



THE NEW YORK CITY COUNCIL

NEW YORK STATE

LEGISLATIVE AGENDA

MARCH 2015

HON. MELISSA MARK-VIVERITO
SPEAKER OF THE NEW YORK CITY COUNCIL

HON. JIMMY VAN BRAMER
MAJORITY LEADER

HON. KAREN KOSLOWITZ
CHAIR, STATE & FEDERAL LEGISLATION COMMITTEE
NEW YORK CITY COUNCIL

HON. JULISSA FERRERAS
CHAIR, FINANCE COMMITTEE
NEW YORK CITY COUNCIL



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March 18, 2015

Dear Colleagues in Government:

We are happy to share with you the New York City Council's State Budget and Legislative Agenda for the 2015-2016 legislative session.

This agenda outlines in greater detail some of the important budget and legislative priorities that we aim to achieve for our city in the coming year.

Our goal, as always, is to ensure that we are consistently in Albany working alongside you to advocate for the needs of our residents.

The following items are some of the top priorities that we are fighting for:

- Local control over the minimum wage;
- Extending and enhancing our affordable housing laws; and
- Passing the DREAM Act, so that all of our students have the same opportunity to pursue their dreams of a higher education.

We want to thank all of you for your continued leadership and support. As always, the City Council remains committed to standing up and fighting for New York City, and we look forward to continuing our ongoing partnership with you and taking actions that will help further uplift and strengthen all New Yorkers.

If you have any comments or concerns about the priorities outlined in this year's agenda, please do not hesitate to contact us at any time.

Sincerely,

Melissa Mark-Viverito
Speaker

Jimmy Van Bramer
Majority Leader

Julissa Ferreras
Chair, Finance

Karen Koslowitz
Chair, State & Federal Leg.

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BUDGET PRIORITIES

Economic and Revenue Measures

EXPAND THE NYS EARNED INCOME TAX CREDIT FOR FILERS WITHOUT CUSTODIAL CHILDREN

New York State should expand its Earned Income Tax Credit (EITC) for households with noncustodial children so that it's more in proportion to other filing statuses. Specifically, the State should triple its maximum credit for childless households relative to households with one child. This would increase the State's maximum benefit from the current \$150 for single filers to \$450. The State should also double the income threshold in which the maximum benefit of childless households begins to phase out from its current \$8,224 to \$16,448 (estimated 2015 rates). Doing so, will help bring the credit closer to that of other filing statuses. The State should also double the income threshold in which the benefit phases out to 0 from its current \$14,794 to \$29,588. Lastly, the State should expand the eligible age range of childless households from the current 25-64 to 21-66.

Under state law, New Yorkers have the option of either filing for the state EITC or the state Noncustodial Parent EITC – whichever is larger. The Noncustodial Parent EITC rewards and helps state residents in making required child support payments. The proposed increase in the state EITC would increase the benefit for all qualified residents without custodial children, while allowing the current Noncustodial Parent EITC to furnish a larger benefit reaching a maximum of \$667 to incentivize child support.

Fiscal Impact: The New York City Council Finance Division estimates a decrease of New York State revenues of approximately \$205.6 million annually. There is no New York City revenue impact.

BUSINESS TAX CONFORMITY

New York State should conform New York City's business taxes to those of the State by enacting section QQ of the Executive Budget's Revenue Article VII legislation.

The bill adjusts the structure of New York City business taxes so that they are in conformity with the March 2014 changes in the State's business taxes. The major changes include merging the Bank Corporation Tax into the General Corporation Tax and apportioning the taxable share of New York City based on single-sales across the board (with sales determined by customer sourcing). These reforms also include unitary combined reporting. The changes will be made revenue neutral by raising the capital base cap for calculating tax from the current \$1 million to \$10 million.

Fiscal Impact: The New York City Council Finance Division estimates a \$0 fiscal impact for the City.

RESTORE THE NON-RESIDENT INCOME TAX (COMMUTER TAX)

The New York City Council calls for the reinstatement of New York City's nonresident income tax. Due to the State's elimination of the City's modest "Commuter Tax" in 1999, individuals who work in the City yet live elsewhere pay no tax to the City on the income that they earn within our borders. This modest charge amounted to 0.45 percent of wage earners' income, and 0.65 percent of the earnings of the self-employed.

The repeal of the commuter tax has cost billions in cumulative revenue. The increased revenue from the re-imposition of the commuter tax would help the City pay the cost of police, fire, transportation and other essential city services utilized not only by city residents but also by commuters who come to the City every day.

Commuter taxes are not unusual in the United States. New York, New Jersey, Connecticut, and many other states tax all personal income earned within their borders. According to data from the Tax Foundation, there are 420 local commuter taxes in the United States, including in cities like Denver, Baltimore, Philadelphia, and San Francisco.

Fiscal Impact: If the commuter tax is reinstated, the City can raise an estimated \$860 million in City Fiscal 2016. It would cost the typical commuter around \$2.80 a day.

DOUBLE NYC'S EARNED INCOME TAX CREDIT FROM 5 TO 10 PERCENT OF THE FEDERAL CREDIT

New York State should authorize New York City to double the City's Earned Income Tax Credit (EITC) for low-income, working New Yorkers from the current five percent of the federal EITC to ten percent. New York City's earned income credit is significantly less generous than New York State's. While the City's marginal tax rate for the poorest New Yorkers is a full three-fourths of the State's rate, our EITC is only one-sixth of the State's credit, which is 30 percent of the federal credit.¹ Consequently, many of our poorest residents still have to pay the City's income tax. In 2012, while only 13 percent of New York State residents receiving the state EITC had to pay state income taxes, a full 30 percent of city residents receiving the city credit still had to pay city income taxes.² Doubling the City's credit would at least lower the percentage to a little below 24 percent.

Fiscal Impact: The New York City Council Finance Division estimates a decrease of city revenues of approximately \$99.9 million annually. There is no New York State revenue impact.

EXTEND BIOTECH CREDIT

New York State should extend New York City's Biotechnology Credit for another three years, beginning January 1, 2016. A refundable credit of up to \$250,000 a year is provided to small, emerging technology firms that engage in biotechnology for research and development costs. One recommended change would be to lower the allowable net sales revenue from the current \$10 million cap down to \$5 million. Another recommended change would be to require the New York City Department of Finance to report the full distribution of gross revenues, annual product sales, R&D expenditures, number of employees working in New York City, and NAICS codes from all credit recipients.

Fiscal Impact: The New York City Council Finance Division estimates a decrease of city revenues of less than \$3 million annually. This amount has already been accounted for in New York City's financial plan. There is no New York State revenue impact.

TAX CARRIED INTEREST

New York State should enable New York City to tax the carried interest earned by managers of private equity, venture capital and other private investment funds under the Unincorporated Business

¹ New York City's lowest marginal rate is 2.9 percent, compared to New York State's 4 percent.

² New York State, Department of Taxation and Finance, Office of Tax Policy Analysis, Personal Income Tax Study File, Tax Year 2012.

Tax (UBT). The City has taken the Federal Government's lead in treating carried interest as investment income, which is not subject to the UBT. While carried interest constitutes a share of the fund's profits to incentivize performance, it functions as payment for services and should therefore be treated by the City as ordinary business income. There's an equity issue when all other partnerships and proprietors pay the UBT on their firms' net earnings, while highly profitable fund managers are excluded.

Fiscal Impact: The New York City Council Finance Division estimates an increase of city revenues of approximately \$200 million annually. There is no New York State revenue impact.

EXTEND S CORPORATION CREDIT

New York State should extend New York City's S Corporation Tax Credit. Owners of an S Corp receive a credit on the City's Personal Income Tax (PIT) for the taxes that they already paid via the General Corporation Tax (GCT). The credit is equal to 100 percent of the GCT paid for NYC taxable incomes up to \$35,000, followed by a portion of the GCT for NYC taxable income up to \$100,000. There is no credit on NYC taxable income above \$100,000. The credit eliminates or reduces the double taxation of S Corp shareholders. The tax is progressive in that it's based on the shareholder's personal income. Additionally, the tax incentivizes investment in certain firms doing business in New York City, as well as those residing in the five boroughs.

Fiscal Impact: The New York City Council Finance Division estimates a decrease of city revenues of approximately \$30 million annually. This amount has already been accounted for in New York City's financial plan. There is no New York State revenue impact.

EXPAND NEW YORK CITY'S CHILD CARE CREDIT

The New York City Council supports an expansion of the New York City Child Care Credit. This credit is intended to offset the cost of child care for low-income working parents. The Federal and state governments have tax credit programs that help, providing up to \$2,200 per child up through age 12 or dependent to offset allowable costs of care. However, this amount is inadequate relative to the need, especially in a high-cost state like New York. Furthermore, because the federal credit is not refundable, many low-income families are typically unable to use it. Like the state program, the city credit is refundable; however, unlike the federal and state credits, it's restricted to children age three and younger. A family with a taxable income of \$15,000 gets the maximum credit of \$866 a year.

Surprisingly, the city credit, defined as 75 percent of the state credit, begins to phase out at taxable incomes as low as \$25,000, and fully phases out to 0 at \$30,000. Consequently, many low-income families are ineligible for the credit. The Council recommends increasing the income threshold at which a parent receives the full credit to \$35,000, with the credit phasing out to 0 between \$35,000 and \$45,000. We also recommend that the maximum credit be expanded from its current 75 percent to 100 percent of the state credit, thereby increasing the maximum credit from \$866 to \$1,155 a year. The expansion would increase the number of credit recipients by an estimated 85 percent, from the current 23,500 to 43,000 tax filers.

Fiscal Impact: The New York City Council Finance Division estimates a decrease of city revenues of approximately \$27.9 million annually. There is no New York State revenue impact.

CO-OP/CONDO ABATEMENT EXTENDER

The New York City Council calls upon the New York State Legislature to reenact the Co-op/Condo Abatement for another three years, with a straight extension based on FY 2015 abatement rates. The abatement provides a reduction of 17.5 percent to 28.1 percent in property taxes for owner-occupied co-ops and condos. The reduction gradually increases for lower-value properties.

The abatement was designed in 1996 to reduce the difference in the tax burden between co-op condo apartment homeowners and one-, two-, or three-family homeowners. The abatement saw substantive reform when it was last renewed for FY 2013. At that point, the threshold for the larger reduction was raised and the amount of reduction of the lower-valued units was increased. In addition, the abatement was limited to units that were the owner's primary residence. Non-owner occupied units saw their abatements phased out over several years.

Fiscal impact: The New York City Council Finance Division estimates an impact of \$437 million in Fiscal 2016. This amount has already been accounted for in New York City's financial plan. There is no New York State fiscal impact.

MORTGAGE RECORDING TAX EXPANSION

The New York City Council calls upon the New York State Legislature to impose the NYC Mortgage Recording Tax (MRT) on co-ops and to use the newly generated revenue to provide capital funding for the New York City Housing Authority. The proposal maintains the existing MRT rates on co-ops: 1 percent for loans under \$500,000, and 1.125 percent for loans \$500,000 and above.

The MRT is imposed on mortgages of houses, condo apartments and all commercial property. The State's tax is equal to 0.5 percent of the mortgage value. The City's tax ranges from 1 percent to 1.75 percent, depending on mortgage size. Co-ops are not subject to the MRT because the loans that finance co-op sales are not technically mortgages.

Fiscal impact: The New York City Council Finance Division estimates an increase of \$75 million in city revenues for Fiscal 2016.

MANSION TAX INCREASE

The New York City Council calls upon the New York State Legislature to enable the City to create an additional bracket for the residential property transfer tax (RPTT). The RPTT is levied on the sale of real property. The current rate is 1 percent for properties valued at \$500,000 or less, and 1.425 percent for properties valued over \$500,000. Under the City's proposal, properties valued at \$5 million or more would be subject to an additional 0.5 percent tax levy, for an overall levy of 1.925 percent.

The additional revenue is to be dedicated to affordable housing initiatives in the City. Due to the strong state of the luxury housing market, the tax would be a good source to create resources for the City's housing shortage. New York City's lack of affordable housing has many causes, starting with a decrease in New Yorkers' purchasing power in the housing marketplace. Wages for the City's renters have stagnated over the last two decades, increasing by less than 15 percent. During the same period, the average monthly rent for a New York City apartment increased by nearly 40 percent. As a result, most New Yorkers now have limited options for housing and have to spend an excessively high share of their income on rent, leaving them very little for other basic needs.

Fiscal impact: The New York Council Finance Division estimates an increase of \$52 million in city revenues for Fiscal 2016.

PIED-À-TERRE TAX

The New York City Council calls upon the New York State Legislature to impose a property tax on pied-à-terre residences owned by global buyers not using the property as their primary residence. Originally proposed by the Fiscal Policy Institute (FPI), this tax of up to 4 percent a year would apply to apartments/homes with a current market value over \$5 million. Although real estate insiders have expressed concern that the tax might impact buyer sentiment, the New York City Independent Budget Office and the New York City Department of Finance estimate that 30 to 35 percent of units citywide are not owner occupied, with the numbers highest in midtown Manhattan.

Fiscal Impact: The top 4 percent rate would hit the portion of properties valued above \$25 million. Of these units, 445 would produce \$551 million in annual revenue under the tax plan (or 80 percent of the total), according to FPI projections. Estimated revenue: \$688 million.

ELIMINATE MSG EXEMPTION

The New York City Council proposes eliminating the property tax exemption for Madison Square Garden (MSG). Doing so will provide additional property tax revenue for city services as well as tax relief to city residents.

In 1982, the New York State Legislature enacted Section 429 to the State Real Property Tax Law, granting a full property tax exemption to MSG if certain conditions are met. Specifically, the law stipulates that the tax exemption would be granted to a facility located in New York City that would be used by both a professional National Hockey League (NHL) team and a professional National Basketball Association (NBA) team to play their home games. In order to obtain the exemption, the team owners would be required to enter into an agreement with the mayor stating that the teams would play their home games in New York City for at least ten consecutive years. At the time the exemption was granted, the City had been negotiating with the owners of MSG, who own both the New York Knicks and the New York Rangers, in an effort to provide financial assistance to these teams to ensure that they would continue to play their home games in the City.

Since 1982, the Knicks and the Rangers teams have been playing their home games at MSG in front of packed houses. As a result, the owners of MSG have benefited from a full property tax exemption for the facility it uses for all sporting events, entertainment activities, conventions, trade shows, and other events. Cablevision, the current owner of MSG, derives substantial revenue from these events. Unlike the MSG exemption, most other exemptions that the City makes available to encourage economic development and business retention are given for a specified and finite period of time. Without city and state action, the owners of MSG will continue to save at least \$17.3 million a year for the foreseeable future.

Fiscal Impact: The New York City Council Finance Division estimates eliminating this exemption would raise \$17.3 million for Fiscal 2016.

SANDY REBUILDING PROPERTY TAX FIX

Under current New York State property tax law, the growth in assessments of small residential properties (less than 11 units) is capped, except when the growth is caused by a physical change (such as new construction or repair). As a result, home and business owners who repaired damage to their properties caused by Superstorm Sandy could see their tax bills jump to a level much higher

than if the storm had never happened. The State passed a temporary abatement that removed any increase in taxes due to repair, but it was only effective for Fiscal 2015. This legislation would effectively keep assessments to the level they would have been had the storm not happened, except in cases where properties rebuild to a size larger than prior to the storm. In those cases, only the newly added area would be counted as new construction.

Fiscal impact: The New York City Council Finance Division estimates the cost for the City to be under \$3 million in Fiscal 2016.

SCRIE/DRIE

In March and July of 2014, the New York State Legislature passed legislation to increase the income eligibility for the Senior Citizen Rent Increase Exemption (SCRIE) and the Disability Rent Increase Exemption (DRIE) from \$29,000 to \$50,000, respectively. (This increase was funded by the State.) However, the increase is only in effect for those applying to the SCRIE and DRIE programs for a 2-year period, beginning July 1, 2014. Without further action by the State, the maximum income level qualifying for SCRIE and DRIE will revert back to the amounts prior to the state increase. Therefore, the increased income threshold should be made permanent and linked to the consumer price index to account for inflation.

Fiscal Impact: New York City Council Finance Division estimates this will cost New York State \$7 million in State Fiscal 2016-2017.

Spending Measures

FULLY IMPLEMENT THE CAMPAIGN FOR FISCAL EQUITY PLAN

The landmark "CFE v. State of New York" lawsuit found that the State's school finance system under-funded New York City public schools and denied our students their constitutional right to a sound, basic education. In order to comply with the Court of Appeals CFE ruling, Governor Eliot Spitzer and the New York State Legislature revised the formulas for distributing state school aid (Foundation Aid) in 2007 and increased the allocation. Yet, despite plans by the State to increase school aid over the next four years in order to meet its CFE mandate, schools across the State continued to endure severe cuts and reductions in Fiscal 2010 and 2011.

While the State has argued it is working toward fulfilling its constitutional obligation for fiscal equity, the amount of CFE funding actually realized per pupil in New York City in 2014 was only \$98, as compared to the \$2,178 per pupil that the City is actually owed. Even after the 2014 State Budget was enacted, schools across the State were still owed \$4.9 billion in Foundation Aid, \$2.28 billion of which should have gone to New York City alone. To ensure that our public schools are receiving the funding that they are owed in order to provide "a sound basic education," the adopted state budget should include a plan to phase-in a \$2.28 billion increase in Foundation Aid over the next several years. Funding increases would support smaller class sizes, additional academic improvement services, the purchase of vital instruments of learning, and the expansion of pre-kindergarten.

Fiscal impact:

When fully phased in, this increase would cost New York State \$2.28 billion.

INCREASE STATE AID FOR SCHOOL CAPACITY PROJECTS

Funding limitations have prevented the New York City Department of Education (DOE) and the New York City School Construction Authority from building or leasing enough school space to accommodate New York's 1.1 million public school students. The five-year plan has an "unfunded" seat need of approximately 16,000 school seats, or approximately 35 school buildings. The extension of schools to include full-day universal pre-Kindergarten will place additional strain on overcrowded schools. An infusion of state building aid for capacity projects could help the DOE meet the space needs of all public school students (including charter school students) and preschoolers.

Fiscal Impact: The New York City Council Finance Division estimates that building aid sufficient to support \$200 million in additional New York City capital spending on school capacity each year for five years would be sufficient to meet our unfunded needs.

SUPPORT EMPLOYEE PROTECTION PROVISIONS

Prior to 2011, when the New York City Department of Education (DOE) released a Request for Bids for special education pre-Kindergarten (SE pre-K) student transportation services, the DOE had not re-bid any of its student busing contracts since 1979. In addition to the SE pre-K bus routes, the DOE has awarded new contracts for a portion of its school-age student transportation services. These contracts are for approximately 7,700 bus routes that serve 152,000 students, 54,000 of whom are special education students, plus approximately 1,650 routes that run during the summer only. The majority of school-age student transportation contracts have not been re-bid and have been repeatedly renewed since the 1970's. The old contracts included an Employee Protection Clause (EPP), whereas the newly awarded contracts do not.

The EPP clause requires the DOE to maintain an industry-wide seniority list of drivers, escorts and mechanics who work for DOE vendors. Furthermore, it requires bus companies that are awarded new routes or hire additional workers to hire staff from the seniority list and maintain the workers' wages and pensions. Pursuant to a lawsuit that challenged the inclusion of the EPP in the 2011 Request for Bid for SE pre-K busing services, the DOE was precluded from including the EPP in all newly awarded contracts. However, legislation has been introduced in the Senate (S.1839) that would require the EPP to be reinstated. It reads as follows:

Relates to contracts for the transportation of children in cities with a population of one million or more; all contracts shall include employee protection provisions rationally relating to the promotion of a pool of qualified workers and the avoidance of labor disputes.

The New York City Council strongly supports authorizing the City to include EPPs in school bus contracts.

Fiscal Impact: The DOE indicated that a cost savings of \$42 million was achieved from re-bidding the bus contracts. While the entire savings cannot be attributed to the removal of the EPP, it is a large part of the savings.

STATE SUPPORT FOR NYCHA CAPITAL FUNDS

Although the State has historically provided capital funds for New York City Housing Authority (NYCHA) developments, in 2001 these contributions were reduced from \$15 million to \$6.4 million³

³ Community Service Society, Strengthening New York City's Public Housing: Direction for Change, available at: <http://www.cssny.org/publications/entry/strengthening-new-york-citys-public-housing-directions-for-change>

and eventually terminated in 2007. Since then, New York City Council budget allocations have continued to attempt to fill critical capital gaps. In fact, in Fiscal 2015 alone we have committed to providing NYCHA \$115.3 million in Fiscal 2015 capital dollars, with \$7.2 million in additional funding from the Borough Presidents together with \$103.1 million from the Mayor (for a total of \$225.6 million). The City Council calls upon the State to show its commitment to the restoration and maintenance of our public housing stock by matching the City's total capital commitment of \$225 million.

Fiscal Impact: At a minimum, the State should match the City's current capital commitment of \$225 million.

PROVIDE STATE OPERATING SUBSIDIES TO NYCHA

In 1998, the State terminated its annual operating subsidies to the New York City Housing Authority (NYCHA) for 15 public housing developments constructed with state funds and historically maintained by the State. In 2003, the City followed suit and also stopped providing operating subsidies for the six city-funded public housing developments. As a result, NYCHA was left to cover all of the annual operating and capital costs of 21 developments comprised of more than 20,000 units. Although NYCHA received approval from the U.S. Department of Housing and Urban Development to convert these 21 developments to the Section 8 program in 2009, thereby providing a dedicated source of federal funding, 5,002 units have not yet been converted to Section 8 and remain unfunded as of October 2014.⁴ The City Council calls on the State to resume its operating subsidies to NYCHA.

Fiscal Impact: At a minimum, the State should fund the operating costs of the 5,002 public housing units that are currently unfunded because of the State's disinvestment. At an average annual operating cost of \$5,000 per unit, the total cost to the State would be \$25 million a year.

STATE FUNDING TO IMPLEMENT HUDSON RIVER PARK INFRASTRUCTURE

The Solid Waste Management Plan passed by the City in 2006 called for the building of four new putrescible waste marine transfer stations (MTSs), including the creation of a new MTS for recyclables off of the Gansevoort Peninsula (located in Hudson River Park) and the conversion of the 59th Street MTS, which currently takes recyclables, to take construction and demolition debris.

The New York City Department of Sanitation has awarded a contract for the demolition of the existing MTS structure off of the Gansevoort peninsula and registration is pending. Demolition is expected to begin in March. Work will be done around the temporary Manhattan 2/5 Garage on the Gansevoort peninsula until it is relocated to the new Manhattan 1/2/5 Garage at Spring Street, anticipated to take place in May.

Before the Gansevoort MTS can be built, a Memorandum of Understanding between the City and State needs to be signed by the Mayor, Governor, Assembly Speaker and Temporary President of the Senate, as required by the amended Hudson River Park Act. The most recent draft stipulates that the

⁴ City of New York Office of the Comptroller, 'Audit Report on Efforts by the New York City Housing Authority to Maximize Federal Funding, Enhance Revenue, and Achieve Cost Savings,' December 16, 2014.

City and State must each allocate \$25 million to the budget to improve parkland in the Hudson River Park. Currently, there is \$25 million in the City's Parks Department for this purpose.

The New York City Council calls upon the State to include the agreed upon \$25 million for Hudson River Park in its budget so that this project can move forward.

Fiscal Impact: \$25 million to the State to improve parkland in the Hudson River Park.

421-A

The current version of the 421-a property tax exemption fails to produce the amount of low and moderate income-targeted housing needed to meet the City's demand, making it inefficient. The program incentivizes the production of new multifamily housing by exempting from property taxes the new value created by the development. The exemption, which can last from 10 to 25 years, should spur affordable, income-targeted housing. Currently, too much of the program's tax reductions of \$1.1 billion goes to high end market rate housing. The State should create a new version, or overhaul the current version that prioritizes the construction of a greater share of affordable housing than previously achieved.

MTA Funding Gap

The 2015-2016 State Executive Budget includes approximately \$1.2 billion for the Metropolitan Transportation Authority (MTA). The allocation includes a new \$750 million state contribution to assist in funding the MTA's 2015-2019 core capital program. It also includes \$400 million from the financial settlement funds to advance the MTA's Penn Station Access project that will open a new Metro-North link directly into Penn Station, providing critical system resiliency and construction of four new Metro-North stations in the Bronx (\$250 million) and parking and development near commuter rail stations (\$150 million). Nonetheless, considering that it is faced with a \$15 billion gap in its Capital Plan, there is no question that the MTA could use more funding from the State than is proposed. The MTA provides transit and commuter services to over two and a half billion passengers each year.

The New York City Council urges the New York State Legislature to find additional resources to bridge the MTA's \$15 billion gap.

NY/NY Supportive Housing

New York City finds itself with a historically large number of disabled and special needs New Yorkers who are homeless. While the Council is grateful for the State's effort and intent to develop additional NY/NY housing, the proposed NY/NY IV funding is not only insufficient given the city's needs, but it is also far less than the funding under NY/NY III. The number of NY/NY IV units proposed is less than half of the number of State-funded units under NY/NY III.

The Governor proposes a \$116 million investment in supportive housing, of which, \$66 million would fund the new statewide NY/NY IV program. The State estimates that 5,000 new units would be developed over the next 5 years, across the state.

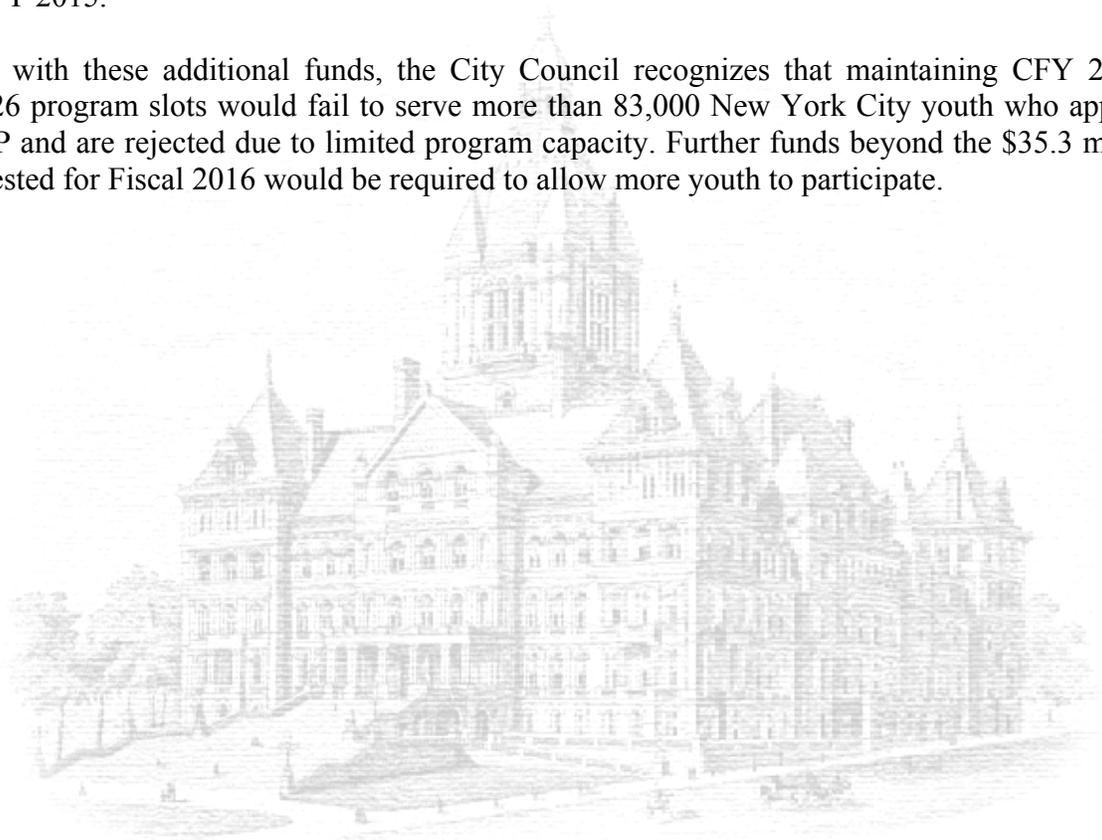
The New York City Council recommends additional funding to support at least 12,000 new supportive housing units.

Summer Youth Employment Program

The Summer Youth Employment Program (SYEP) provides New York City youth between the ages of 14 through 24, with summer employment and educational experiences that build on their individual strengths and incorporate youth development principles. The Governor's budget increases funding for SYEP to \$30 million, a 9 percent increase from last year's appropriation.

The City Council supports the Governor's proposed funding increase, which, like the Mayor's proposed budget for City-funded slots, would fund minimum wage increases for all SYEP slots currently supported by the State. However, the Council asks for an additional \$5.3 million to cover similar minimum wage increases for program slots supported by outside funding sources. These additional funds would allow SYEP to maintain the total number of program slots offered in CFY 2015.

Even with these additional funds, the City Council recognizes that maintaining CFY 2015's 47,126 program slots would fail to serve more than 83,000 New York City youth who apply to SYEP and are rejected due to limited program capacity. Further funds beyond the \$35.3 million requested for Fiscal 2016 would be required to allow more youth to participate.



Legislative Priorities

Local Authority to Raise the Minimum Wage and Enforce State Labor Law

INCREASE THE MINIMUM WAGE FOR NEW YORK CITY

The federal minimum wage has decreased in real value by 32 percent since its peak value in 1968. Yet, despite various proposals to do so, the Federal Government has not raised the minimum wage since 2009. Adjusted for the cost of living, the minimum wage in New York City is currently the lowest of any major city in the United States. Raising the minimum wage in New York City would help minimum wage earners to better support their families, thereby reducing income inequality and the need for government support. This mirrors a national trend where cities with a high cost of living have approved minimum wages that are higher than their states', including San Francisco, San Jose and Santa Fe. A study of the economic effects of a citywide minimum wage published in the *Industrial & Labor Relations Review* found that San Francisco's minimum wage did not adversely impact employment in the industry that felt its largest effect: restaurants. The State's minimum wage rose to \$8 on December 31, 2013, and is scheduled to increase to \$9.00 by the end of 2015. Yet, this wage is still too low for workers in New York. Further, the cost of living in the City is much higher than the rest of the State. Therefore, there needs to be a separate minimum wage for the City that takes these things into account. Indeed, we applaud Governor Cuomo for recognizing the need for a separate minimum wage for New York City in the state legislative proposal that he recently announced. However, given the nature of living in New York and the diversity of our workforce, the discussion of and authority to change the minimum wage level should rest with the City itself.

The New York City Council therefore urges the New York State Legislature to pass legislation authorizing New York City to raise its minimum wage locally. The City Council adopted a resolution in support of this proposal in May 2014.

LOCAL ENFORCEMENT OF LABOR LAWS

The New York City Council applauds the New York State Legislature and Governor Cuomo for overhauling and strengthening the Wage Theft Prevention Act. Unfortunately, wage theft remains a pervasive problem in New York City, where approximately \$1 billion in wages are stolen from city workers each year, according to estimates from the National Employment Law Project. While the state Department of Labor has done significant work enforcing the law, it is simply not large enough to tackle this problem. Many hard working city residents still fall victim to serious violations of our labor laws such as wage theft, violations of the wages and hours law, and violations of state workplace safety standards. For this reason, we are calling upon the State Legislature to pass legislation that would give the City the authority to enforce these important worker protection laws.

The ability to enforce labor laws at the local level, including proactive enforcement, plus the swift response and investigation of worker complaints, will better protect workers and ensure that they are receiving the wages and working under the conditions they deserve.

The City Council therefore urges the New York State Legislature to pass legislation authorizing New York City to enforce state labor laws, including the Wage Theft Prevention Act locally.

Immigration Reform and Immigration Services

NYS DREAM ACT

The New York City Council applauds Governor Cuomo's proposal to pass the NYS Dream Act, which he announced during his recent State of the State address. The NYS Dream Act would make higher education more accessible to immigrant families by allowing undocumented immigrants the ability to access existing state financial aid and other critical resources to help pay for their higher education. This legislation would also create a special commission responsible for raising private dollars to establish a scholarship program for eligible college-bound students who are the children of immigrants. Neither the commission nor the fund would receive state funding or aid. The NYS Dream Act would also eliminate the requirement that an applicant for a general or academic performance award be a U.S. citizen, a lawful permanent resident, or a refugee. Additionally, it would give undocumented immigrant students access to a variety of state financial assistance programs. However, in order to be eligible for these programs, applicants would need to establish, among other things, that they have taken steps to legalize their status or would do so if given the opportunity. Lastly, the NYS DREAM Act would provide undocumented parents with a valid tax identification number, giving them the opportunity to participate in the New York State 529 family tuition account under the New York State College Tuition Savings Program.

LANGUAGE ACCESS

The New York City Council calls upon the New York State Legislature to provide limited English proficient individuals with competent interpretation and translation when interacting with state government agencies. The Governor's Executive Order Number 26 (EO 26) of 2011 requires all executive state agencies that provide direct public services to provide interpretation services and translate vital documents, including essential public documents such as forms and instructions provided to or completed by program beneficiaries or participants. While this was an important first step, legislation codifying EO 26 into law and extending its coverage to all state agencies will help ensure that more New Yorkers have meaningful access to these critical services. Under such legislation, agencies would be required to appoint a language access coordinator and create a language access plan to ensure that competent interpretation and translation services are being provided to residents. Additionally, a statewide language access director would be created to review and monitor each agency's language access services. Lastly, such legislation would provide for a private right of action for individuals to enforce the rights granted under the bill.

NYS VIOLENCE AGAINST WOMEN ACT

Unfortunately, undocumented immigrant women remain especially vulnerable to domestic violence. Yet, they are often reluctant to report such violence for fear that disclosing their immigration status could lead to deportation and separation from their families. Therefore, the New York City Council calls for legislation that would protect domestic violence victims by maintaining their immigration status as confidential. Under such legislation, law enforcement agencies and officers, social service agencies and their staff, political subdivisions of the state, and peace officers would be prohibited from inquiring into a domestic violence victim's immigration status, except as may be necessary to investigate the offense. If they inadvertently learn the victim's immigration status, they would be prohibited from reporting it to local, state or federal law enforcement. Additionally, under such legislation, a judge in a domestic violence case would be able to take the perpetrator's threats of deportation against the victim as an aggravating factor when issuing a sentence.

Rent Laws and NYCHA Reform

RENEW RENT REGULATIONS

Pursuant to the current state law, the City's rent regulations are set to expire. Rent regulation, including Rent Control and Rent Stabilization, allow housing to remain affordable in New York City, where such housing is in extremely short supply. The State must now enact a law to extend these important protections.

REPEAL URSTADT

The affordable housing crisis and the role of regulation of rents and eviction proceedings are principally matters of local, rather than state governance. Therefore, the New York City Council strongly supports legislation that would repeal those provisions of state law that prevent New York City from enacting local laws that establish or adjust rents, classify housing accommodations, regulate evictions, and provide for enforcement of rent regulation laws.

REFORM THE INDIVIDUAL APARTMENT IMPROVEMENTS RENT INCREASE SYSTEM

The Individual Apartment Improvement (IAI) rent increase system allows owners to permanently raise the rent for an individual apartment in which improvements were made by 1/40 of the cost of the improvements in buildings with 35 or fewer units, and by 1/60 of the cost of the improvements in buildings with more than 35 units. The system should be improved by creating a review process for IAI rent increases and by making IAI costs a temporary surcharge rather than a permanent rent increase.

RENT CONTROL RELIEF

Currently, rent increases in rent stabilized apartments are set by a local rent guidelines board using a formula that takes into account various economic factors. However, rent in rent-controlled apartments may be automatically raised 7.5 percent annually. The New York City Council supports legislation creating parity between the systems by only allowing rents in rent-controlled apartments to be raised by the lesser of 7.5 percent annually or an amount equal to the average of the previous 5 rent guidelines board increases.

VACANCY DECONTROL

Vacancy decontrol refers to the New York State law that allows units to be excluded from the rent regulation system once the legal regulated rent reaches \$2,500 and the unit is vacated. Available data and several studies suggest that over 300,000 rent-stabilized apartments have been removed from regulation in New York City and the counties of Westchester, Nassau, and Rockland as a result of vacancy decontrol. Repeal of vacancy decontrol is essential to the continued protection and preservation of the City's supply of rent-regulated housing. Proposed legislation would repeal the provisions of New York State and New York City statutes that remove apartments from rent stabilization or rent control when such apartments are vacated. The legislation would also bring units that had previously been decontrolled back into the rent regulation system.

PROTECT TENANTS WITH PREFERENTIAL RENT

Preferential rents occur when a landlord offers a rent stabilized apartment for less than the legal regulated rent, generally because the legal regulated rent is higher than the market will bear. Under New York State law, upon any lease renewal a landlord can raise the rent back to the legal regulated rent. A landlord may choose to do this either because the market will now bear the increased rent or in order to get a tenant who they dislike out of the unit. The New York City Council supports legislation barring landlords from moving from a preferential rent to the legal regulated rent at lease

renewals, and allowing an increase upon vacancy only when such vacancy was not caused by the landlord failing to comply with the warrant of habitability.

MAJOR CAPITAL IMPROVEMENT AS TEMPORARY SURCHARGES

Under New York State law, when an owner completes a major capital improvement (MCI) required for the operation, preservation or maintenance of a building, he or she may increase the rent over a seven-year period to cover the cost of the improvement, and allows the increase to become a permanent part of the legal regulated rent. The New York City Council supports legislation that:

- establishes a methodology for determining MCI rent surcharges based on a seven-year schedule;
- provides that such MCI shall be calculated as a rent surcharge and shall not become part of the legal regulated rent by which rent increases are calculated and requires the amount thereof to be separately designated and billed as such;
- codifies current practices regarding the annual six percent cap on MCI increases and the methodology for determining MCI surcharges based on the number of rooms; and
- requires rent surcharges authorized for MCIs to cease when the cost of the improvement has been recovered.

INCREASE NYCHA SAFETY

Despite housing only 4.8 percent of the City's overall population, 20 percent of the City's violent crime occurs in New York City Housing Authority developments. The New York City Council supports legislation allowing the New York State Division of Housing and Community Renewal to issue grants to public housing authorities or agencies for use in improving security in public housing projects. This legislation would also require periodic safety inspections by the division, as well as an annual report outlining the state of safety and security at public housing developments and identifying those buildings that failed the periodic safety inspection.

CREATING A LANGUAGE ASSISTANCE PROGRAM

The New York City Housing Authority (NYCHA) has a Language Services Unit that translates NYCHA documents and provides interpretation services to residents and applicants with limited English-speaking abilities. The New York City Council supports legislation requiring NYCHA to go further by surveying all of the residents in its 334 public housing developments to determine the percentage of those who are not English-proficient. If more than 10 percent of the residents in any development are not English-proficient, NYCHA would then have to provide a language assistance program. Such a program would require NYCHA to hire additional staff so that every resident has a staff member who speaks their native language. In addition, NYCHA would have to consider proficiency in the non-English languages spoken at the development as a major criterion in the hiring process, ensure that all staff members are trained on how to utilize the Language Services Unit, and provide translation of all commonly used forms and informational materials.

Education

RETAIN/EXTEND MAYORAL CONTROL OF NEW YORK CITY SCHOOLS AND INCREASE MUNICIPAL OVERSIGHT

In 2002, the New York State Legislature passed and Governor George Pataki signed into law legislation that established mayoral control of the New York City public school system. In 2009, mayoral control was reauthorized, with some amendments, and is due to sunset again in June 2015. Without reauthorization from the State, mayoral control will end and governance of New York City public schools will return to the pre-2002 configuration.

The New York City Council supports the extension of mayoral control of New York City schools, as well as increased oversight for the City Council, and urges the State Legislature to initiate a reauthorization process that allows for consideration of any needed changes in the law.

Oppose the Governor's Receivership Proposal

New York State Governor Andrew Cuomo's executive budget includes a plan authorizing the State Commissioner of Education (SED) to designate receivership districts in the lowest 2.5% and schools in the lowest achieving 5% statewide. In these cases, the SED Commissioner would be authorized to appoint an individual, another district, or a non-profit organization to assume the management of the school or district. The "receiver" would have the power to unilaterally change school budgets, curriculum, collective bargaining agreements, school schedules and school staffing. The receiver would also be authorized to convert the school into a charter school-- without a vote of parents. However, there is no evidence of the effectiveness of the receivership model.

New York City is directly accountable for the performance of city public schools, pursuant to mayoral control. In November, the New York City Department of Education unveiled its comprehensive plan to revitalize the city's lowest performing schools, designating 94 struggling schools in the Renewal Schools program. Each renewal school will become a community school and will be accountable for reaching certain academic goals and targets. Class size in Renewal Schools will be reduced to 25 students so teachers can give extra support to students who need it the most. Renewal schools will also undergo a stringent review of staff, curriculum and support structures, and schools that do not meet certain targets will face DOE authorized reorganization and may face closure. Over \$150 million in additional support has been allocated to Renewal Schools, and preliminary results in attendance and test scores show marked progress. New York City's Renewal Schools program is proving to be an effective model for improving local schools and our students should be allowed the time to fully reap the benefits of this innovative program.

OPPOSE RAISING THE CAP ON CHARTER SCHOOLS

In 1998 the New York State Legislature passed the New York Charter Schools Act, authorizing the creation of up to 100 charter schools, which are privately run but publicly financed schools. Since that time, the cap has been raised twice and is currently set at 460 statewide. Under the current cap, New York City may have up to 256 charter schools. Currently, there are 197 charters operating in New York City, 34 have been approved, and 25 remain under the cap.

Since charter schools were first authorized, there has been no comprehensive, independent evaluation and relatively few audits conducted by the State Comptroller. Because charter schools are publicly

funded, it is important to conduct a comprehensive assessment before committing substantial further investment.

Additionally, as part of the 2014 state budget legislation, New York City is now required to provide free space to all new or expanding charter schools, either by co-locating the charter in a city school building or by paying rent for a private space (the lesser of the actual rental cost or a total amount up to \$2,775.40 per pupil in 2015-16). There are not many city schools that are sufficiently underutilized to accommodate such co-locations. In fact, most schools are near, at, or overcapacity. Thus, the City will increasingly have to pay rent for charter schools in private space. Under the existing cap, it is possible that the City will have to provide space for an additional 59 new charter schools as well as any existing charters that wish to expand. Raising the cap will create an undue financial hardship for the City, as the requirement to provide free space to charter schools only applies to the New York City school district, not to any other districts in the State.

The New York City Council opposes raising the cap on charter schools.

Procurement Practices

Under the current State Education Law, the Chancellor is authorized to establish procurement policy and procedures for the City's school system. As a result, the NYC Department of Education (DOE) is not subject to the City's strong procurement rules and laws, which were designed to achieve maximum integrity, transparency and efficiency in city contracts. The New York City Council therefore supports an amendment to the law that would eliminate the authority to establish special procurement rules for the DOE and instead subject it to the City's procurement laws and rules that govern the contracting of all other mayoral agencies.

Higher Education

LEGISLATION CALLING ON THE STATE TO HELP IMPLEMENT PRESIDENT OBAMA'S PROPOSAL TO PROVIDE FREE COMMUNITY COLLEGE EDUCATION

By 2020, an estimated 35 percent of job openings will require at least a bachelor's degree, and 30 percent will require some college or an associate's degree.^[1] Yet, state spending for public colleges and universities has dropped significantly. This has resulted in higher tuition and fees, making college increasingly unaffordable for students, who, along with their families, may have no choice but to take out student loans to help pay for their education. Over the past two decades, tuition and fees at community colleges have increased by 70 percent.^[2] Many of the students who attend these colleges come from low-income households.

During his 2015 State of the Union Address, President Barack Obama proposed free tuition at community colleges for the first two years to help boost college graduation rates, better prepare students for the workforce, reduce college debt, and ultimately enable more people to move into the middle class. Under the President's plan, the Federal Government would fund 75 percent of the cost, with individual states opting in to fund the remaining 25 percent. If all states participate, the Obama Administration estimates that the program could save each full-time student an average of \$3,800 per year. The New York City Council calls upon the New York State Legislature to pass legislation to participate in this program.

^[1] <http://www.whitehouse.gov/the-press-office/2015/01/09/fact-sheet-white-house-unveils-america-s-college-promise-proposal-tuition>

^[2] <http://www.demos.org/publication/new-york%E2%80%99s-great-cost-shift-how-higher-education-cuts-undermine-state%E2%80%99s-future-middle-cl>

EXTEND ELIGIBILITY FOR TAP GRANT

The Tuition Assistance Program (TAP) plays a central role in making college more affordable to students. Students at four-year institutions may receive up to eight semesters of TAP unless they are enrolled in a special program, in which case they may receive up to ten semesters of TAP awards. With increasing college costs, extending the length of time for TAP eligibility is essential to completing a college education. The New York City Council calls upon the New York State Legislature to provide TAP funding to extend eligibility for TAP grants from eight to ten semesters.

Ban Criminal Background Checks (a/k/a Ban-The-Box) on College Applications

It has been reported that the likelihood of a formerly incarcerated individual returning to prison is 43.6 percent for people without a bachelor's degree, 5.6 percent for people with a bachelor's degree, and less than one percent for recipients of a master's degrees. Access to higher education for the formerly incarcerated reduces recidivism in crime and imprisonment and increases opportunities for employment after release from incarceration. However, some formerly incarcerated individuals are being denied access to higher education based on their criminal histories, disproportionately impacting people of color. Therefore, the Council calls upon the New York State Legislature to pass, and the Governor to sign, an amendment to the Executive Law to prohibit colleges from investigating or considering prior criminal justice involvement during the application and admission decision-making process.

School Libraries in Elementary and Secondary Schools

School libraries are crucial to providing a quality education for all students. They are often a student's first introduction to any library system. Further, certified school librarians enrich a student's educational experience by providing students with the knowledge necessary to learn the proper usage of a library and its valuable resources. The New York City Council supports legislation that would ensure that elementary and secondary schools in New York State maintain a school library and employ a certified school librarian.

ENDING THE WORK EXPERIENCE PROGRAM IN NEW YORK

The Work Experience Program (WEP) in New York City is administered by the Human Resources Administration (HRA) and is designed to place public assistance recipients in work experience assignments in exchange for cash assistance. However, in order to receive the maximum Temporary Assistance for Needy Families block grant from the Federal Government, a state must meet a 50 percent work activity engagement rate for all households receiving public assistance. Yet, WEP participants are not considered employees, do not receive a paycheck, and are not eligible for the Earned Income Tax Credit, collective bargaining, unemployment or social security benefits.

HRA is currently in the process of phasing out WEP and replacing it with other approved work activities. However, in order to end WEP the New York State Social Services Law must be amended. In September 2014, the New York City Council passed Resolution No. 257-A in support of state legislation to end WEP.

WOMEN'S EQUALITY ACT

Governor Cuomo again outlined a Women's Equality Agenda, which includes ten targeted areas aimed at improving women's lives in all communities throughout the State. The ten-point agenda includes provisions addressing the following issues: pay equity, sexual harassment in the workplace, barriers to remedying discrimination, family status discrimination, housing discrimination for victims of domestic violence, source of income discrimination, strengthening orders of protection laws, strengthening human trafficking laws, pregnancy discrimination, and protecting freedom of choice. The New York City Council urges the New York State Legislature to pass this legislation in its entirety.

GENDER EXPRESSION NON-DISCRIMINATION ACT

The New York City Council calls upon the New York State Legislature to amend the Executive, Civil Rights, Education, and Penal laws to provide explicit prohibitions against discrimination based on gender identity or expression. The term "gender identity or expression" is defined as having or being perceived as having a gender identity, self-image, appearance, behavior or expression whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth. The City Council supports legislation amending the aforementioned laws to include gender identity or expression as a protected class against discrimination in the areas of employment and licensing, apprenticeship and training programs, public accommodations, housing, education, the sale and leasing of private housing and commercial space, real estate, volunteer fire department membership, commercial boycotting and blacklisting, applications for credit, and domestic workers. Additionally, such legislation should amend the Penal Law to include offenses involving gender identity or expression as an offense subject to treatment as hate crimes.

Human Trafficking

TRAFFICKING VICTIMS PROTECTION AND JUSTICE ACT

The Trafficking Victims Protection and Justice Act (TVPJA) would improve protection for trafficking victims in New York State and increase the accountability of buyers and traffickers. Among its provisions, such legislation would recognize that buying children for sex constitutes trafficking by creating the felony sex offense of "aggravated patronizing a minor." The TVPJA would also protect victims in criminal prosecution by establishing sex trafficking as an affirmative defense to prostitution. The legislation would bolster cases against traffickers by enabling law enforcement to conduct wiretaps where probable cause exists to believe that a suspect owns or manages a prostitution business, operates a sex tourism business, or is trafficking children under the age of 18. Finally, the TVPJA would remove stigmatizing language by amending the Penal Law to replace the word "prostitute" with the phrase "person for prostitution."

INTERAGENCY TASK FORCE ON HUMAN TRAFFICKING

The Interagency Task Force on Human Trafficking was established in 2007 to collect data related to the enactment of the New York State Human Trafficking Law and to make recommendations on the effectiveness of the law's provisions. However, this mandate lapsed in 2013. The New York City Council supports extending the Interagency Task Force on Human Trafficking to 2019 and expanding upon it to ensure that resources are used effectively to protect victims of human trafficking, prosecute the perpetrators of human trafficking, and eliminate human trafficking in New York State.

Paid Family Leave

The Family Medical Leave Act (FMLA) was passed in 1993 and signed by President Bill Clinton. This groundbreaking legislation gives workers of businesses with 50 or more employees the right to 12 weeks of *unpaid* leave for personal or family illness, family military leave, pregnancy, adoption, or the foster care placement of a child. As beneficial as this policy is, many workers at smaller establishments are not covered by this federal law. Further, many employees who are otherwise eligible cannot make use of this law, or the full extent of it, because they cannot afford to take unpaid time off.

The New York City Council therefore strongly supports passage of legislation by the New York State Legislature that would expand the Temporary Disability Insurance (TDI) program to require employers to provide *paid* family leave benefits. Such legislation would amend the law to allow for the State's Disability Benefits Fund to be used to pay for family leave for qualified employees. California, New Jersey, and Rhode Island have successfully created paid family leave programs by adding a small payroll tax to fund paid family leave. ("Disability" would be redefined to include caring for a sick family member or new child.) The law would create a new payroll tax of up to 45¢ per week that employers could require their employee to pay and that could be adjusted by regulation annually. Providing paid family leave for workers in New York by expanding the current TDI program is an efficient, low-cost approach that will be simple for employers to implement.

EXPAND DUTIES OF THE NYS OFFICE OF CHILDREN & FAMILY SERVICES

Lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) runaway and homeless youth face a unique set of challenges. Often times they find themselves homeless because they have been thrown out by parents who do not accept their sexual or gender orientation. LGBTQ runaway and homeless youth are also more likely to experience social and personal problems, including alcohol abuse, suicide attempts, and being bullied in school. LGBTQ runaway and homeless youth are also more likely to suffer physical and mental abuse.

In an effort to address the needs and challenges faced by runaway and homeless LGBTQ youth, the New York City Council strongly supports the passage of legislation expanding the duties of the New York State Office of Children and Family Services as they pertain to LGBTQ runaway and homeless youth.

If enacted, employees of programs that provide services to runaway and/or homeless youth would be required to complete training on issues concerning LGBTQ youth, with an emphasis on the correct terminology to use, how to address issues relating to homophobia and transphobia from other youth in shelters, and how to deal with families of LGBTQ youth.

Election Reform

INSTANT RUNOFF VOTING

The New York City Council calls upon the New York State Legislature to pass legislation that would create an instant runoff voting system for citywide primary elections.

The 2013 municipal election cycle contained 3 election dates: the primary election on September 10th, the run-off election on October 1st, and the general election on November 5th. The run-off election was required under state law, which requires a run-off primary election for a citywide

elected office when no candidate for that office receives 40 percent of the vote. Because no Democratic candidate for Public Advocate received more than 40 percent of the vote, a run-off election was held at a cost of \$13 million – more than the entire budget of the Public Advocate’s office over 4 years. Moreover, the very possibility of a run-off election for any office that year led to the use of lever voting machines during the primaries out of concern that the New York City Board of Elections would not have enough turnaround time to use the electronic scanners. An alternative to this wasteful use of resources would be to institute instant runoff voting, whereby voters rank candidates for an office in the order of their preference rather than casting a ballot for a single candidate. If no candidate receives a majority of first-choice votes, the candidate who receives the fewest votes is eliminated and those ballots are counted as votes for the candidate ranked second. If no candidate has a majority at that point, the process continues until a candidate has a majority of votes. This system would eliminate the need for a separate run-off election and has been endorsed by many good government groups as more efficient and democratic.

EARLY VOTING

The New York City Council urges the New York State Legislature to pass legislation establishing early voting in New York State. During the last several presidential elections, many polling sites across New York City were plagued by very long lines and other irregularities resulting in the disenfranchisement of voters who left the poll sites without voting. The reason for many of these irregularities is that presidential elections have a significantly higher turnout than other elections, causing poll sites to become overwhelmed. One of the most often cited recommendations to deal with this issue is to establish early voting, since doing so would reduce the number of people voting on election day, thereby reducing overcrowding. In states that have early voting, as many as 50 to 60 percent of voters have chosen to vote early, thus helping them to avoid many of the problems experienced by our own city during high-turnout elections.

STATE LEVEL PUBLIC CAMPAIGN FINANCING

The proposed Fair Elections Act would establish a public financing system for New York State elections. The current New York State campaign contribution limit for an individual giving to a candidate running in a primary and general election for statewide office is \$60,700 (and between \$8,200 and \$16,800 for a candidate running for state legislative office), as compared to \$5,000 for a United States presidential candidate. Similarly, the New York State contribution limit for direct corporate contributions to candidates is \$5,000, as compared to an absolute ban on such contributions under New York City and federal law. As such, New York State's current contribution limits, combined with the lack of a public campaign financing system, have the potential to hinder electoral competition and increase the risk of corruption by allowing wealthy individuals and corporations to spend large amounts to fund political campaigns. Public campaign financing provides candidates with resources to run competitive races, improves election transparency through more stringent disclosure requirements, and reduces the risk of corruption and the appearance of impropriety by decreasing the potential for undue influence from wealthy contributors. The New York City Council urges the New York State Legislature to enact this Act into law.

Public Safety and Criminal Justice

EXPUNGING CRIMINAL RECORDS

During his 2014 State of the Judiciary address, Chief Judge Jonathan Lippman called for allowing convicted criminals to have their criminal records expunged provided they meet certain conditions,

citing the profound negative effects that a criminal record can have on a person long after they have completed their sentence. Under his proposal, most people convicted of misdemeanors would have their criminal record expunged as long as they avoid arrest for seven years. Felons who committed non-violent crimes would have an opportunity to petition for expungement if they maintain a clean record for ten years and had no prior felony convictions. (Those convicted of alcohol-related driving offenses, political corruption and sex crimes would not be eligible for expungement.)

BAIL REFORM

Roughly 85 percent of the inmates at Rikers Island are there because they cannot post bail, often for petty crimes. To try and address this inequity, in 2012 the New York State Legislature passed a bill sponsored by State Senator Gustavo Rivera that allows for the creation of not-for-profit bail funds that provide assistance in paying bail for those who cannot afford it. New York City Council Speaker Melissa Mark-Viverito recently announced an initiative to create a city-wide bail fund for New York City. However, at the root of this problem is current state law, which encourages judges to set excessive bail in the first instance for minor offenses and prohibits them from considering whether a criminal defendant might be a danger to their community if they are released. This often leads to the perverse situation in which petty criminals are incarcerated solely because they are too poor to afford bail, whereas potentially dangerous criminals who can make bail that is set solely on their flight risk are allowed to go free. The New York City Council therefore supports Chief Judge Jonathan Lippman's 2013 proposal to simultaneously give all defendants charged with misdemeanors or non-violent felonies the presumption of release, while also allowing judges to consider whether a defendant poses a threat to the community when considering whether to set bail.

RAISING THE AGE OF CRIMINAL RESPONSIBILITY

New York State currently sets its age of criminal responsibility at 16. As a result, adolescents are prosecuted in the adult court system, regardless of the crime, where they are subject to adult sentences and may receive a criminal record. Having a criminal record makes it difficult for these young people to obtain jobs, secure financial aid and public housing, and/or gain college admission. In addition, they are far less likely to receive rehabilitative services in the adult system and have a much higher risk of re-offending than those who go through the juvenile system. Research on adolescent development shows that young people's brains are not yet fully developed and that they have a limited capacity to make reasonable judgments and calculate risks. Therefore the City Council believes that young offenders should not be treated as adults in our criminal justice system. In fact, Governor Cuomo's Commission on Youth, Public Safety & Justice recently recommended that the State raise the age of criminal responsibility to 18. The New York City Council urges the New York State Legislature to make this issue a top priority in the coming session and to raise the age of criminal responsibility to 18.

ONE-GUN-A-MONTH LIMIT AND WAITING PERIOD FOR PURCHASES

Currently, New York City limits the purchasing of firearms by an individual to 1 per 90-day period. The New York City Council strongly supports legislation limiting buyers to one handgun a month and requiring a ten-day waiting period before a buyer can take possession of a firearm throughout the state as long the legislation retains the City's ability to have a more stringent waiting period. While limiting the purchase of one handgun a month is less strict than New York City's limit, restricting an individual's firearm purchasing power throughout the entire state will help make the City safer because it will reduce straw purchases and trafficking by giving law enforcement officials additional time to perform background checks, while also guarding against impulsive acts of violence.

MICROSTAMPING

The New York City Council strongly supports legislation requiring all semiautomatic handguns sold or delivered in New York to be equipped with a feature that imprints a unique code onto the shell casing every time a gun is fired. Passing this legislation will assist in solving crimes and help further deter straw purchasers and gun trafficking.

TRANSLATION OF ORDERS OF PROTECTION

The New York City Council supports amending state law to require court interpreters to translate, on the record, essential terms of orders of protection issued in family and criminal courts into the appropriate language. Domestic violence victims often seek recourse in the court system, where judges have the authority to issue temporary or final orders of protection. Although courts may appoint an interpreter for those who require translation services, unfortunately many haven't utilized this option for translating the detailed terms and conditions of orders of protection on the record. As a result, some victims and offenders may not fully understand their rights and obligations under these orders. Such legislation is an important step toward ensuring that people with limited English proficiency or who have a hearing impairment can fully understand the terms and conditions of any order of protection that affects them.

INDEPENDENT PROSECUTOR

Given the close working relationship between prosecutors and police an inherent conflict may exist when local prosecuting agencies investigate and prosecute serious criminal offenses alleged to have been committed by local law enforcement. In order to ensure public confidence in the criminal justice system, New York should therefore examine alternate models for the prosecution of local law enforcement personnel accused of wrongfully killing a civilian.

Legalization and Decriminalization of Marijuana

REDUCING THE RACIAL DISPARITY OF MARIJUANA ARRESTS

The New York City Council supports the Fairness and Equity Act, which would amend the New York State Penal Law by decriminalizing the possession of less than 25 grams of marijuana. In addition to addressing other issues of fairness and equity, passing this legislation would end the unnecessary and disproportionate arrests of Black and Latino New Yorkers by ensuring that possession or sharing of small amounts of marijuana can never result in a criminal penalty, unless an actual sale takes place. This provision would combat the harsh collateral consequences that result from these arrests, while helping to ensure that New York's penal laws are enforced equally and fairly.

THE LEGALIZATION OF MARIJUANA

The New York City Council supports the Marijuana Regulation and Taxation Act, which would legalize marijuana possession and limited personal cultivation for adults 21 years of age or older and place an excise tax on all marijuana sales. This legislation would regulate, control, and tax marijuana in a manner similar to alcohol, generating millions of dollars in new revenue and saving millions of dollars in criminal justice resources each year. Passing this legislation would reduce the racially disparate impact of existing marijuana laws and end the cycle of branding nonviolent New Yorkers as criminals.

Traffic Safety

The City Council, in collaboration with Mayor Bill de Blasio has made street safety a priority. Hit-and-run incidents remain among the most outrageous and irresponsible acts to occur on our streets.

The Council strongly urges the passage of legislation raising the penalties for hit-and-run violations to deter drivers from leaving the scene of a crash and ultimately save lives.

Consumer Protection

REDUCE FRAUDULENT MORTGAGE FORECLOSURES

The New York City Council urges the New York State Legislature to pass legislation requiring lenders, assignees and mortgage loan servicers to submit an affidavit to the court before commencing foreclosure proceedings to help reduce the occurrence of fraudulent, robo-signed, and illegal foreclosure filings.

In a mortgage foreclosure action, the plaintiff must establish that it owns the note or bond secured by a mortgage on real property, that the defendant has defaulted on the terms of the mortgage, and that all contractual and statutory preconditions to foreclosure have been satisfied. Plaintiffs, however, often plead that they have been delegated the authority to bring foreclosure action by the actual holder of the note and mortgage, thereby obscuring the identity of the actual holder. The proposed legislation would create a new statutory precondition by adding Sec. 1304-a to the NYS Real Property Actions and Proceedings Law. This section would require the lender, assignee or a mortgage loan servicer to submit a signed affidavit to the court 30 days before commencing a mortgage foreclosure action affirming that it holds the note or bond on which the action would be based and thus has standing to commence such action. This legislation would also impose criminal sanctions for failing to comply with this provision; thereby further discouraging fraudulent foreclosure filings.

ENSURE FAIR DEBT COLLECTION

The New York City Council urges the New York State Legislature to pass the Fair Debt Collections Practices Act to further secure New York's position as leader in consumer protections. In comparison to federal law and the New York City administrative code, current state law governing fair debt collection practices is too broad to ensure compliance by creditors and debt collectors, and thus fails to provide consumers with robust protections. The Fair Debt Collections Practices Act would bring New York State laws in line with federal and New York City law by (1.) providing a detailed description of permissible debt collection practices, (2.) requiring specific notice to debtors, and (3.) detailing procedures for a debtor to dispute a debt. Additionally, the Act would authorize the New York State Attorney General to enforce its provisions and, most significantly, would grant a private right of action to individual debtors.

Health and Mental Health

INCREASE YOUTH ACCESS TO THE HPV VACCINE TO REDUCE INFECTIONS AND PREVENT CANCER

The New York City Council calls upon the New York State Legislature to pass legislation permitting health care practitioners to provide treatment to youth for the prevention of human papillomavirus (HPV), a common virus that can cause cancer. According to the Centers for Disease Control and Prevention (CDC), HPV is so common that nearly all sexually active men and women contract it at some point in their lives. The American Cancer Society estimates that HPV infections are responsible for nearly all cervical and anal cancers, as well as for the majority of vaginal, vulvar, penile and oropharyngeal cancers. The CDC estimates that about 21,000 HPV-related cancers could be prevented each year by HPV vaccination and recommends administering the vaccine at a young age when immune response is highest and before sexual activity and possible exposure to the virus.

While minors in New York State can access sexual and reproductive health services without parental consent, preventative services are not explicitly listed in state law as being permitted without parental consent. Legislation permitting health care practitioners to provide health care related to the prevention of sexually transmissible diseases, including the administering of vaccines, to persons under the age of 18 without a parent's or guardian's consent would ensure that minors have access to the vaccines they need to protect themselves from certain sexually transmitted diseases that can ultimately cause cancer.

MENTAL HEALTH SERVICES

People who are mentally ill and who are released from state mental hospitals, prisons or jails seldom have health insurance coverage at the time of their release. Furthermore, because they are prohibited from applying for Medicaid until their release, there is a time lapse between application and acceptance into the program. Without follow-up medical care immediately following their release, these individuals are likely to be re-incarcerated or re-hospitalized.

To help better address and meet the needs of this vulnerable population, the New York City Council supports the passage of legislation amending the Social Services Law, in relation to the medical assistance presumptive eligibility program.

If enacted, this legislation would ensure that uninsured persons discharged from psychiatric inpatient care at a state hospital or released from prison or jail have continuous access to medical care for their mental illness by presuming that they are eligible for Medicaid coverage for care, services and supplies to treat a mental illness for up to 90 days.

Veterans

STUDY HOMELESS VETERAN POPULATION

The New York City Council calls upon the New York State Legislature to enact legislation that would require the New York State Division of Veterans' Affairs to conduct a study to determine the number of homeless persons in New York State who are veterans. Veterans, particularly those with post-traumatic stress disorder and traumatic brain injuries, are more likely than the general public to become homeless. Additionally, veterans of the Iraq and Afghanistan conflicts are experiencing higher unemployment rates and economic burdens, which put them at greater risk of homelessness. The study would also provide an important analysis of gender as it relates to veteran homelessness, as well as determine the number and placement of children of homeless veterans. The United States General Accountability Office found that female veterans are four times more likely than their male counterparts to end up homeless. Homeless female veterans who are single mothers encounter significant barriers to securing adequate shelter, daycare services, and steady employment. This has a substantial impact on those families with children. Such a study would provide a clearer picture of how many homeless veterans with children live in New York State and enable the development of solutions to assist these families. Lastly, the study would include data on homeless veterans in New York State who experienced military sexual trauma (MST) while on active duty or during military training. According to the United States Department of Veterans Affairs (VA), approximately 1 in 4 women and 1 in 100 men have reported experiencing MST. Because this data represents only those who have sought VA treatment, the total is likely to be higher. Determining the population of

homeless veterans with MST would help produce solutions to treat these individuals and remove an important barrier to reintegration into civilian life.

LIMIT RENT INCREASES FOR DISABLED VETERANS

The New York City Council calls upon the New York State Legislature to enact legislation permitting disabled veterans who are not receiving public assistance but are entitled to possession, use or occupancy of a dwelling unit to be considered the head of household for the purposes of tax abatement eligibility for rent regulated property. Currently, municipalities are authorized to grant partial tax abatements for persons 62 years or older who live in dwelling units subject to rent control or rent stabilization where the increase over the legal regulated rent exceeds one third of the householder's income. These tax abatements play an important role in keeping rents affordable for senior citizens by limiting rent increases. As many disabled veterans live on fixed incomes, extending the benefit to disabled veterans meeting the applicable income requirements would help protect them from burdensome rent increases, allow them to stay in their homes, and provide them with a proper standard of living.

