STATE OF NEW YORK

1160

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

Introduced by M. of A. BRONSON, BARRON, CLARK, COOK, CRUZ, CUSICK, ENGLEBRIGHT, EPSTEIN, FAHY, PERRY, SEAWRIGHT, SIMON, WOERNER, MEEKS -- read once and referred to the Committee on Children and Families

AN ACT to amend the state finance law, in relation to evaluating the effects adjustments or reductions to the state budget will have on reducing child poverty in New York state; to establish the child poverty reduction advisory council to effectuate a reduction in child poverty in the state; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative Findings. The Legislature hereby declares that New York shall reduce the overall child poverty rate by fifty percent in the next ten years. Nearly 3 million New Yorkers are living in poverty, 895,000 of which are children. In fact, 1 in 5 New York children struggle to meet basic needs, and although several efforts have been undertaken, the overall poverty rate in New York has failed to see a reduction over the last decade. Meanwhile, the federal government continues to slash those benefits that have been shown to have positive impacts on lifting children and their families out of poverty. The Legislature finds that reducing child poverty will protect the health and general wellbeing of all New Yorkers and lead to long term savings for New York's budget. To effectuate this reduction, the child poverty reduction advisory council shall be established to research policy ideas, develop best practices, and continually monitor relevant benchmarks to ensure that New York remains on pace to successfully reduce child poverty by fifty percent in ten years.

§ 2. Subdivision 7 of section 23 of the state finance law is amended by adding a new paragraph g to read as follows:

g. Prior to making any such adjustment or reduction authorized by this subdivision the director of the budget shall evaluate the effects that

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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such reductions will have on child poverty in New York and shall make such evaluation available to the public.

§ 3. Advisory council established. (a) To effectuate a reduction in child poverty in the state, there is hereby established an advisory council, to be known as the "child poverty reduction advisory council", hereafter referred to as the "advisory council". The advisory council shall carry out the required acts set forth in sections two and five of this act, as well as any and all other additional factors, issues, or concerns, established and/or considered by the advisory council.

(b) The advisory council shall be chaired by a representative of the executive chamber and the commissioner of the office of children and family services, or their designees. Ensuring adequate geographic representation, the advisory council shall be appointed in the following manner:

(i) two members shall be appointed by the temporary president of the senate;

(ii) two members shall be appointed by the speaker of the assembly;

(iii) two members shall be appointed by the commissioner of the office of children and family services;

(iv) at least one member shall be appointed from each of the following entities:

(1) the office of temporary and disability assistance;

(2) the council of children and families;

(3) the department of taxation and finance;

(4) a regional economic development council;

(5) a non-profit poverty advocacy organization; and

(6) a non-profit organization with a focus on poverty issues; and

(v) two persons who are directly impacted by poverty in the state.

(c) The members of the advisory council shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties. Members of the advisory council shall be considered public officers for purposes of section 17 of the public officers law.

(d) The advisory council shall convene within sixty days after this act shall have become law. A quorum shall consist of a majority of the members of the advisory council entitled to vote on the matter under consideration. Approval of any matter shall require the affirmative vote of a majority of the members voting thereon. The advisory council shall adopt by-laws for the management and regulation of its affairs, including the creation of committees and subcommittees to effectuate the work required.

§ 4. Appointments to the advisory council. (a) The legislative leaders shall submit their appointments to the governor, and the governor shall make his or her appointments, no later than forty-five days after this act becomes a law.

(b) If any such appointment is not made by such date, the appointing official may make the appointment after that date, but such vacant appointment shall not count for the calculation of a quorum until such vacancy is filled.

(c) Any vacancies in the advisory council shall be filled in the same manner as the original appointment was made.

§ 5. Policy proposal review and recommendations. The advisory council shall:

(a) develop and publish a timeline, inclusive of yearly benchmarks, for reducing child poverty in the state by fifty percent in ten years. Such timeline shall be made publicly available.

(b) review the following non-inclusive list of policy proposals and release a report outlining the effect that the enactment of such proposals would have on the rate of childhood poverty in New York:

(i) expanding and strengthening the state's earned income tax credit to align with the state's minimum wage to cover individual taxpayer identification number filers and young, childless adults and to be paid out quarterly;

(ii) expanding and strengthening the state's child tax credit to include young children, and to eliminate the minimum income threshold;

(iii) expanding work training and employment programs in the state;

(iv) expanding access to subsidized housing vouchers; and

(v) expanding access to subsidized child care.

(c) investigate the effects that each of the proposals listed in subdivision (b) of this section would have if enacted by itself, as well as the effect the proposals would have if enacted in conjunction with the other proposals. The advisory council shall include the cost to the state related to the implementation of such policies, as well as the projected savings in both the short and long term that the state will realize by reducing poverty.

(d) review agency programs that can be modified, suspended, or otherwise changed to immediately reduce the child poverty rate.

(e) deliver to the governor, the speaker of the assembly and the temporary president of the senate reports containing the timeline required pursuant to subdivision (a) of this section, the review of the policy proposals required pursuant to subdivision (b) of this section, the investigation of the effects of such policies pursuant to subdivision (c) of this section and the review of agency programs required pursuant to subdivision (d) of this section on or before six months from the date this act becomes a law.

(f) develop recommendations for additional policies and procedures to reduce the state's child poverty rate by fifty percent in ten years from the date that this act becomes a law. In developing such policies and procedures, the advisory council shall be mindful of how such policies and procedures fit into the timeline created in subdivision (a) of this section. In making such recommendations, the advisory council shall consider:

(i) actions, in addition to those modifications, suspensions, and otherwise changed, that can be done via agencies and authorities to begin to reduce the child poverty rate;

(ii) the positive impacts that policies will have on work, marriage, opportunity for education, and social inclusion;

(iii) the impacts that policies would have on racial injustice in New York, being mindful that such proposals should not add to current racial disparities;

(iv) policies and programs that are tied to work;

(v) policies and programs that increase access to safety net programs for immigrants and for undocumented persons; and

(vi) contextual factors that may impact a family, parent, or child's ability to stay above the poverty line, including, but not limited to:

(1) stability and predictability of income;

(2) equitable and ready access to programs;

(3) equitable treatment across racial and ethnic groups;

(4) positive neighborhood conditions; and

(5) the individual health and well-being of the parents and children.

(vii) the cost to the state, including the short-term costs of the programs and the long-term savings from having such programs in place.

(g) deliver to the governor, the speaker of the assembly and the temporary president of the senate the recommendations of the advisory council as required pursuant to subdivision (f) of this section on or before one year after the date this act becomes a law.

(h) release bi-annual reports starting June 1, 2022, detailing the progress that the state has made in reducing the child poverty rate in line with the recommendations set forth in this section.

(i) collaborate with experts in the field of poverty research, utilize available data from other relevant statewide studies of poverty, and solicit input from stakeholder interests including, but not limited to persons impacted by poverty, non-profit organizations that assist those living in poverty, individuals or organizations that work to end racial disparities in New York, and child poverty advocacy organizations. The advisory council shall also conduct formal public hearings, which shall take place in at least four regions, as defined by empire state development corporation, and shall be offered during non-traditional hours to allow for persons unable to normally testify due to work requirements to so testify.

§ 6. Implementation of recommendations. Notwithstanding any contrary provision of law, rule, or regulation to the contrary, agencies with programs that have been identified as having current programs that can be modified to cut the child poverty rate, shall take all actions necessary to implement, in a reasonable, cost-efficient manner, the recommendations of the advisory council pursuant to section five of this act; provided, however, that the recommendations of the advisory council may be overridden by a concurrent resolution to be voted on within forty-five days of such report being submitted pursuant to section five of this act and passed by both houses of the legislature.

§ 7. Advisory council staff and agency liaison. (a) The commissioner of the department of children and family services shall designate such employees of the department of children and family services as are reasonably necessary to provide support services to the advisory council. The advisory council, acting by the chair of the advisory council, may employ additional staff and consultants, who shall be paid from amounts made available to the advisory council for such purpose.

(b) All state agencies, public authorities, and public benefit corporations shall provide such assistance as may be reasonably requested by the chair of the advisory council.

§ 8. Deliberations of the advisory council. The deliberations, meetings and other proceedings of the advisory council and any committee or subcommittee thereof shall be governed by article 7 of the public officers law. Any one or more members of a committee or subcommittee may participate in a meeting of such committee or subcommittee by means of a conference telephone, conference video or similar communication or electronic communication, provided that such communication allows all persons participating in the meeting, and all persons observing the meeting, including members of the public, to hear each other at the same time. Participation by such means shall constitute presence at a meeting. If a meeting other than an executive session is to be conducted by means of a conference telephone, conference video or similar communication or electronic communication, the public notice for such meeting shall inform the public that such equipment will be used, and further identify the means by which the public may listen to such meeting.

§ 9. Severability clause. If any clause, sentence, paragraph, subdivision, section, or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect,

impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 10. This act shall take effect immediately and shall expire and be deemed repealed ten years after such effective date; provided, however, that the amendments to subdivision 7 of section 23 of the state finance law made by section two of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.