

STATE OF NEW YORK

1160--A

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, JENSEN, JACKSON, MITAYNES, LUNSFORD, RAMOS, RICHARDSON, AUBRY, GONZALEZ-ROJAS -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to establishing the child poverty reduction act and establishing an advisory council to effectuate a reduction in child poverty in the state; to amend the state finance law, in relation to requiring periodic reports on the state's progress in reducing child poverty and evaluating the effects adjustments or reductions to the state budget will have on reducing child poverty in New York 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:

1 Section 1. The executive law is amended by adding a new article 19-I
2 to read as follows:

3 ARTICLE 19-I

4 CHILD POVERTY REDUCTION ACT

5 Section 533. Short title.

6 533-a. Legislative findings.

7 533-b. Child poverty reduction advisory council established.

8 533-c. Appointments to the advisory council.

9 533-d. Policy proposal review and recommendations.

10 533-e. Implementation of recommendations.

11 533-f. Advisory council staff and agency liaison.

12 533-g. Deliberations of the advisory council.

13 § 533. Short title. This article shall be known and may be cited as
14 the "child poverty reduction act".

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

LBD05201-04-1

1 § 533-a. Legislative findings. The Legislature hereby declares that
2 New York shall reduce the overall child poverty rate by fifty percent in
3 the next ten years. Nearly 3 million New Yorkers are living in poverty,
4 895,000 of which are children. In fact, 1 in 5 New York children strug-
5 gle to meet basic needs, and although several efforts have been under-
6 taken, the overall poverty rate in New York has failed to see a
7 reduction over the last decade. Meanwhile, the federal government
8 continues to slash those benefits that have been shown to have positive
9 impacts on lifting children and their families out of poverty. The
10 Legislature finds that reducing child poverty will protect the health
11 and general wellbeing of all New Yorkers and lead to long term savings
12 for New York's budget. To effectuate this reduction, the child poverty
13 reduction advisory council shall be established to research policy
14 ideas, develop best practices, and continually monitor relevant bench-
15 marks to ensure that New York remains on pace to successfully reduce
16 child poverty by fifty percent in ten years.

17 § 533-b. Child poverty reduction advisory council established. (a) To
18 effectuate a reduction in child poverty in the state, there is hereby
19 established an advisory council, to be known as the "child poverty
20 reduction advisory council", hereafter referred to as the "advisory
21 council". The advisory council shall carry out the required acts set
22 forth in section five hundred thirty-three-d of this article, as well as
23 any and all other additional factors, issues, or concerns, established
24 and/or considered by the advisory council.

25 (b) The advisory council shall be appointed by the governor and
26 chaired by a representative of the executive chamber and the commission-
27 er of the office of children and family services, or their designees.
28 Ensuring adequate geographic representation, the advisory council shall
29 be appointed in the following manner:

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

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

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

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

37 (1) the office of temporary and disability assistance;

38 (2) the council of children and families;

39 (3) the department of taxation and finance;

40 (4) a regional economic development council;

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

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

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

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

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

1 § 533-c. Appointments to the advisory council. (a) The legislative
2 leaders shall submit their appointments to the governor, and the gover-
3 nor shall make his or her appointments, no later than forty-five days
4 after this article becomes a law.

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

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

11 § 533-d. Policy proposal review and recommendations. The advisory
12 council shall:

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

16 (b) consider policy proposals that shall include, but not be limited
17 to, the following proposals and release a report outlining the effect
18 that the enactment of such proposals would have on the rate of childhood
19 poverty in New York:

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

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

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

27 (iv) expanding access to subsidized housing vouchers; and

28 (v) expanding access to subsidized child care.

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

36 (d) review agency programs that can be modified, suspended, or other-
37 wise changed to immediately reduce the child poverty rate.

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

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

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

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

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

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

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

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

11 (1) stability and predictability of income;

12 (2) equitable and ready access to programs;

13 (3) equitable treatment across racial and ethnic groups;

14 (4) positive neighborhood conditions; and

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

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

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

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

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

36 § 533-e. Implementation of recommendations. Notwithstanding any
37 contrary provision of law, rule, or regulation to the contrary, agencies
38 with programs that have been identified as having current programs that
39 can be modified to cut the child poverty rate, shall take all actions
40 necessary to implement, in a reasonable, cost-efficient manner, the
41 recommendations of the advisory council pursuant to section five hundred
42 thirty-three-d of this article; provided, however, that the recommenda-
43 tions of the advisory council may be overridden by a concurrent resol-
44 ution to be voted on within forty-five days of such report being submit-
45 ted pursuant to section five hundred thirty-three-d of this article and
46 passed by both houses of the legislature.

47 § 533-f. Advisory council staff and agency liaison. (a) The commis-
48 sioner of the department of children and family services shall designate
49 such employees of the department of children and family services as are
50 reasonably necessary to provide support services to the advisory coun-
51 cil. The advisory council, acting by the chair of the advisory council,
52 may employ additional staff and consultants, who shall be paid from
53 amounts made available to the advisory council for such purpose.

54 (b) All state agencies, public authorities, and public benefit corpo-
55 rations shall provide such assistance as may be reasonably requested by
56 the chair of the advisory council.

1 § 533-g. Deliberations of the advisory council. The deliberations,
2 meetings and other proceedings of the advisory council and any committee
3 or subcommittee thereof shall be governed by article seven of the public
4 officers law. Any one or more members of a committee or subcommittee may
5 participate in a meeting of such committee or subcommittee by means of a
6 conference telephone, conference video or similar communication or elec-
7 tronic communication, provided that such communication allows all
8 persons participating in the meeting, and all persons observing the
9 meeting, including members of the public, to hear each other at the same
10 time. Participation by such means shall constitute presence at a meet-
11 ing. If a meeting other than an executive session is to be conducted by
12 means of a conference telephone, conference video or similar communi-
13 cation or electronic communication, the public notice for such meeting
14 shall inform the public that such equipment will be used, and further
15 identify the means by which the public may listen to such meeting.

16 § 2. Section 22 of the state finance law is amended by adding a new
17 subdivision 1-d to read as follows:

18 1-d. within ten days following the submission of the financial
19 plans presented in accordance with subdivision one of this
20 section, the director of the budget shall submit to the chairs of the
21 senate finance and the assembly ways and means committees and
22 the comptroller a report on the overall child poverty rate in the state,
23 in accordance with the recommendations and reports of the child poverty
24 reduction advisory council established by article nineteen-I of the
25 executive law. Such report by the director of the budget shall include
26 information on the increase or decrease of child poverty during the
27 prior year (including information by region of the state and by the race
28 and ethnicity of the children), the progress or lack thereof by the
29 state in meeting the goals set forth in article nineteen-I of the execu-
30 tive law to reduce the overall child poverty rate, and the proposals
31 contained within the budget that are expected to impact upon the child
32 poverty rate.

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

35 g. Prior to making any such adjustment or reduction authorized by this
36 subdivision, the director of the budget shall evaluate the effect that
37 such reductions will have on child poverty in New York, and shall make
38 such evaluation available to the public.

39 § 4. Severability clause. If any clause, sentence, paragraph, subdivi-
40 sion, section, or part of this act shall be adjudged by any court of
41 competent jurisdiction to be invalid, such judgment shall not affect,
42 impair, or invalidate the remainder thereof, but shall be confined in
43 its operation to the clause, sentence, paragraph, subdivision, section
44 or part thereof directly involved in the controversy in which such judg-
45 ment shall have been rendered. It is hereby declared to be the intent of
46 the legislature that this act would have been enacted even if such
47 invalid provisions had not been included herein.

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