

STATE OF NEW YORK

2755--B

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2021-2022 Regular Sessions

IN SENATE

January 25, 2021

Introduced by Sens. RAMOS, BAILEY, BENJAMIN, BRESLIN, BRISPORT, BROUK, COMRIE, COONEY, GOUNARDES, HARCKHAM, HINCHEY, HOYLMAN, JACKSON, KRUEGER, MANNION, MAY, MAYER, RIVERA, SALAZAR, SAVINO, SEPULVEDA, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the social services law, in relation to 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 social services law is amended by adding a new section
2 131-zz to read as follows:

3 § 131-zz. Child poverty reduction. 1. Legislative findings. The
4 legislature hereby declares that New York should take any steps neces-
5 sary to reduce the overall child poverty rate by fifty percent in the
6 next ten years. Nearly three million New Yorkers are living in poverty,
7 eight hundred ninety-five thousand of which are children. In fact, one
8 in five New York children struggle to meet basic needs, and although
9 several efforts have been undertaken, the overall poverty rate in New
10 York has failed to see a reduction over the last decade. The legislature
11 finds that reducing child poverty will protect the health and general
12 well-being of all New Yorkers. To effectuate this reduction, the child
13 poverty reduction advisory council shall be established to research

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

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1 policy ideas, develop best practices, and continually monitor relevant
2 benchmarks to ensure that New York continues to work towards reducing
3 child poverty by fifty percent in ten years.

4 2. Child poverty reduction advisory council established. (a) To effec-
5 tuate a reduction in child poverty in the state, there is hereby estab-
6 lished an advisory council, to be known as the "child poverty reduction
7 advisory council", hereafter referred to as the "advisory council". The
8 advisory council shall carry out the required acts set forth in subdivi-
9 sion four of this section.

10 (b) The members of the advisory council shall be chaired by a repre-
11 sentative of the executive chamber and the commissioner of the office of
12 temporary and disability assistance, or their designees. Ensuring
13 adequate geographic representation, members of the advisory council
14 shall be appointed in the following manner:

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

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

18 (iii) two members shall be appointed by the commissioner of the office
19 of temporary and disability assistance;

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

22 (1) the office of children and family services;

23 (2) the New York state council on children and families;

24 (3) the department of taxation and finance;

25 (4) a regional economic development council;

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

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

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

29 (c) The members of the advisory council shall receive no compensation
30 for their services but shall be allowed their actual and necessary
31 expenses incurred in the performance of their duties.

32 (d) The advisory council shall convene within sixty days after the
33 effective date of this section. A quorum shall consist of a majority of
34 the members of the advisory council entitled to vote on the matter under
35 consideration. Approval of any matter shall require the affirmative vote
36 of a majority of the members voting thereon. The advisory council shall
37 adopt by-laws for the management and regulation of its affairs, includ-
38 ing the creation of committees and subcommittees to effectuate the work
39 required.

40 3. Appointments to the advisory council. (a) Appointments to the
41 advisory council shall be made no later than forty-five days after the
42 effective date of this section.

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

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

49 4. Policy proposal review and recommendations. The advisory council
50 shall:

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

54 (b) consider policy proposals that shall include, but not be limited
55 to, the following proposals and release a report outlining the effect

1 that the enactment of such proposals may have on the rate of childhood
2 poverty in New York:

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

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

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

10 (iv) expanding access to subsidized housing; and

11 (v) expanding access to subsidized child care.

12 (c) investigate the effects that each of the proposals listed in para-
13 graph (b) of this subdivision may have if enacted by itself, as well as
14 the effect the proposals may have if enacted in conjunction with the
15 other proposals. The advisory council shall include the cost to the
16 state related to the implementation of such policies, as well as the
17 projected savings in both the short and long term that the state could
18 realize by reducing poverty.

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

21 (e) deliver to the governor, the speaker of the assembly and the
22 temporary president of the senate, reports containing the timeline
23 required pursuant to paragraph (a) of this subdivision, the review of
24 the policy proposals required pursuant to paragraph (b) of this subdivi-
25 sion, the investigation of the effects of such policies pursuant to
26 paragraph (c) of this subdivision and the review of agency programs
27 required pursuant to paragraph (d) of this subdivision on or before six
28 months from the effective date of this section.

29 (f) develop recommendations for additional policies and procedures to
30 reduce the state's child poverty rate by fifty percent in ten years from
31 the effective date of this section. In developing such policies and
32 procedures, the advisory council shall consider:

33 (i) the disproportionate impact poverty may have on various racial
34 and ethnic communities and what policies may assist in alleviating such
35 disparities;

36 (ii) ways to improve access to public benefits for individuals regard-
37 less of their immigration status;

38 (iii) policies that assist families to obtain and maintain financial
39 stability, including policies that assist individuals with educational
40 advancements as well as securing employment that provides a living wage;
41 and

42 (iv) any other factors that may impact a family, parent, or child's
43 ability to stay above the poverty level, including, but not limited to:

44 (1) stability and predictability of income;

45 (2) equitable and ready access to programs;

46 (3) equitable treatment across racial, immigration and ethnic groups;

47 (4) positive environmental conditions;

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

49 and

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

52 (g) deliver to the governor, the speaker of the assembly and the
53 temporary president of the senate the recommendations of the advisory
54 council as required pursuant to paragraph (f) of this subdivision on or
55 before one year after the effective date of this section.

1 (h) release bi-annual reports starting June first, two thousand twen-
2 ty-two, detailing the progress that the state has made in reducing the
3 child poverty rate in line with the recommendations set forth in this
4 subdivision.

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

16 5. Implementation of recommendations. The legislature may utilize
17 recommendations provided to prioritize the implementation of programs
18 and services, as they deem appropriate, that would facilitate the goals
19 of reducing child poverty by fifty percent over the next ten years from
20 the effective date of this section.

21 6. Advisory council staff and agency liaison. (a) The commissioner of
22 the office of temporary and disability assistance shall designate such
23 employees of the office of temporary and disability assistance as are
24 reasonably necessary to provide support services to the advisory coun-
25 cil. The advisory council, acting by the chair of the advisory council,
26 may employ additional staff and consultants, who shall be paid from
27 amounts made available to the advisory council for such purpose.

28 (b) All state agencies, public authorities, and public benefit corpo-
29 rations shall provide such assistance as may be reasonably requested by
30 the chair of the advisory council. Provided however, any information
31 provided shall be kept confidential and shall be used only for the
32 specific purpose of effectuating the duties of the council.

33 7. Deliberations of the advisory council. The deliberations, meetings
34 and other proceedings of the advisory council and any committee or
35 subcommittee thereof shall be governed by article seven of the public
36 officers law. Any one or more members of a committee or subcommittee may
37 participate in a meeting of such committee or subcommittee by means of a
38 conference telephone, conference video or similar communication or elec-
39 tronic communication, provided that such communication allows all
40 persons participating in the meeting, and all persons observing the
41 meeting, including members of the public, to hear each other at the same
42 time. Participation by such means shall constitute presence at a meet-
43 ing. If a meeting other than an executive session is to be conducted by
44 means of a conference telephone, conference video or similar communi-
45 cation or electronic communication, the public notice for such meeting
46 shall inform the public that such equipment will be used, and further
47 identify the means by which the public may listen to such meeting.

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

50 1-d. within ten days following the submission of the financial
51 plans presented in accordance with subdivision one of this
52 section, the director of the budget shall submit to the chairs of the
53 senate finance and the assembly ways and means committees and
54 the comptroller, a report on the overall child poverty rate in the
55 state, in accordance with the recommendations and reports of the child
56 poverty reduction advisory council established by section one hundred

1 thirty-one-~~zz~~ of the social services law. Such report by the director of
2 the budget shall include information on the increase or decrease of
3 child poverty during the prior year (including information by region of
4 the state and by the race and ethnicity of the children), the progress
5 or lack thereof by the state in meeting the goals set forth in section
6 one hundred thirty-one-~~zz~~ of the social services law to reduce the over-
7 all child poverty rate, and the proposals contained within the budget
8 that are expected to impact the child poverty rate.

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

11 (g) Prior to making any such adjustment or reduction authorized by
12 this subdivision, the director of the budget shall evaluate the effect
13 that such reductions will have on child poverty in New York, and shall
14 make such evaluation available to the public.

15 § 4. Severability clause. If any clause, sentence, paragraph, subdivi-
16 sion, section, or part of this act shall be adjudged by any court of
17 competent jurisdiction to be invalid, such judgment shall not affect,
18 impair, or invalidate the remainder thereof, but shall be confined in
19 its operation to the clause, sentence, paragraph, subdivision, section
20 or part thereof directly involved in the controversy in which such judg-
21 ment shall have been rendered. It is hereby declared to be the intent of
22 the legislature that this act would have been enacted even if such
23 invalid provisions had not been included herein.

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