

2016-17 NEW YORK STATE EXECUTIVE BUDGET

**EDUCATION, LABOR AND FAMILY ASSISTANCE
ARTICLE VII LEGISLATION**

MEMORANDUM IN SUPPORT

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MEMORANDUM IN SUPPORT

A BUDGET BILL submitted by the Governor in
Accordance with Article VII of the Constitution

AN ACT to amend the education law, in relation to contracts for excellence and the apportionment of public moneys; to amend the education law, in relation to applications for waivers of certain duties by the education department; to amend the education law in relation to charter schools; to establish the empire state pre-kindergarten grant board; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2015-2016 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the state finance law, in relation to the New York state teen health education fund; to amend chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the effectiveness thereof; to amend chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the

education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; and to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof (Part A); to amend the education law, in relation to school emergency response plans (Part B); to amend the education law, in relation to the city of New York assuming greater financial responsibility for the city university of New York senior colleges (Part C); to amend the education law, in relation to the NY-SUNY 2020 challenge grant program act; and to amend chapter 260 of the laws of 2011, amending the education law and the New York state urban development corporation act relating to establishing components of the NY 2020 challenge grant program, in relation to the effectiveness thereof (Part D); to amend the state finance law, in relation to the creation of the SUNY Stony Brook Affiliation escrow fund (Part E); to amend the education law, in relation to eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; the definition of "resident"; financial aid opportunities for students of the state university of New York, the city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 of such law relating thereto (Part F); to amend the education law, chapter 161 of the laws of 2005 amending the education law relating to the New York state licensed social worker loan forgiveness program, chapter 57 of the laws of 2005 amending the education law relating to the New York state nursing faculty loan forgiveness incentive program and the New York state nursing faculty scholarship program, and chapter 31 of the laws of 1985 amending the education law relating to regents scholarships in certain professions, in relation to forgiving loans upon the death of the recipient (Part

G); to amend the education law, the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part H); to amend chapter 91 of the laws of 2002, amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; and to amend chapter 345 of the laws of 2009, amending the education law and other laws relating to the New York city board of education, chancellor, community councils and community superintendents, in relation to the effectiveness thereof (Part I); to amend the labor law, in relation to the apprenticeship training council (Part J); to amend the labor law, in relation to the minimum wage; and repealing certain provisions of such law relating thereto; and providing for the repeal of certain provisions upon the expiration thereof (Part K); to amend the labor law, in relation to enhancing the urban youth jobs program tax credit by increasing the sum of money allocated to programs four and five (Part L); to amend the family court act, in relation to findings that must be made at permanency hearings, and to amend the social services law, in relation to guardianship expenses, the reasonable and prudent parent standard and the criminal history of prospective foster and adoptive parents (Part M); to amend the criminal procedure law, the penal law, the correction law, the education law, the executive law, the family court act and the social services law, in relation to proceedings against juvenile offenders and the age of juvenile offenders and to repeal certain provisions of the criminal procedure law, the family court act and the executive law relating thereto (Part N); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part O); and to utilize reserves in the mortgage insurance fund for various housing purposes (Part P)

PURPOSE:

This bill contains provisions needed to implement the Education, Labor and Family Assistance portions of the 2016-17 Executive Budget.

This memorandum describes Parts A through P of the bill which are described wholly within the parts listed below.

Part A - Amend Education Law and make other changes necessary to authorize School Aid and implement education-related programs in the Executive Budget

Purpose:

This bill contains various provisions necessary for implementation of the education portion of the 2016-17 Executive Budget.

Summary of Provisions and Statement in Support:

Public education in New York represents a significant commitment of State and local resources. With total spending levels exceeding \$60 billion, New Yorkers have maintained the highest per-pupil spending levels in the nation – even during difficult financial times. Not only is education the largest area of State spending, it is also the largest component of local property taxes. This substantial investment is a reflection of New York State’s long-standing commitment to providing opportunity for all students.

This bill includes measures to authorize School Aid along with other changes necessary to implement education-related programs in the Executive Budget. Significant provisions include:

- **Gap Elimination Adjustment.** The 2016-17 Executive Budget recommends a total Gap Elimination Adjustment (GEA) restoration of \$189 million, with a minimum restoration of 30 percent for each school district. The Budget also guarantees the elimination of the GEA by the 2017-18 school year for all school districts.
- **Foundation Aid.** The 2016-17 Executive Budget recommends a Foundation Aid increase of \$266 million.
- **Community Schools.** The 2016-17 Executive Budget recommends \$100 million in new funding for community schools in high-need school districts, with \$75 million of this allocated to the 17 school districts with failing and persistently failing schools and \$25 million allocated to other high-need districts.
- **Charter Schools.** The 2016-17 Executive Budget recommends unfreezing the charter school tuition rate for schools located in the New York City School

District. In addition, the Budget recommends making permanent the calculation of facilities aid for New York City charter schools in privately owned space.

- **Empire State Prekindergarten Grant Board.** The 2016-17 Executive Budget recommends the creation of a three-member Empire State Prekindergarten Grant Board to oversee the award of new grants to prekindergarten providers. In addition, as a condition of receiving State funds, the Budget would require early childhood settings identified as needing extra support by licensing agencies to participate in the QUALITYstarsNY quality rating and improvement system.
- **School Safety Building Aid Enhancement.** The 2016-17 Executive Budget recommends extending for one year an enhancement that provides school districts with an additional 10 percent in Building Aid for the purchase of security equipment, including electronic security systems and hardened doors.
- **School District Mandate Relief.** The 2016-17 Executive Budget recommends creating a new waiver process that would allow school districts, BOCES and approved private special education programs to petition the State Education Department for flexibility from certain special education requirements.
- **Contracts for Excellence.** The 2016-17 Executive Budget recommends requiring all school districts currently in the Contracts for Excellence program to remain in the program unless all of the school buildings in the school district are reported as “In Good Standing” for purposes of the State accountability system. School districts that remain would be required to maintain funding for Contracts for Excellence programs at the same level required for the 2015-16 school year.
- **Other Miscellaneous Provisions.** The 2016-17 Executive Budget also recommends a number of other provisions, including extensions of existing provisions of State law.

Budget Implications:

Enactment of this bill is necessary to implement the 2016-17 Executive Budget.

Effective Date:

This bill would take effect April 1, 2016, except that selected provisions take effect immediately or on other specified dates.

Part B - Amend Education Law to implement school safety reforms in the Executive Budget

Purpose:

This bill contains various provisions necessary for the implementation of school safety reforms in the 2016-17 Executive Budget.

Summary of Provisions and Statement in Support:

The 2016-17 Executive Budget recommends several changes to overhaul and modernize the current provisions of law that govern school safety plans. These changes would clarify the difference between district-wide and school-level safety plans, especially in regard to protecting confidential information, and would require that all school staff undergo mandatory annual training on such plans. In addition, the Budget would require each school district to designate a school or district employee as chief emergency officer to ensure coordination of all emergency-related training, external communications, and safety plan monitoring.

The 2016-17 Executive Budget also proposes the modernization of current provisions of law governing school fire drills, replacing a small number of the currently required 12 fire drills with preparation for other types of emergency situations, such as lock-down drills. This reform recognizes that new and evolving threats to student safety may require a different type of response than that required during a fire-related emergency.

Finally, the 2016-17 Executive Budget recommends authorizing the State Education Department to forgive the State aid withholding school districts otherwise face for holding fewer than 180 days of class, if this shortfall occurs due to school closure in an emergency situation after a credible threat to student safety as reasonably determined by a lead school official.

Budget Implications:

Enactment of this bill is necessary to implement the 2016-17 Executive Budget.

Effective Date:

This bill would take effect July 1, 2016.

Part C - Re-establish funding parity for CUNY

Purpose:

This bill would establish funding parity for the City University of New York (CUNY).

Summary of Provisions and Statement in Support:

The State of New York provides 98 percent of net operating and debt service expenses for CUNY senior colleges, while controlling only 60 percent of the Board of Trustees – the governance body of the CUNY system. On the other hand, the City of New York

currently provides 2 percent of public funding for CUNY senior colleges, yet the City controls 30 percent of the CUNY Board of Trustees.

This funding and governance structure dates back to a time when the City of New York was experiencing a fiscal crisis and was unable to support CUNY senior colleges. To prevent the closure of CUNY, the State assumed financial responsibility for City University senior colleges and has funded their operations ever since -- totaling more than \$20 billion over the last 35 years.

New York City is no longer in a fiscal crisis -- it ended 2015 with a multi-billion dollar surplus and billions in reserves. Accordingly, this bill re-establishes funding parity between the State and City to fund CUNY senior colleges.

Beginning July 1, 2016, this bill would require the City of New York to assume a 30 percent share of CUNY senior college net operating and debt service expenses commensurate with the City's participation in the governance of CUNY. This cost sharing arrangement will enable the State to provide \$240 million in funding for retroactive salary increases needed to ensure fair and affordable agreements with CUNY's labor unions.

Budget Implications:

Enactment of this bill is necessary to implement the 2016-17 Executive Budget. The recommended 30 percent City share would total \$485 million in the 2016-17 City fiscal year. Legislative approval of this cost sharing arrangement will enable the State to provide \$240 million from the General Fund to support retroactive salary increases needed to ensure fair and affordable agreements with CUNY's labor unions.

Effective Date:

This bill would take effect immediately.

Part D - Renew the NYSUNY 2020 and NYCUNY 2020 program

Purpose:

This bill would extend the NYSUNY 2020 and NYCUNY 2020 program for an additional five years.

Summary of Provisions:

The NYSUNY 2020 and NYCUNY 2020 program was enacted in 2011 to keep tuition increases low and predictable while providing additional resources to New York's public colleges and universities.

The program's five-year rational tuition plan replaced an unpredictable tuition rollercoaster that prevented students and their families from being able to plan for the full cost of their education. Prior to NYSUNY 2020 and NYCUNY 2020, there were drastic tuition spikes upwards of 45%. These dramatic spikes caused students to suddenly pay significantly more year-to-year. The rational tuition plan replaced this ineffective model with modest increases coupled with greater financial assistance. Even after the first five years of rational tuition, New York's public four-year resident tuition rates remain the lowest in the northeast and in the lowest quartile nationally.

NYSUNY 2020 and NYCUNY 2020 also provided important financial assistance to make college affordable for students with limited income. Revenue from tuition increases has been used to fund tuition credits for students eligible for the Tuition Assistance Program, maintaining their access to educational opportunities.

This program also allowed campuses to better plan and leverage the State's investments for student success. The NYSUNY 2020 and NYCUNY2020 plans have allowed for more than 1,100 new faculty hires and the establishment of new degree programs in high-need fields to ensure New Yorkers are prepared for the jobs of the future. In addition, since 2011, the program has provided \$470 million in competitive capital challenge grants to support projects that focus on improving both academic outcomes and economic opportunities.

To keep tuition low and predictable and continue to invest in faculty and student success in New York's public university systems, this bill would renew NYSUNY 2020 and NYCUNY 2020 for an additional five years. This will be coupled with an additional projected increase of \$400 million in State funding over the next five years. Under the new five-year rational tuition plan, SUNY and CUNY will be authorized, but not required, to raise tuition up to \$300 annually, provided they are able to demonstrate considerable efforts to reduce spending and that any increase is tied to appropriate inflationary indices. Additional revenue generated by tuition increases would support investments in faculty, improve instruction and provide tuition credits for TAP-eligible students.

Budget Implications:

Enactment of this bill is necessary to implement the 2016-17 Executive Budget. A \$300 annual tuition increase would raise \$89 million annually for SUNY and \$51 million for CUNY. In addition, the Executive Budget Capital Plan includes \$110 million in new annual funding for the NYSUNY 2020 and NYCUNY 2020 Challenge Grant Program.

Effective Date:

This would bill take effect immediately and sunset on July 1, 2021.

Part E - Establish the SUNY Stony Brook Affiliation Escrow Fund

Purpose:

This bill would establish the SUNY Stony Brook Affiliation Escrow Fund to support the Stony Brook at Southampton Hospital.

Summary of Provisions and Statement in Support:

In an effort to achieve the appropriate scale needed to provide a full continuum of care in an efficient manner, SUNY Stony Brook is pursuing an integration and affiliation agreement between Stony Brook University Hospital and Southampton Hospital. Upon completion of the transaction, SUNY would become the licensed operator of Southampton Hospital. It is anticipated that all of Stony Brook University Hospital's obligations under this arrangement will be funded with the revenues from Southampton Hospital operations.

This bill would establish a dedicated fund to accommodate the self-supporting financial operations of the prospective Stony Brook at Southampton Hospital.

Budget Implications:

Enactment of this bill is necessary to implement the 2016-17 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part F - Enact the New York State DREAM Act

Purpose:

This bill would enact the New York State DREAM Act to support the advancement of undocumented immigrant students by making them eligible to receive State financial assistance for college.

Summary of Provisions and Statement in Support:

The New York State DREAM Act would amend Education Law to make students without lawful immigration status eligible for the Tuition Assistance Program and other State financial assistance programs offered to college students who are New York State residents.

To become eligible for State financial assistance, a student without lawful immigration status would need to have lived continuously in New York State while attending high school or a high school general equivalency program in the State, and apply for admission at a college in New York within five years of receiving a high school or high school equivalency diploma. The bill would also make conforming changes to the laws

governing resident tuition policy at the State University of New York and the City University of New York.

The DREAM Act will support the advancement of undocumented immigrant students and continue New York State's tradition of welcoming immigrants and honoring their contribution to our culture and economy.

Budget Implications:

Enactment of this bill is necessary to implement the 2016-17 Executive Budget.

Effective Date:

This bill would take effect 90 days after the issuance of regulations and the development of an application form by the Higher Education Services Corporation.

Part G - Extend and make conforming changes to various scholarship and loan forgiveness programs

Purpose:

This bill would extend for five years the statutory authorization for scholarship and loan forgiveness programs that are scheduled to expire June 30, 2016 and make conforming changes relating to the forgiveness of repayment requirements.

Summary of Provisions and Statement in Support:

Several scholarship and loan forgiveness programs administered by the Higher Education Services Corporation are currently scheduled to sunset June 30, 2016. These include the New York State Licensed Social Worker Loan Forgiveness Program, the Regents Physician Loan Forgiveness, the Senator Patricia K. McGee Nursing Faculty Scholarship Program and the New York State Nursing Faculty Loan Forgiveness Incentive Program. This bill would continue these financial aid opportunities for an additional five years through the end of the 2020-2021 academic year.

The bill would also amend the Senator Patricia K. McGee Nursing Faculty Scholarship Program and the New York State Math and Science Teaching Incentive Program to conform with provisions relating to the forgiveness of repayment obligations recently adopted for the New York State Science, Technology, Engineering and Mathematics Incentive Program. These provisions would allow the Corporation to defer the conversion of awards to loans for recipients who fail to meet program requirements in cases of approved interruptions in study or employment, cancel repayment requirements upon death of the recipient, and either suspend or waive any financial obligation that would involve extreme hardship.

Budget Implications:

Enactment of this bill is necessary to implement the 2016-17 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part H - Allow public accounting firms to have minority ownership by individuals who are not Certified Public Accountants

Purpose:

This bill would authorize public accounting firms to incorporate in New York State with minority ownership by individuals who are not Certified Public Accountants.

Summary of Provisions and Statement in Support:

This bill would allow public accounting firms to incorporate in New York State with minority ownership by individuals who are not Certified Public Accountants, provided the words "Certified Public Accountant" or the abbreviation "CPA" is excluded from the firm's name.

In today's rapidly evolving economy, accounting firms endeavor to provide a variety of services to their clients and to do so often requires the skills of individuals who are not Certified Public Accountants such as actuaries, industry experts, information technology professionals and valuation specialists. By allowing non-CPA professionals to become minority owners of public accounting firms, this bill would modernize New York's incorporation laws and better enable accounting firms in the State to provide the services their clients have come to expect.

Budget Implications:

Enactment of this bill is necessary to implement the 2016-17 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part I - Extend mayoral control over the New York City public school system until June 30, 2019

Purpose:

This bill extends mayoral control of the New York City School District until June 30, 2019.

Summary of Provisions and Statement in Support:

The mayor of New York City has had governing authority over the City's public school system since 2002. Under current law, this authority is set to expire on June 30, 2016.

This bill provides a three-year extension of all existing provisions of New York City mayoral control, until June 30, 2019.

Budget Implications:

Enactment of this bill is necessary to implement the 2016-17 Executive Budget.

Effective Date:

This bill would take effect immediately.

Part J - Reform the State Apprenticeship Training Council

Purpose:

This bill would expand the composition of the State Apprenticeship Training Council to include up to three representatives from New York public colleges, community colleges, or boards of cooperative educational services.

Summary of Provisions and Statement in Support:

This proposal would help to ensure that registered apprenticeships in New York State reflect the training needs of the new economy. Including representatives from colleges and cooperative educational service boards will bring a new perspective to the table and help advise the Commissioner of Labor on the post-secondary instructional portion of an apprentice's preparation.

Budget Implications:

Enactment of this bill is necessary to implement the 2016-17 Executive Budget because it advances the administration's workforce development priorities.

Effective Date:

This bill would take effect immediately.

Part K - Increase in the Minimum Wage

Purpose:

This bill would gradually increase the minimum hourly wage from \$9 to \$15.

Summary of Provisions and Statement in Support:

A minimum wage ensures that the most vulnerable members of the workforce can participate in and contribute to a robust economy. An increase would improve the standard of living for 2.3 million workers and inject \$15.7 billion into New York's economy. New York's minimum wage has not kept pace with increases in the cost of living. At present, eight states and the District of Columbia have a higher minimum wage than New York, including our neighbors Connecticut, Vermont, and Massachusetts. New York's current statutory minimum wage of \$9, which took effect on December 31, 2015 and was enacted with the FY 2014 Budget, is insufficient to lift a family of four out of poverty.

This bill would amend section 652 of the Labor Law to increase the minimum wage by \$1.50, to \$10.50, in New York City and by \$0.75, to \$9.75, in the rest of the State effective July 1, 2016. Incremental increases would continue until the wage reaches \$15 in New York City on December 31, 2018 and in the rest of the State on July 1, 2021.

Budget Implications:

Enactment of this bill has broad budget implications as it increases the standard of living for workers, reduces poverty, and incentivizes fair and more efficient business practices.

Effective Date:

This bill would take effect immediately.

Part L - Enhance the Urban Youth Jobs Tax Credit

Purpose:

This bill would increase the cap on the amount of money available in 2016 and 2017 for the Urban Youth Jobs Program tax credit.

Summary of Provisions and Statement in Support:

This bill would amend Labor Law § 25-a to authorize additional funds for tax credits to be awarded in 2016 and 2017 to employers participating in the urban youth jobs program and expand the program Statewide. Under the existing law, programs four and five are each allocated \$20 million. Under this bill, program four would be allocated \$50 million for 2016, and program five would be allocated \$50 million for 2017, of which \$10 million in each program year may be allocated anywhere in the State.

Budget Implications:

Enactment of this bill is necessary to implement the 2016-17 Executive Budget because it would decrease All Funds revenue by \$30 million in each of SFY 2017-18 and SFY 2018-19.

Effective Date:

This bill would take effect immediately

Part M - Make statutory changes to comply with the Federal Preventing Sex Trafficking and Strengthening Families Act

Purpose:

The bill would enact provisions to comply with the Federal Preventing Sex Trafficking and Strengthening Families Act, which are required for the State and local departments of social services (LDSSs) to continue receiving approximately \$600 million in Federal funding under Title IV-E of the Social Security Act (SSA).

Summary of Provisions and Statement in Support:

President Obama signed the Preventing Sex Trafficking and Strengthening Families Act into law on September 29, 2014. Further guidance was issued by the Federal Administration for Children and Families during the summer of 2015 requiring statutory changes in order to remain in compliance with Title IV-E of the SSA. The Act helps reduce the incidence of sex trafficking among youth in foster care, helps ensure that foster children participate in age or developmentally appropriate activities to promote normalcy in their lives, and increases the speed with which permanency for foster youth is achieved.

This proposal would make statutory changes needed for New York to meet the new requirements imposed by the Act, including the following:

- Require that a foster child who is fourteen years of age or older be consulted during the development of their permanency plan and, at the foster child's option, with up to two additional individuals selected by the child;
- Authorize payments for non-recurring costs to successor guardians under the kinship guardianship assistance program;
- Establish qualified immunity from liability for caregivers of foster children in relation to the application of the reasonable and prudent parent standard;
- Eliminate disclosure of the results of criminal background checks to non-governmental agencies; and,

- Authorize OCFS to evaluate the results of criminal background checks for prospective foster and adoptive parents, and notify voluntary agencies whether the application may be approved, must be denied, or held pending further information.

Budget Implications:

Enactment of this bill is necessary to implement the 2016-17 Executive Budget because it would allow the State and local departments of social services to continue to receive approximately \$600 million in Federal child welfare funding under Title IV-E of the SSA.

Effective Date:

This bill would take effect immediately and the provision related to eliminating disclosure of criminal background check results shall take effect 90 days following enactment.

Part N - Raise the Age of Juvenile Jurisdiction

Purpose:

This bill would raise the age of juvenile jurisdiction in New York State from 16 to 18 years of age and establish the services necessary to improve outcomes for youth.

Summary of Provisions and Statement in Support:

New York is one of only two states (North Carolina) that sets its age of juvenile jurisdiction at 16 years of age. This means that all 16 and 17 year olds are processed in the criminal justice system, and not through the Family Courts, no matter their offense. All other states set the age at 17 or 18 years old. Research has shown that incarcerating adolescents in adult jails and prisons has significant negative impacts including higher suicide rates and increased recidivism. Experience in other states, such as Connecticut and Illinois, has shown that raising the age of juvenile jurisdiction can lower recidivism and juvenile crime rates through evidence based interventions designed specifically for adolescents.

In 2014, the Governor established the Commission on Youth, Public Safety and Justice to make recommendations on how best to raise the age of juvenile jurisdiction to age 18, improve outcomes for youth, and promote community safety. The 2016-17 Executive Budget would take the most integral steps to implement the Commission's recommendations to plan, create and expand services, including but not limited to diversion and probation services for 16 and 17 year old youth who will be involved in the juvenile justice system. The age of juvenile jurisdiction will be raised to age 17 on January 1, 2018 and to age 18 on January 1, 2019.

The major provisions of this bill would:

- Raise the age of juvenile jurisdiction from age 16 to age 17 on January 1, 2018 and to age 18 on January 1, 2019; raise the lower age of juvenile jurisdiction from age 7 to age 12 on January 1, 2018 for all offenses except homicide; and expand Family Court jurisdiction to include youth ages 16 and 17 charged with non-violent felonies, misdemeanors, or harassment or disorderly conduct violations;
- Create Youth Parts in the Superior Court to process Juvenile Offender cases and allow the Youth Parts to hear cases removed to Family Court under the provisions of the Family Court Act;
- Originate cases for the following crimes committed at age 16 and 17 in the Youth Parts: all violent felony offenses, class A crimes, homicide offenses, sexually motivated felonies, crimes of terrorism, felony vehicular assaults, aggravated criminal contempt, and conspiracy to commit any of these offenses or tampering with a witness related to any of these offenses;
- Provide current capacity for removal of Juvenile Offender cases to Family Court for 16 and 17 year old cases in the Youth Part;
- Allow for removal to Family Court, upon consent of the District Attorney, for the current Juvenile Offender crime of second degree robbery and for any violent felony offense that is not a Juvenile Offender crime for youth age 15 and under;
- Prohibit confinement of any minor in adult jail or prison;
- Prohibit detention and placement for youth who are low risk (per risk assessment) if they are adjudicated for first or second-time misdemeanors that do not involve harm to another person, and for youth who have technical violations of probation and who do not pose an imminent risk to public safety;
- Expand the current juvenile practice regarding parental notification of arrest and the use of Office of Court Administration approved rooms for questioning by police to 16 and 17 year olds;
- Mandate diversion attempts for low-risk (per risk assessment) misdemeanor cases;
- Allow for additional time for probation adjustment in order to access necessary services, and create the capacity for probation to obtain an order of protection while adjusting a case;
- Establish probation family engagement specialists to facilitate adjustment; and a continuum of evidenced-based diversion services;

- Establish Family Support Centers to provide comprehensive services to children at risk of person in need of supervision (PINS) adjudications and their families, as well as for very young children who are no longer subject to jurisdiction as juvenile delinquents;
- Effective January 1, 2019, prohibit the use of detention in PINS proceedings and only authorize PINS foster care placements, if appropriate, for sexualized exploited youth who may be in need of specialized services;
- Provide access to weekend arraignment for Family Court cases;
- Use determinate sentencing for youth sentenced under Juvenile Offender or Youthful Offender statuses, including 16 and 17 year olds;
- Require post-release supervision provided for Juvenile Offender youth coming out of the Office of Children and Family Services (OCFS) facilities to facilitate better re-entry;
- Expand the presumption for granting Youthful Offender status and provide for confidentiality of felony filings that are eligible for Youthful Offender status;
- Provide for the sealing of records of certain convictions upon application and meeting certain required criteria;
- Authorize state reimbursement of 100 percent for foster care, aftercare and independent living services, detention and Close to Home for 16 and 17 year old youth newly placed as a result in the change of age of juvenile jurisdiction;
- Authorize state reimbursement of 100 percent for increased probation costs as a result of the change of the age of juvenile jurisdiction; and
- Waive reimbursement from Local Social Service Districts for placement with OCFS for 16 and 17 year old youth placed as a result of the change of age of juvenile jurisdiction.

Budget Implications:

The five year State financial plan includes full State funding for all State and Local responsibilities associated with the legislation. It is possible that savings that are not currently assumed may occur as a result of this legislation that would substantially mitigate these costs.

Effective Date:

This bill would take effect immediately except as otherwise noted.

Part O - Authorize the pass-through of any Federal Supplemental Security Income Cost of Living Adjustment which becomes effective on or after January 1, 2017

Purpose:

This bill would authorize Federal Supplemental Security Income (SSI) benefits to be increased in 2017 by the percentage of any SSI Cost of Living Adjustment (COLA).

Summary of Provisions and Statement in Support:

Sections 131-o and 209 of the Social Services Law establish specific amounts for the monthly Personal Needs Allowance (PNA) and the monthly SSI standard of need (the maximum combined Federal and State benefit) for recipients in various living arrangements. This bill amends those sections of law to set forth the actual 2016 PNA amounts and the standard of need for eligibility and payment of additional State payments. It also authorizes those amounts to be automatically increased in 2017 by the percentage of any Federal SSI COLA which becomes effective within the first half of calendar year 2017.

Legislation to effectuate the Federal SSI COLA has been enacted annually since 1984.

Budget Implications:

If the pass-through of the Federal SSI COLA is not enacted in the 2016-17 budget, there will be no statutory authority to provide SSI recipients with the full amount of any Federal increase plus a State supplement at the current level. The State supplements would be automatically reduced to reflect the current standards of need set forth in the SSL.

Effective Date:

This bill would take effect December 31, 2016

Part P - Mortgage Insurance Fund Utilization

Purpose:

This bill would provide for the utilization of \$150 million in excess Mortgage Insurance Fund (MIF) reserves.

Summary of Provisions and Statement in Support:

The MIF, a division of the State of New York Mortgage Agency (SONYMA), was created in 1978 to insure mortgage loans for projects that would not otherwise be able to obtain private mortgage insurance, thereby encouraging the commercial and public investment of mortgage capital and increasing the supply of affordable housing in New York State.

The SONYMA statute allows for excess revenues from the MIF, after expenses and the required reserves, to be returned to the State following SONYMA Board approval. The MIF has been previously used to support new housing development or provide relief for budgetary deficits; in the FY 2016 Budget, \$125 million was used for various housing assistance and capital programs.

The MIF is currently projected to have over \$150 million in reserves through FY 2017 that can be accessed without negatively impacting the Fund's credit rating. The funding would be utilized in the following manner, as prescribed within the bill:

- Rural Rental Assistance Program (\$22.3 million): supports rental subsidies for low-income elderly and family tenants residing in federally-funded multifamily projects in rural areas of the State;
- Mitchell-Lama Portfolio (\$42.0 million): supports the initial refinancing and capital repairs of 35 Mitchell-Lama affordable housing projects that Homes and Community Renewal acquired from the Empire State Development Corporation;
- Neighborhood and Rural Preservation Programs (\$12.0 million): supports community-based housing corporations across the State that provide various housing related services for low- and moderate-income populations;
- Various affordable housing capital programs (\$58.0 million): supports the Rural and Urban Community Development Fund Program (\$35.2 million); the Low-Income Housing Trust Fund Program (\$10.0 million); and the Homes for Working Families Program (\$12.8 million) pursuant to the Governor's House New York initiative;
- Homeless Housing Programs (\$15.7 million): supports the OTDA consolidated homeless programs, which include: the New York State Supportive Housing Program, the Solutions to End Homelessness Program, and the Operational Support for AIDS Housing program.

Budget Implications:

Enactment of this bill is necessary to implement the 2016-17 Executive Budget, which assumes MIF revenue for the aforementioned programs.

Effective Date:

This bill would take effect immediately.

The provisions of this act shall take effect immediately, provided, however, that the applicable effective date of each part of this act shall be as specifically set forth in the last section of such part.