



Legislation Text

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Res. No. 1399

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A10433/S5167, which would allow for state agencies, municipalities, and authorities to provide state or local public benefits regardless of immigration status.

By Council Members Menchaca and Chin

Whereas, In 1996, President Bill Clinton signed into law the Personal Responsibility and Work Opportunity Act (PRWORA), enacting drastic changes to the nation's welfare and safety net programs; and

Whereas, Among the many changes set in motion by the PRWORA, the Act explicitly restricted eligibility for most means-tested benefits and many services offered at the federal, state and local level for all categories of non-citizens, with certain exceptions; and

Whereas, The PRWORA barred states and localities, in addition to the federal government, from providing "any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit;" and

Whereas, Generally, emergency healthcare and services, short-term in-kind emergency disaster relief, public health assistance for immunization and treatment of communicable diseases, and programs, services or assistance specified by the U.S. Attorney General, are exempt from the noncitizen eligibility restriction; and

Whereas, Refugees, Asylees, Lawful Permanent Residents having resided at least five years in the U.S., certain individuals granted parole or whose deportations have been withheld by the U.S. Department of Homeland Security, Cuban/Haitian entrants, and survivors of domestic violence and severe forms of trafficking, are considered exempt from the restricted eligibility set out in the PWRORA; and

Whereas, In 2002, the Farm Security and Rural Investment Act of 2002 broadly restored food assistance eligibility to most lawfully permanent non-citizens, including individuals who resided in the US for five years, children under 18, and individuals receiving disability-related assistance; and

Whereas, While the PRWORA restricts the provision of benefits and services to ineligible noncitizens by states and localities, it grants states the authority to pass laws to extend state- and local-funded benefits and services to ineligible noncitizens through the enactment of state laws; and

Whereas, Under this last provision, several states have enacted laws that extend eligibility to certain categories of noncitizens explicitly excluded from benefits eligibility by PWRORA; and

Whereas, For example, in 1998, California enacted legislation that extended stated-funded cash assistance to elderly and/or disabled noncitizens who would otherwise be eligible for SSI/SSP cash assistance, but for their immigration status; and

Whereas, California also enacted legislation to extend food assistance to noncitizens who had been eligible for such assistance prior to the passage of PRWORA, and remained eligible but for their immigrant status; and

Whereas, Other examples of states enacting legislation to expand eligibility to residents otherwise restricted by PRWORA include expanding occupational and professional licenses to eligible individuals in California and Illinois, and expanding access to locally-funded nonemergency health benefits regardless of immigration status in Texas; and

Whereas, Another category of benefit that has been extended in at least 21 states and the District of Columbia, including New York, regards extending in-state tuition to all state residents, regardless of immigration status, with 12 states and the District of Columbia additionally offering state-funded financial aid to residents regardless of immigration status; and

Whereas, In its 2019-2020 legislative session, the New York State Legislature is contemplating legislation (A10433/S05167), currently sponsored by Assembly Member Catalina Cruz and State Senator

Roxanne Persaud that would allow for state agencies, municipalities, and authorities to provide state or local public benefits regardless of immigration status; and

Whereas, This bill would be the first of its kind in the nation to expressly grant broad authority for the extension of any or all state and local public benefits, and could potentially provide much needed relief to vulnerable foreign-born communities, largely excluded from public benefits since 1996; and

Whereas, More than 3.1 million immigrants call New York City home, nearly half of whom could be currently ineligible for most public benefits, under PRWORA restrictions; and

Whereas, Non-citizen New Yorkers have significantly lower median earnings, less than \$30,000, as compared to \$48,000 for U.S.-born New Yorkers, despite having similar or greater labor participation; and

Whereas, According to NYC's Mayor's Office of Immigrant Affairs, more than a quarter of all noncitizen New Yorkers currently live at or below the poverty rate; and

Whereas, Those currently excluded from public benefits under PRWORA includes more than 500,000 undocumented New Yorkers, who are almost twice as likely as their U.S.-citizen counterparts to lack health insurance; and

Whereas, Passage of A10433/S5167 would extend the right to localities, specifically New York City, to extend city-funded public benefits programs such as cash assistance to all residents, regardless of immigration status; and

Whereas, In the wake of the coronavirus pandemic, and in anticipation of future crises, this legislation could have far-reaching impact by allowing the City to provide directly for the needs of its most vulnerable, and heretofore excluded, immigrant communities; and

Whereas, Half of immigrant workers in New York City have experienced job losses due to the pandemic, further exacerbating the vulnerability of individuals who are barred from public benefits and safety net assistance; now, therefore, be it,

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass,

and the Governor to sign into law, A10433/S5167, which would allow for state agencies, municipalities, and authorities to provide state or local public benefits regardless of immigration status.

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