



2023 POLICY PRIORITIES

Empire Justice Center is a non-profit law firm dedicated to making the law work for all New Yorkers. Through our 360 degree approach – practicing the law, teaching the law, and changing the law – we achieve justice for the people who need it most.

ACCESS TO JUSTICE

-  **Community Health Advocates (CHA):** CHA helps New Yorkers navigate today's complex health care system by providing individual assistance, outreach, and education to communities throughout New York State. Since 2010 CHA has handled nearly 450,000 cases, saving \$139 million for consumers – individuals, families, and small businesses. With the coming wind-down of the Public Health Emergency, this help will be all the more needed. **ASK: Maintain funding of \$5.109 million for CHA.**
-  **Disability Advocacy Program (DAP):** Every year, DAP provides legal assistance to approximately 4,000 low-income disabled New Yorkers who are seeking Supplemental Security Income (SSI) or Social Security Disability (SSD). In addition to helping disabled individuals access the federal benefits to which they are entitled, this program reduces the fiscal burden on the state. DAP has returned over \$1.4 billion to the state and local counties since its inception in 1983, making it one of New York's most long-lasting and respected legal programs. **ASK: Funding of \$13.52 million (inclusive of a 50% county match) for DAP.**
-  **Expand Legal Representation for Non-Parent Caregivers:** With the pandemic, opioid crisis, housing instability, mental health, poverty, and other factors, the number of

children who are unable to be with their parents has increased in recent years. The pandemic has hit people of color especially hard; Black, Hispanic, and Asian children are more likely to have lost a parent or caregiver to COVID than their white peers. New York State should, building on the existing Kinship Navigator, establish a network that will provide much-needed legal representation to non-parent caregivers who are trying to keep their family together, navigating New York's complex justice and social services systems without the assistance of counsel. **ASK: Allocate \$8 million to establish a Kinship Legal Network pilot program.**



Maintain Current Eviction Prevention Representation: Continue to fund the Office of Temporary and Disability Assistance's Emergency Rental Assistance Program which provides legal representation to low-income renters outside of New York City facing eviction and where there is no right to counsel. **ASK: Maintain \$35 million in funding for legal representation.**



Office of Court Administration/Legislative Funding for Legal Services: Civil Legal Services providers like Empire Justice Center represent low-income people and help to protect their livelihoods, their health, and their families. The Office of Court Administration's proposed budget for civil legal services and the Legislature's Legal Service Assistance Fund (LSAF) and Senate Upstate Legal Services funding are essential to supporting equal access to justice. **ASKS: Support the OCA budget as proposed including cost of living increases for Judiciary Civil Legal Services and IOLA funding; maintain last year's Legislative commitment to LSAF; maintain Upstate Legal Services funding at \$3.5 million.**



Statewide Right to Counsel in Eviction Proceedings (A.1493): New Yorkers are better served when they have representation to help navigate all civil legal proceedings. In particular, we support statewide right to counsel in eviction matters, building on the successful model in New York City, which supports tenants through a complex, traumatic process with serious potential consequences for education, health and wellbeing, social cohesion, and more. **ASK: Pass the Statewide Right to Counsel in Eviction Proceedings.**

SOCIAL JUSTICE



Ensuring Language Justice: While tremendous progress has been made in policies to expand access to language justice last year, the next step will be in ensuring robust and consistent implementation. In particular, the Deaf and Hard of Hearing communities need

to be represented in these conversations. American Sign Language is one of the top four languages in New York State, by usage, and while ASL is covered as an accommodation under ADA, many Deaf and Hard of Hearing people do not consider themselves disabled. **ASK: Support policies that expand access to language justice for all New Yorkers, including representation of Deaf and Hard of Hearing communities.**



Updated Guidance for Transgender & GNC Students: New York State Education Department's 2015 guidelines for transgender and gender non-conforming students have been a helpful tool in creating safer, more equitable school environments for students. However, the guidelines are falling out of date and must be updated to align with the latest state and federal protections. **ASK: Release updated guidance for trans and GNC students.**

ECONOMIC JUSTICE



Consumer and Small Business Protection Act (S.0795): While New York State is a leader in consumer protections in many areas of the law, our most basic and overarching consumer and small business protection law is among the weakest in the nation. This long overdue update would bring New York in line with the majority of states to prohibit unfair, deceptive, and abusive acts and practices by businesses, and update damages provisions when the law is violated. **ASK: Pass the Consumer and Small Business Protection Act.**



Education Debt Consumer Assistance Program (EDCAP): EDCAP is a first in the nation program to provide free, reputable assistance, connecting borrowers with trained advocates to help them navigate the process and manage their student loans. **ASK: \$3.5 million in funding for EDCAP.**



Homeowner Protection Program (HOPP): Since 2012, HOPP has been providing housing counseling and legal services to distressed homeowners in every county of the state. Historically, each \$1 million invested in HOPP yields a return of over \$5 million in tax and property cost savings. Homeowners of color in New York State were disproportionately impacted by the pandemic, reporting a 16.8% delinquency rate as compared to a 5.6% rate for white homeowners. HOPP is more necessary now than ever to preserve homeownership in Black and Brown communities, and to help homeowners grappling with post-COVID issues such as inheritance issues, increased interest rates, mortgage and tax foreclosures, and a lack of rental options. **ASK: \$40 million in funding for HOPP.**



Increase the Public Assistance Shelter Allowance and the Basic Needs Grant: Public Assistance grant amounts have not been updated in decades and the allowance for rent has not been updated in over 10 years. Both have fallen well below inflation. Data from the US. Department of Housing and Urban Development indicates that there are no apartments that meet basic housing quality standards in the private rental market available at rents equal to the shelter allowance. Increasing the rent allowance to be in line with HUD's Fair Market Rents will help the lowest-income New Yorkers obtain and retain safe and decent housing, thereby reducing housing instability and homelessness. Increasing the Basic Needs Allowance will help people pay for necessities, like clothing, hygiene products, and transportation. Together, these increases will help lift affected New Yorkers out of deep poverty. **ASK: Increase the Shelter Allowance to be in line with HUD fair market rents and increase the Basic Needs grant to reflect inflation.**



Managed Care Consumer Assistance Program (MCCAP): The MCCAP network provides essential assistance to low-income seniors and people with disabilities. MCCAP educates vulnerable populations about their Medicare options and the federal and state programs that help them afford and access their healthcare. Each enrollment into Medicare cost-saving programs we process saves an individual at least \$7,100 in annual out-of-pocket health care costs. More help will be needed to help New Yorkers fully leverage the coming expansion of the Medicare Savings Program. **ASK: Increase funding to \$2.767 million for MCCAP.**



Preventing Skimming of Public Benefits: While commercial credit and bank cards have robust protections against fraud, including the insertion of chips that help prevent theft and unauthorized charges, the electronic benefits cards used by recipients of SNAP and cash assistance have no such safeguards. As a result, benefits cards are increasingly subject to "skimming" – a process wherein thieves install a card reading device at point-of-sale terminals to steal users' account information and money. When these benefits are stolen, they are not reimbursed, leaving vulnerable families with no income for food or the necessities of life. This is an issue of fundamental fairness that impacts our most vulnerable New Yorkers, through no fault of their own, and must be corrected. **ASK: Prevent skimming of public benefits and reimburse victims.**



Working Families Tax Credit (S.0277): Through our CASH program, we have supported almost 200,000 families in the Rochester area with their tax returns; this past year we saw how effective the expansion of the Federal Child Tax Credit was in lifting children and families out of poverty. Likewise, amendments to New York State tax law – such as extending the Empire State Child Credit to cover families with children under 4 and making the payments more often than annual – will make it easier for families to meet their basic needs. **ASK: Pass the Working Families Tax Credit.**