual loss of \$235 million in SNAP, Cash Assistance, and Supplemental Security Income and the State supplement (SSI/SSP) if just 20 percent of the approximately 274,000 noncitizen New Yorkers currently receiving these benefits were to withdraw from participation; and

Whereas, This would lead to an additional loss of \$185 million in related economic activity, if the same group of New Yorkers were to withdraw from receiving these three named benefits; and

Whereas, A 2018 Migration Policy Institute Report indicates that noncash benefits make up the bulk of benefits accessed by immigrant families, and this proposal will have far-reaching chilling effects, leading to a broad withdrawal from public-benefits programs; and

Whereas, Reducing program participation in benefits programs that are commonly viewed as work supports will likely result in higher poverty levels; and

Whereas, Efforts to prevent families from accessing benefits related to healthcare will result in an increase in severe and chronic health issues; and

Whereas, The proposed rule is likely to diminish the well-documented positive effects of prenatal care, nutrition assistance, early childhood education, and timely medical care on the health, development, and psychological outcomes of immigrant and U.S.-born children; and

Whereas, The ramifications of the proposed rule would not only impact immigrants who are directly affected by the order, but those who can legally access benefits; and

Whereas, Confusion and fear about the proposed rule could lead hundreds of thousands of immigrant New Yorkers, including U.S. citizens, to drop out of benefit programs or choose not to use them; and

Whereas, Adoption of the rule by the federal government could create further confusion, deepen fear in the community, and significantly impact access to health and social services for children and families in New York City; therefore, be it,

Resolved, That the Council of the City of New York opposes the newly proposed public charge rule and urges the federal government not to move forward with its adoption.

LS #8665 & 8781
11/21/2018
TC/EK