

2019-20 Enacted Budget Highlights Prepared for the New York State Adult Day Services Association (NYSADSA)

❖ State Budget Bills

- State Operations Budget - (AB 2000-D / SB 1500-D)
- Legislature and Judiciary - (AB 2001-A / SB 1501-A)
- Debt Service - (AB 2002 / SB 1502)
- Aid to Localities - (AB 2003-D / SB 1503-D)
- Capital Projects - (AB 2004-D / SB 1504-D)

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- PPGG – S1505-C/A2005-C
 - ELFA – S1506-C/2006-C
 - TED – S1508-C/A2008-C
 - HMM—S1507-C/A2007-C
 - Revenue – S1509-C/A2009-C

❖ NYSADSA Priority Achievements

- Transportation carve-out was not included in the Enacted Budget (HMH Art. VII).
- Social Adult Day Care Funding - \$1,072,000 was included in the Enacted Budget.
- Social Adult Day Care Training and Technical Assistance Appropriation (\$122,500) was included in the Enacted Budget.
- Alzheimer’s Care Giver Support Appropriation of \$50 Million was included in the Enacted Budget.

Other Enacted Budget Highlights

❖ NYS Office for Aging

- Investment in community-based services (EISEP waiting lists) – \$15 million investment. Allows SOFA to determine how to distribute the money. The Legislature added language in the final budget to require a report after the distribution of funds by September 2020 to describe how unmet needs were addressed with additional funds.
- The funding may be used in areas other than EISEP where there is need.
- The budget does not address the shortage of home care workforce that has contributed to the waiting lists.

❖ **New Private Pay Program**

- The Governor's budget would allow counties the option to implement a private pay protocol program for older residents with incomes above \$48,560 for a single person household. Language was included to limit the profit that can be made on these services to no more than 20% above unit of service price, assured that low-income recipients and those with the highest social need will remain the highest priority for service delivery, guaranteed that the revenue from private pay would not offset a county or state funding source and would be reinvested in OFA program expansion, and that a NYSOFA report to the Legislature will be submitted annually detailing the programs' results at reducing waiting lists.
- The program will not be in place until 2020.
- Counties participating will need to identify unmet need, if any, for all programs and services offered, the number of participants that privately paid for each program or service for that year, the rates participants were charged for each program or service provided, and how unmet need for programs or services offered by the area aging.

❖ **The Consumer Directed Personal Assistance Program (CDPAP)**

- For consumers to appropriately direct their own care, is still mired in negotiations. The Legislature negotiated the Governor's reductions in administrative costs to ensure no interruption or disruption of services, creating a transition process, ensure access to cultural and linguistic competencies in fiscal intermediaries and to create a stakeholder workgroup which will develop best practices for fiscal intermediaries, inform the criteria by which contracts are selected, identify needs of subpopulations in the program, develop quality reporting requirements for fiscal intermediaries, and develop transition plans for consumers transitioning from one fiscal intermediary to another.

❖ **Community Service for the Elderly (CSE)**

- Funding allows the County Offices for Aging to determine where the need is greatest for resources, and the funds are distributed by formula, equitably based on population across the state. The budget includes the same total as was finalized in the last budget, there were no additional funds added by the Legislature.

❖ **Other Highlight Issues Include:**

- Counties
- Criminal Justice
- Education
- Environment
- Health
- Transportation
- Other Highlights

❖ Counties

- **Property Tax Cap**
 - Permanent 2% property tax cap
- **Voting/Early Voting**
 - Budget includes \$14.7 million for electronic poll books and \$10 million for early voting. requires employers to provide up to 3 hours time off without loss of pay. The time must be taken at the beginning or end of the employee's shift. The employee must give at least 2 working days advance notice of the request for time off at any election. Employers shall post notices of the law at least ten working days before an election until the polls close for the election. Part BBB standardizes polling hours across the state to 6:00 a.m. – 9:00 p.m.
- **Voter Enfranchisement Modernization Act (VEMA)**
 - Authorizes electronic voter registration in NYS
- **AIM**
 - \$656M, same as Executive Budget. No increase. Article VII language set SFY 2018-19 AIM base level of aid thereafter.
- **Internet Sales Tax**
 - Requires online (internet) marketplace providers with a presence in New York State and sales exceeding \$300K or more than 100 sales of properties delivered in the state to collect sales tax. Funds are distributed as they are currently for taxes except that a portion of the tax revenue is diverted to the New York Central Business District Trust Fund (NYC congestion pricing fund which will support MTA capital projects) as follows: SFY 2019-20 \$112.5M; SFY 2020-21 \$150M; SFY 2021-22 and thereafter 101% of the amount distributed in the preceding state fiscal year.
- **Energy Service Companies (ESCOS)**
 - \$48 million in new revenue to counties by eliminating a sales tax exemption for energy service companies.

❖ Criminal Justice Reform

- **Cash Bail**
 - Ends cash bail in most cases for misdemeanors and non-violent offenders
- **License Suspension Opt-Out**
 - NYS will opt out of a federal rule that requires suspending or revoking a license for any violation of the federal Controlled Substances Act or any other drug law, regardless of whether the offense is related to actually operating a motor vehicle.
- **Misdemeanor Jail Sentences**
 - Max sentence for Class A misdemeanors changed to 364 days,--rather than one year. A move to protect undocumented immigrants convicted of Class A misdemeanors.
- **Use of Force Reporting**
 - Requires mandatory use of force reporting by the chief of police to the NYS Division of State Police

❖ Education

➤ **Education Aid**

- Increased \$1 billion totaling \$27.9 billion; new education equity formula to ensure funding for poorer schools. School Aid Runs:
https://nyassembly.gov/2019budget/budget/2019_School_Aid_Runs.pdf

➤ **NYC schools**

- 3-year extension of mayoral control of NYC schools

❖ Environment

➤ **Plastic Bag Ban**

- Bans the use of plastic bags in NYS with exceptions for bags used for: newspapers; food take out and delivery; solely for bulk packaging including, candy, fruits and vegetables; pharmacy prescriptions; garments; and uncooked meats, fish or poultry. Counties and cities would be eligible to opt-in to a 5 cents per bag fee for paper bags. SNAP and WIC recipients are exempt from the bag tax. The state would keep 60% of the bag tax revenue and distribute 40% to the counties and cities. The other 40% will sent to the local government to be used for the purchase and distribution of reusable bags with priority given to low income communities. Any amount not used must be returned to the NYS Comptroller. This law is effective 3/1/2020

➤ **EPA**

- \$300 million; untouched from SFY 2018-19 and previous 2 years.

➤ **Water Infrastructure**

- \$500 million in addition to the \$2.5 Billion commitment in 2017.

➤ **Expands Renewable Energy Investment**

- As part of Governor Cuomo's Green New Deal, the nation-leading clean energy and jobs agenda that will put the state on a path to 70% renewable energy by 2030 and 100% carbon-free electricity by 2040, the FY 2020 Enacted Budget expands the role of the New York Power Authority to deliver renewable energy and energy efficiency services to its customers.

➤ **Launches New Organics Recycling Program**

- The FY 2020 Budget requires the state's largest generators of food waste to begin recycling their food scraps and to donate wholesome food to those in need.

❖ Health

➤ **Affordable Care Act (ACA)**

- Parts of ACA were codified in New York.

➤ **COLA**

- 2% cost-of-living adjustment for direct-care employees of organizations serving the mentally ill and developmentally disabled.

➤ **Tobacco Control: Vapor Product Tax Increase**

- Increased from 10% to 20%.

➤ **Invests in Community-Based Supports for Aging New Yorkers**

- The FY 2020 Enacted Budget includes a \$15 million investment to address locally-identified capacity needs in NYSOFA support services targeted to keep people in their

communities longer, support family and friends in their caregiving roles, and delay future Medicaid costs by intervening with less intensive services earlier.

❖ **Transportation**

➤ **MTA**

- Requires the MTA to develop a reorganization plan by June, modifies MTA Board appointments to align with appointing authority, requires the MTA to undergo an independent forensic audit and efficiency review, calls for a major construction review unit made up of outside experts to review major projects, implements a 20-year capital needs assessment beginning in 2023, increases the competitive procurement threshold from \$100,000 to \$1 million, establishes a 30-day review notice for comptroller contract approval, and requires public reporting on MTA performance metrics. The budget would require any Capital Program Review Board member who does not approve of the MTA capital plan to issue a written explanation for their veto, and gives the MTA the opportunity to respond and revise the plan so the member may withdraw their veto. The budget will also allow the MTA to debar any contractor that exceeds 10% of the contract cost or time on a capital construction project.
- The Enacted Budget requires any MTA capital project over \$25 million to use design-build, saving the MTA time and money.

➤ **Congestion Pricing**

- It will include the installation of electronic tolling devices on the perimeter of the Central Business District, defined as streets south of 60th Street in Manhattan. The program will be established, operated, and maintained by the TBTA, working closely with the New York City Department of Transportation for installation. A six-member Traffic Mobility Review Board will be established by the TBTA to advise on tolls, exemptions, and credits to ultimately be determined by the TBTA based on recommendations from the Board. Tolls will be variable and passenger vehicles will only be charged once per day. The implementation day will not be before December 31, 2020. This tolling program will leverage \$15 billion, which will be dedicated to MTA capital needs.

➤ **Real Estate Transfer Tax**

- Tiered system: 1% for homes valued between \$1-2 million in NYC; capped at 3.9% for homes valued at \$25 million or above; revenues will go to the MTA.

❖ **Women's Agenda**

➤ **IVF**

- Mandates insurance coverage for IVF and egg-freezing.

➤ **Maternal Mortality**

- Includes an \$8 million investment over two years to fund initiatives to combat Maternal mortality

❖ **Other Highlights**

- **Invests an Additional \$150 Billion in the Nation's Largest Infrastructure Program**
 - Invests \$150 billion in infrastructure projects over the next five years, beginning in FY 2020, to rebuild transportation systems, drive economic development, create new green facilities, and support New York's sustainable energy future.
 - **Public Campaign Financing**
 - Effective 2022, at least. Commission appointed by Governor and Legislature will define parameters.
 - \$100 million appropriated annually to support
 - **Affordable Housing**
 - \$20 Billion housing plan
 - **Public Authorities Control Board (PACB)**
 - Gives the Governor the authority to remove a member of the PACB board if he believes they fail to act or vote “within the scope of his or her legal authority.”
 - **Prison Closures**
 - “Up to three prisons” will close.
 - **Supports a Complete Census Count**
 - This year's Budget authorizes up to \$20 million for FY 2020 for outreach and education efforts to ensure all New Yorkers are counted as part of the census.
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In the first 12 weeks of the legislative session, New York passed the following bills:

- Reproductive Health Act
- Comprehensive Coverage Contraceptive Act
- Red Flag Bill
- Banned Bump Stocks
- Extended Background Check Waiting Period
- Launched the Green New Deal
- Closed the LLC Loophole
- Synchronized Federal and State Elections
- Pre-registration for Minors
- Early Voting
- Universal Transfer of Registration
- Advanced No-excuse Absentee Voting
- Advanced Same-day Registration
- Child Victims Act
- Gender Expression Non-Discrimination Act
- Banned Conversion Therapy
- Banned Revenge Porn
- Domestic Violence Survivors Justice Act
- Strengthen Protections for Breastfeeding in the Workplace