



Legislative Budget Agenda 2024



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CIDNY’s Legislative Budget Agenda 2024

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INDEPENDENT LIVING CENTERS FUNDING

We are seeking an increase to \$18 million in this budget session as recommended by the State Education Department and Board of Regents for the last several years. Independent Living Centers (ILCs) provide critical services to people with disabilities in New York State. They assist them in navigating the ever-changing service system in order to live independent, fully integrated lives in the community. ILCs provide a wide range of critical services based on the local needs, all of which are aimed at addressing the social determinants of health, education, employment, housing, transportation, and other independent living skills. ILCs adapted quickly in the early weeks of the pandemic to help meet the needs of people with disabilities in their local communities. Maintaining investment in this response network is essential to being prepared for future events that disproportionately impact those we serve.

ILCs have long been underfunded while the cost of providing services has increased dramatically. We are calling on the Legislature and Governor to correct a history of inadequate support to the network of 41 Independent Living Centers so that they can meet the needs of people with disabilities they serve by increasing their funding to \$18 million.

PHYSICAL AND MENTAL HEALTH

CIDNY supports “The Ounce of Prevention Act.” (A6027 Paulin/S1366 Rivera)

This would prevent medical debt by making hospital financial assistance more accessible and ensuring money allocated for charity care is used for that purpose.

CIDNY Supports Full Fair Pay 4 Home Care - S.3189 (2023-2024)

There has long been a homecare worker shortage in parts of the State, making it difficult for people to obtain home care, which has worsened to the point of crisis throughout the State. The home care crisis has surpassed the lack of accessible and affordable housing as the primary barrier to transitioning people out of nursing facilities back into the Community, which is the work of CIDNY’s Open Doors program. The State has an obligation under the Supreme Court decision, *Olmstead v. L.C.*, to provide people with support and services in the community, yet the lack of available



home care is forcing people who want to leave to remain in institutions.

We acknowledge and appreciate the three-dollar increase included in the previous Budget but know that it will not adequately address the ongoing home care crisis. Full [Fair Pay for Home Care](#) would raise wages for home care workers and consumer-directed personal assistants to \$22.50/hr., or 150% of the highest minimum wage in each region, equivalent to what homecare workers earned in 2006, before the failure to keep up with rising wages in other sectors. It would also establish regional minimum hourly reimbursement to providers that allow them to pay these wages without going out of business.

CIDNY supports increased funding for Community Health Advocates (CHA), the State’s health care consumer assistance program, at \$5.234 million

Since 2010, CHA has helped New Yorkers, including many people with disabilities, all over the State navigate their health insurance plans to get what they need, and has saved New Yorkers over \$100 million. People with serious illnesses and disabilities especially need this assistance so that they can get appropriate services and supports. CHA’s contact information now appears on Medicaid notices, which means more patients will use the program. Additionally, with the end of the public health emergency rules, many people will be transitioning between health insurance and experience gaps in coverage that will require urgent resolution. CHA’s funding should be maintained at \$5.234 million.

CIDNY supports increased state share funding for the Long-term Care Ombudsprogram to \$15 million

The Long-Term Care Ombudsprogram (LTCOP) serves as an advocate and resource for people living in nursing facilities and other institutions. The program is intended to promote and protect patient’s rights as well as their health and safety by receiving, investigating, and resolving complaints made by or on behalf of residents. During the pandemic thousands of nursing facility residents died, and they continue to die due to the virus and lack of care. The program has been dealing with visitation issues, inappropriate discharges, psychotropic drugging and other serious problems with only minimal resources. The LTCOP receives federal funding, but it is insufficient to provide adequate services in New York State. New York’s match is one of the lowest in the nation, leaving providers overly reliant on

volunteers. The State Comptroller released a report which found that many residents in long term care facilities lack representation from an Ombudsman due to lack of volunteers and paid staff.

The report found that statewide, there are about half the recommended number of full-time staff. It found that in New York City alone, 23 more full-time staff would be required. *The legislature should increase State share funding of the Long-term Care Ombudsprogram to \$15 million.*

CIDNY supports establishing a statewide emergency and crisis response council “Daniel’s Law” (A2210 Bronson/S2398 Brouk)

An act to amend the mental hygiene law, in relation to establishing the statewide emergency and crisis response council to plan and provide support regarding the operation and financing of high-quality emergency and crisis response services for persons experiencing a mental health, alcohol use, or substance use crisis.

CIDNY supports S7800/A8470 which relates to long term care options for Medicaid recipients.

This bill repeals managed long term care provisions for Medicaid recipients. It establishes provisions for fully integrated plans for long term care including PACE and MAP plans.

CIDNY supports Stop SUNY Suing bill S7778/A8170

This bill prohibits state-operated hospitals from suing patients for medical debt. It defines 'medical debt.'

CIDNY supports S2503/A4926 which creates New York Funded Statewide Deafblind Co-Navigator Program

This bill establishes a co-navigation services program for persons who are deaf-blind to provide services that assist the person to physically access the person's environment and to make informed decisions, including providing visual and environmental information or sighted guide services and assisting with communication accessibility by communicating in the preferred language and communication mode of the person who is deaf-blind.



CIDNY supports S504/A414: lowers the cost sharing cap for insulin.

This bill reduces the cap on cost sharing for insulin from the current \$100 per insulin prescription per month to \$30 per month, in aggregate, for all insulin drugs.

CIDNY also supports the programs of Mental Health association in NYS:

Human services workforce funding in 20324

History of the human services cost of living adjustment (COLA) in NY.

MHANYS behavioral health career pipeline proposal

Behavioral health parity

Non-profit pension study bill drafted by MHANYS

Mental Health First Aid (MHFA) information

MHANYS mental health and higher education proposal

MHANYS mental health and higher education draft legislation

Leave of absence policy guidance for higher education.

TRANSPORTATION

CIDNY supports the amendment of the Public Authorities Law to add language that allows eligibility based on licensed healthcare providers' letters. (A2723, O'Donnell/S7021, Kennedy)

CIDNY seeks passing of the bill with some caveats. CIDNY would like additional language that can further ensure that people with disabilities' assessment process is consistent with the intent of the American with Disabilities Act. Beyond having the provider's letter prevail, when more information is required, Access-A-Ride should contact the healthcare provider for clarification, stating that an individual's disability is progressive or permanent and no recertification is required. This should include individuals with invisible or non-physical disabilities. In-person assessments have proven to be costly. We see no need for assessment centers. Should they think there is still a need to continue having assessment centers, the MTA should present to the legislators in public form a report of the process, costs and research that supports their reasoning.

CIDNY supports requiring counties to expand paratransit beyond ADA

minimums (A4165 Steck/S4739 Kennedy)

The limited availability of accessible transportation services is a major barrier faced by people with disabilities, often leading to unemployment, inability to access medical care, lack of access to voting sites, and isolation from friends, family, and full community participation. The failure to provide paratransit service throughout the State is a major contributor to this pervasive problem. The Americans with Disabilities Act (ADA) requires that counties provide accessible paratransit service to disabled people who are unable to take the fixed-route bus. At minimum, paratransit service must be provided to disabled people within $\frac{3}{4}$ of a mile of the closest bus stop. This was always meant to be the floor, not the ceiling. As fixed-route bus lines are eliminated, people are being cut off from paratransit service. This leaves disabled people stranded, without services, or the ability to work, receive services, attend houses of worship, or medical appointments. The State could address this by increasing the minimum service provided to people who rely on paratransit.

CIDNY supports the requirement of the registration of bicycles with electric assistance used for commercial purposes; provides liability of employers for certain violations. (A7833 Simone/S7587 Hoylman-Sigal)

CIDNY seeks the passing of this bill. We have heard too many times of people from the disabled community getting hurt by bicycles and/or e-bikes and having no way to file a complaint or press charges. This legislation would require the registration and licensure of bicycles with electric assist that are used for commercial purposes and directs the costs of violations relating to riding such bicycle on a sidewalk to the employer of commercial riders.

EDUCATION

CIDNY supports the “Dyslexia Diagnosis Access Act” (S05481/ A02898)

Children with dyslexia are at higher risk for experiencing anxiety and poor mental health, according to a review of multiple longitudinal studies of the correlation between mental health and dyslexia published in 2023 by Wilmot et al. The review found these issues mainly stem from difficulties in the classroom, where either the student is not diagnosed early enough (if at all) and struggles to keep up, or their teacher does not understand the difference in the way a student with dyslexia needs to be taught.

CIDNY supports S05481/A02898, which “would require health insurance plans to pay for neuropsychological exams to diagnose dyslexia,” meaning that many families who were previously unable to afford a dyslexia diagnosis for their child would now be able to, ensuring that their children have access to the supports they need. An increased access to diagnosis also means being able to report statistics that more accurately reflect the dyslexic community (it is estimated that approximately 1 in 5 students has dyslexia or a similar phonemic awareness learning disability). Statistics that accurately reflect higher numbers will emphasize the need to train educators in more effective methods of teaching dyslexic students.

CIDNY supports the comprehensive sexuality instruction for students in grades K- 12

The disabled community is disproportionately likely to experience sexual assault. In 2021, the United States Bureau of Justice Statistics reported a person with a disability is approximately four times likelier than a person without a disability to be sexually assaulted during their lifetime. In 2015, a study by Wilczynski et al. found that anywhere between 40% and 70% of girls with disabilities will experience sexual abuse before they turn 18, as will 30% of boys with disabilities. Those numbers are consistent across multiple other studies, and are most likely undercounts: people with disabilities are twice as likely as people without disabilities to not report an assault.

There is often an assumption that the reason for the higher numbers has to do with physical vulnerabilities that make violence more difficult to resist or report. Sometimes that is true. But most times it isn't. Most times, the higher numbers are born from an education: people with disabilities are informally and systemically taught to accept their own discomfort, even by those who mean well. Comprehensive sexuality education is built on an evidence-based, medically accurate, and age-appropriate curriculum that refutes the narrative that one's discomfort must be endured. A comprehensive sexuality education means that students are taught about disease prevention and contraception, and also about consent, communication, human development, healthy relationships, and personal boundaries. From kindergarten through 12th grade, students are taught about bodily autonomy: how to recognize it, how to voice it, and how to value it.

CIDNY supports providing New York students with the protective knowledge and skillset that comprehensive sexuality education provides.

CIDNY supports the protection of educational programs at risk of being cut as federal stimulus funds expire.

Since the onset of the pandemic, the federal government has provided the New York City Department of Education with \$7 billion in COVID-19 stimulus funding. While some of that money was used to address short-term problems caused directly by COVID, New York City Public Schools (NYCPS) has been using approximately \$1 billion per year on programs that address long-term challenges predating the pandemic- such as staffing shortages, outdated and ineffective curricula, and a youth mental health crisis. Those funds will officially expire in June of 2024. The issues they have been funding will not. The loss of these funds will force program cuts that disproportionately affect students with disabilities, as they attempt to navigate a school system with reduced support for preschool special education, dyslexia and literacy initiatives, community schools, restorative justice, school social workers, school nurses, school psychologists, coordinators working in homeless shelters, and bilingual staff, at a time when enrollment is up and more students than ever are in need of these services.

CIDNY supports finding alternative revenue streams at both a city and a state level to replace the federal funding public schools across the state, not just New York City, will soon lose, and using those funds to maintain at least the level of support currently provided to students, especially those with disabilities.

CIDNY supports ensuring that campuses across the City University of New York (CUNY) system and the State University of New York (SUNY) system are compliant with the Americans with Disabilities Act (ADA)

Under the ADA, students with disabilities are entitled to an accessible college campus. However, many CUNY and SUNY campuses fall short of what the ADA stipulates: classrooms, libraries, students housing, dining facilities, and offices are not always physically accessible. Signs, including on bathrooms and classroom numbers are not always available in large print or Braille. There are shortages in assistive technology (e.g. screen readers). Students with learning, mental, or developmental disabilities who are entitled to accommodations within the classroom must often depend on professors who do not know how to offer aid.

CIDNY supports legislation that would ensure students with disabilities receive appropriate accommodations they are entitled to under the ADA at every stage and in every area of the college process, from application through graduation.

EMPLOYMENT

CIDNY supports “Temperature Extreme Mitigation Program (TEMP) Act” (S01604C Ramos/A03321-C Joyner)

As New York State continues to experience “record” weather (record heat, record cold, record flooding, etc.), it becomes more imperative than ever to protect employees from the effects of working in extreme weather. The TEMP Act offers this protection by requiring employers to conduct training sessions, develop plans to address heat stress, allow a period of acclimation for new workers in certain industries, and provide employees with protective gear, shade, breaks, and water.

Extreme weather impacts industries across the board, and heat-related injuries alone account for tens of thousands of workplace injuries every year (according to a national study published in 2023 by Lai et al). The industries disproportionately affected by extreme weather are also some of the industries where people with disabilities are most likely to be employed: 19.1% of workers with a disability work in a service occupation, and 15.3% of workers with disability work in production, transportation, or material moving. The TEMP Act proposes mandatory protections for the people who work in these industries (among others) and in doing so, proposes mandatory protection for people with disabilities who might not only be more vulnerable to injury, but who also might be further discouraged or discounted from seeking employment associated with an increasingly high physical or cognitive risk.

CIDNY supports waiving state’s sovereign immunity to liability under the Americans with Disabilities Act (A6541 Kelles /S1164A Sanders Jr.)

This bill would allow State employees to sue the State of New York in state or federal court for violations of the Americans with Disabilities Act (ADA). As it stands, employees with disabilities face barriers at nearly every point in the employment process. Many of the practices involved in applying, hiring, and training are implicitly discriminatory. Once a candidate is employed, accommodation, though legally required, are often not fully supplied. Employees in the private sector, still face these barriers, but they have access to legal recourse upon encountering these barriers. State employees, as of now, are more limited. This bill would change that.

In addition, this bill would allow people with disabilities, regardless of whether they are state employees, to bring civil action against the State of New York if government

services, programs, and activities are not made accessible to the disabled public, further ensuring that people with disabilities are able to receive the services they are entitled to, not just under the ADA, but as citizens of New York.

CIDNY supports establishing a small business tax credit for the employment of disabled persons. (A4733 Rajkumar /S1555 Addabbo)

According to a 2023 Bureau of Labor Statistics report, people with disabilities are more than twice as likely as people without disabilities to be unemployed (7.6% vs 3.5%), and when employed, they are more than twice as likely as people without disabilities to work part time (30% vs 16%).

While the reasons behind these statistics are both numerous and nuanced, a contributing factor is hiring bias. Despite evidence to the contrary, many employers still believe, even subconsciously, that hiring people with disabilities is a bad “investment” that will ultimately cost them money. This bill would provide a tax credit of \$5,000 to \$25,000 to businesses that employ 100 people or less, provided they employ a person with a disability, working at least 35 hours a week, for the duration of six months. This bill would explicitly address one of the biggest implicit barriers people with disabilities typically face when attempting to obtain employment.

CIDNY supports, with caveats, legislation relating to the minimum wage for employees with disabilities. (A4347 Steck /S3434 Skoufis)

According to data obtained from the American Community Survey, approximately 30% of people with disabilities live below the poverty line. This is almost twice the rate of people without disabilities living below the poverty line (17%), and there are several factors that contribute to this discrepancy, including barriers to obtaining employment, benefits that have income and savings caps to qualify, and the continued legality in some places of a subminimum wage for people with disabilities.

This bill advocates for eliminating the subminimum wage for employees when that wage is based on age or disability. CIDNY supports the discontinuation of the subminimum wage as an incentive for employers to hire people with disabilities, but does so with the understanding that other protections for the hiring and retention of disabled employees need to be put in place.

Generally, subminimum wage does not refer to competitive integrated employment, but rather to sheltered workshops, or other job programs designed for people with disabilities who are unable to find work competitively. Though this bill specifies that the elimination of the subminimum wage refers to employees in “comparable positions[s]” to employees without disabilities, it also mentions prohibiting these workshops, which are a lifeline for many disabled individuals who cannot seek competitive integrated employment.

While CIDNY supports ending the subminimum wage for disabled employees, it also acknowledges that not every disabled employee will be able to obtain a comparable position to a nondisabled employee, even with accommodations. These employees also deserve protection, and those protections must be put in place concurrently with ending subminimum wages. Otherwise, there is the risk of wages going up, but employment going down.

Therefore, while CIDNY supports ending the subminimum wage, it does so while advocating for countering the narrative that the only two options for employment for people with disabilities are competitive integrated employment and subminimum wages. CIDNY supports finding an option for alternative funding for these sheltered workshops that does not come at the expense of the employees.

CIDNY supports securing wages earned against theft act (SWEAT) (A7752 Rosenthal L./ S7539 Ramos)

Wage theft, or an employer failing to pay an employee the legal wage they are entitled to, can occur several ways: an employer can refuse to pay overtime or can demand an employee work off the clock; an employer can deny an employee meal breaks; an employer can take illegal deductions, or can confiscate tips, or can refuse to make up the difference between tips and the minimum wage. This means that certain employees, e.g., part-time hourly workers, “gig” workers, and people who work in the service industry, are more susceptible to wage theft.

According to a 2023 Bureau of Labor Statistics report, 30% of people with disabilities work part-time, 9.5% are self-employed, and 19.1% work in service occupations. All of these rates are higher in the disabled community than in the nondisabled community (16%, 6.1%, and 15.9% respectively). People with disabilities may also feel an added pressure to say yes when their bosses make unreasonable demands, given the barriers people with disabilities face in obtaining employment in the first place, coupled with a



potentially higher dependence on work-related medical benefits which they might be afraid to lose.

This bill both provides grounds for attachment (the court will have the ability to put a lien on the employers' property) and would allow employees to “hold shareholders of non-publicly traded corporations personally liable for wage theft.” It increases the likelihood that employees who are the victims of wage theft will eventually secure repayment from their employers, and it also removes several barriers to the actual process of pursuing a claim, both of which are invaluable services to the employees who seek them, and who are disproportionately likely to be disabled.

CIDNY supports the wage theft attachment act. (A46 Rosenthal L./ S1977 Ramos)

Wage theft, or an employer failing to pay an employee the legal wage they are entitled to, can occur several ways: an employer can refuse to pay overtime or can demand an employee work off the clock; an employer can deny an employee meal breaks; an employer can take illegal deductions, can confiscate tips, or can refuse to make up the difference between tips and the minimum wage. This means that certain employees- part-time hourly workers, “gig” workers, and people who work in the service industry- are more susceptible to wage theft.

According to a 2023 Bureau of Labor Statistics report, 30% of people with disabilities work part-time, 9.5% are self-employed, and 19.1% work in service occupations. All of these rates are higher in the disabled community than in the nondisabled community (16%, 6.1%, and 15.9% respectively). People with disabilities may also feel an added pressure to say yes when their bosses make unreasonable demands, given the barriers people with disabilities face in obtaining employment in the first place, coupled with a potentially higher dependence on work-related medical benefits which they might be afraid to lose.

This bill would make it more difficult for employers to “dissipate their assets or dissolve their business” during the process of an employee pursuing a wage theft claim to avoid repaying wages. This would increase the likelihood that employees who are the victims of wage theft will eventually secure repayment from their employers, and it also removes several barriers to the actual process of pursuing a claim, both of which are invaluable services to the employees who seek them, and who are disproportionately likely to be disabled.

VOTING

CIDNY supports the authorizing of electronic submission of absentee ballots. (A5280 Epstein/S5729 Hoylman-Sigal)

Electronic Ballot Return allowing select groups like blind voters, and other groups like military service members or Americans living overseas to receive, mark, and return their ballots electronically, without needing to print a paper ballot. Electronic Ballot Return is already being used both securely and successfully by the military and overseas voters in 32 states. Of those, 13 states, including Delaware, Massachusetts, and Rhode Island, also permit voters with disabilities to utilize Electronic Ballot Return.

CIDNY supports mandatory training curriculum. (S617/Myrie)

The curriculum shall be established by the state board of elections in consultation with election commissioners and shall not exceed thirty hours of instruction. Annually, election commissioners and other board of elections employees as determined by the state board of elections, shall complete before June first a continuing course of instruction on the operation of a board of elections which shall be provided by the state board of elections. The curriculum shall be established by the state board of elections in consultation with the election commissioners and shall not exceed three hours of instruction.

HOUSING

CIDNY supports establishing the minimum regulations for the design and construction of new homes to provide visitability to such homes by persons with disabilities. (A1625 Simon/S763 Krueger)

CIDNY supports the creation of minimum standards for the design and construction of new homes that receive state or federal assistance to make them more accessible.

CIDNY supports establishing the New York State office of civil representation to provide access to legal services in eviction proceedings. (A1493 Joyner/S2721 May)

Eviction proceedings have a profoundly disparate impact on low-income individuals and given this disparate impact, it is imperative that these individuals be provided legal

representation in legal proceedings that put their housing at risk. There is a fundamental human right to adequate housing accommodations. Safe, secure, and accessible housing is essential to achieving equal access to all other fundamental needs. Without housing, individuals and families too often cannot preserve family integrity, gain employment or other income, or enjoy access to healthcare, proper nutrition, and education. Eviction proceedings and displacement because of evictions have a disparate impact on low-income individuals and particularly on low-income people of color, who are disproportionately the respondents in eviction proceedings.

CIDNY supports the act to amend the real property actions and proceedings law, in relation to adjournments relating to the right to counsel. (A4993 Rosenthal L./S3254 Hoylman-Sigal)

Provides that in any jurisdiction in which a party is eligible under local law for free legal counsel, if such party has in good faith attempted to secure such counsel and is unable to obtain counsel through no fault of their own, the court shall adjourn the trial of the issue for consecutive periods of not less than fourteen days each until the party is able to secure counsel.

CIDNY supports establishing the “Winter Moratorium on evictions act” to prohibit eviction of tenants from residential properties during the winter months. (A4093 Kelles/S1403 Myrie)

If a tenant is to be evicted, the tenant cannot be evicted during the winter months. This bill amends the Real Property Actions and Proceedings Law to allow a moratorium to stay court eviction judgments to allow individuals to remain housed during harsh inclement winter weather months.