

TESTIMONY OF THE LEGAL AID SOCIETY

Joint Legislative Public Hearing on the 2027 Executive Budget
Proposal: Human Services

February 5, 2026

Thank you to Majority Leader Stewart-Cousins, Senate Social Services Committee Chair Persaud, Speaker Heastie, Assembly Social Services Committee Chair Davila, the New York State Finance Committee, and the New York State Assembly Ways and Means Committee for holding this very important hearing. We welcome the opportunity to submit testimony on behalf of The Legal Aid Society concerning fiscal priorities for the coming year in the area of human services. We are eager to continue working with the Committees to ensure that New Yorkers across the state have access to the support they need in the face of the disruption and destruction being caused by the federal administration. Access to this support is especially important in New York City, where the low-income communities we serve are experiencing ever worsening economic insecurity and, despite the Governor's rhetoric recognizing their crisis, see little in the Executive budget that will alleviate their poverty.

Indeed, the Governor's 2027-2028 Budget ignores many of our critical priorities in the area of human services and fails to respond to recent devastating federal changes. In particular, her budget fails New Yorkers who have lost access to food assistance due to H.R. 1 by refusing to fund a

state SNAP benefit to fill the gap created by inhumane federal action. The Legislature must act to make sure all New Yorkers, regardless of immigration status, have access to food. We hope the legislature will also revisit the recommendations of the Governor's Child Poverty Reduction Advisory Council and make long-overdue improvements, including increases to the grant levels, in the Cash Assistance program. We also urge the Legislature to continue to maintain its current investment in the Statewide Disability Advocacy Project (DAP) which assists low-income New Yorkers with severe disabilities achieve increased economic stability through federal Social Security Disability (SSD) and Supplemental Security Income (SSI) benefits. We look to the leadership in the Legislature to fill these gaps and ensure that funding for these priorities and the others discussed herein, which are so critical to the lowest-income New Yorkers, are included in the final budget.

To begin, we were pleased to see funding allocated in the Governor's budget to finally upgrade the State's electronic benefits transfer (EBT) cards, through which SNAP benefits are issued. The transition to industry-standard chip-enabled EBT cards will better protect New Yorkers from the rampant crime of SNAP skimming that has devastated kitchen tables and local economies for years. This major step forward after many years of advocacy will help guarantee that New Yorkers can use their benefits to feed and provide for themselves and their families.

Unfortunately, aside from the meaningful upgrade to chip-enabled technology, the budget does nothing to cushion the impact of devastating federal changes enacted by Congress and the Trump Administration in the past year. H.R. 1, which was passed by Congress and signed into law by President Trump on July 4, 2025, limits access to SNAP benefits by eliminating eligibility for lawfully present immigrants and imposing overly complicated and unhelpful work requirements.

The impact of these federal changes will lead to increased levels of food insecurity for families and communities who are already vulnerable. New York must take action to mitigate the dire consequences of these changes to SNAP. The Legal Aid Society urges the Legislature to take immediate action to create a state-funded food assistance benefit program, provide for state reimbursement for skimmed SNAP benefits, and implement the overdue recommendations from the Governor's Child Poverty Reduction Advisory Council (CPRAC) by increasing the amount of assistance available to recipients of the Cash Assistance program and to adopt additional reforms that would expand access to life-saving benefits.

This testimony will present a brief summary of the recent work of The Legal Aid Society, discuss the primary problems facing our clients, and provide solutions we urge the Legislature to adopt in the final budget.

THE LEGAL AID SOCIETY

The Legal Aid Society (LAS) is the nation's oldest and largest not-for-profit legal services organization. LAS provides comprehensive legal services in all five boroughs of New York City for people who cannot afford to pay for private counsel. Since 1876, LAS has advocated for low-income families and individuals and has fought for legal reform in City, State, and Federal Courts across a variety of civil, criminal and juvenile rights matters. LAS takes on 300,000 cases annually, including thousands of cases in which we fight for the rights of tenants in regulated and unregulated apartments across the City. LAS also takes on law reform and appellate cases, the results of which benefit more than 1.7 million low-income New Yorkers; the landmark rulings in many of these cases have a state-wide and national impact. The Legal Aid Society's Civil Practice has been hard at work to both

defend our clients, and at the same time use litigation, administrative, and legislative advocacy to expand access to programs and reform policies adversely affecting the client communities we serve. Our housing practice steps in to prevent evictions and homelessness for tenants with arrears stemming from periods of unemployment, fights discrimination against tenants based on the income source they are using to pay rent (referred to as “source of income discrimination”) that contributes to a lack of affordable housing and homelessness,¹ and supports increased funding for the Housing Access Voucher Program (HAVP), which, among other things, will be the subject of our testimony at the upcoming joint legislative budget hearing on Housing on February 25, 2026. Our Homeless Rights Project (HRP) protects and enforces the rights of homeless families and individuals in New York City and serves as class counsel on a number of landmark impact litigation matters, including *Callahan v. Carey*, which established the right to shelter in New York City for single homeless men, and subsequent litigation that expanded the right to women and families. Most recently, HRP has been advocating for shelter and services for families and individuals, including new arrivals and people with disabilities, and seeking to enforce the City’s expansion of the CityFHEPS program, which would help end and prevent homelessness for thousands of families. Meanwhile, our City-wide government benefits practice continues to work to ensure that our clients maintain access to benefits as they face record delays when they attempt to apply or recertify for Cash Assistance or SNAP benefits administered by the New York City Human Resources Administration (HRA) in the face of the agency’s understaffing.² While urging New York State to protect SNAP

¹ See, e.g., *Housing Rights Initiative v. Compass Inc.*, 21-cv-2221; *Housing Rights Initiative v. Corcoran Group LLC*, 154010/2022; *Robert Williams v. J.K. Management Corp.*, 451077/2022.

² *Forest v. City of New York*, 1:23-cv-00743 (S.D.N.Y. filed Jan. 23, 2023).

benefits, we also sued the federal government for refusing to reimburse victims of SNAP skimming with federal dollars.³ Within our Government Benefits practice, our Disability Advocacy Project continues to ensure that clients who are eligible for federal disability benefits obtain them as expeditiously as possible—resulting in reimbursement for the State and localities of state-funded Cash Assistance outlays the clients received while waiting for SSI (known as “Interim Assistance”).

Recommendations of The Legal Aid Society

A. Ensure the New York State Budget Protects Low-Income New Yorkers from Increased Food Insecurity Through the Implementation of Essential SNAP Reforms

1. *Achieve Universal Nutrition Assistance in New York State.*

The Legal Aid Society is grateful to Assemblymember Gonzalez-Rojas and Senator Rivera for sponsoring legislation that would create a state-funded food benefit to all income-eligible households who cannot receive SNAP solely due to their immigration status. *See* A.6632(Gonzalez-Rojas)/S.9033(Rivera). H.R.1 made thousands of New Yorkers newly ineligible for SNAP. Individuals granted asylum, refugees and humanitarian parolees who were previously eligible for SNAP can no longer receive those benefits. This change means that an additional 41,000 New Yorkers are no longer able to access SNAP benefits.⁴ The bill before the Legislature, revives the state-funded SNAP program (a prior version was called “SAP”) to ensure access to nutrition assistance for all families, regardless of immigration status. Titled SNAP for All, the program would prioritize two groups facing urgent food needs: (1) individuals who are newly ineligible for SNAP because of H.R.1, and (2) households with children who are currently ineligible for SNAP due to

³ *Chen v. Vilsack*, 1:23-cv-01440 (S.D.N.Y. filed Feb. 22, 2023). Plaintiffs are appealing the trial court’s decision.

⁴ SNAP4ALL New York: Creating a State Food Benefit for Excluded New Yorkers, December 2025, at 3.

their immigration status. The federal rules governing SNAP eligibility were already extremely narrow and H.R.1 further shrinks the eligibility criteria. As a result, thousands of lawfully present non-citizens have no access to SNAP, and the local economy loses out on the multiplier effect of these federal dollars. Other states, including California, Illinois, Maine, Minnesota, and Washington, have already adopted a state-funded food assistance program to provide benefits to certain excluded immigrant households.⁵

2. *Reimburse Victims of SNAP Skimming*

The long overdue transition to chip-enabled EBT cards will reduce digital theft by as much as 87%. However, the transition will take time, will not ensure full protection, and victims of yesterday, today and tomorrow deserve to be made whole. New York victims of SNAP skimming have been without remedy since December 20, 2024, when the federal law that authorized replacement of skimmed SNAP benefits was permitted to lapse. New York Social Services law provides relief for Cash Assistance benefits that have been skimmed. However, the current law does not provide reimbursement for SNAP benefits that are skimmed. New Yorkers should not have to survive with less nutrition assistance because they are victims of a crime. New York State must step in to make these victims whole and ensure that low-income New Yorkers can put food on the table. Legal Aid supports two legislative responses to address the ongoing rampant crime of SNAP skimming: A.7543(Gonzalez-Rojas)/S.8130(Gonzalez) would amend the state Social Services law to include SNAP benefits in the existing state law on reimbursing victims of digital theft; and

⁵ *Id.* at 8.

A.3587(Mitaynes)/S.403(Myrie) would create a compensation fund to reimburse victims of SNAP and CA skimming.

3. Support the Governor’s proposal for chip cards (A.699/S.146).

We applaud the Governor’s proposal to transition EBT cards to the more secure chip technology. Rampant SNAP skimming has devastated low-income New Yorkers – leaving households unable to put food on the table and corner grocery stores losing money. For years, advocates have urged New York State to upgrade to chip technology in order to better protect New York SNAP recipients and the local economies that depend on them. Chip cards reduce digital theft by up to 87% because there is greater encryption capacity in the chip than the magnetic strip of current EBT cards. We are pleased that New York now joins the list of several states that have taken on the transition to more secure technology. In implementing the upgrade, we urge the Legislature to ensure sufficient funding to cover the cost of replacement cards, administrative costs associated with the transition, and replacement card terminals for small grocers who accept EBT but are not yet equipped for chip card technology. These upfront, one-time investments will pay substantial dividends by ensuring that benefits actually reach eligible New Yorkers – increasing food security, improving health outcomes, and supporting local economies.

B. Adopt Proposals Contemplated by the Governor’s Child Poverty Reduction Advisory Council (CPRAC) to Protect the Lowest-Income New Yorkers

In December 2024, CPRAC made a short list of recommendations in pursuit of the Governor’s quest to fight child poverty and poverty generally. CPRAC has reaffirmed these

recommendations since 2024, including for this year's budget and⁶ unfortunately, both the Governor and the Legislature still failed to enact most of those proposals during the last budget cycle, and again the Governor failed to include them this year's Executive Budget. We urge the Legislature to reconsider this year and adopt the following recommendations that will give the lowest income New Yorkers crucial assistance when they need it most.

1. Increase Cash Assistance for Basic Needs for all participants.

The Legal Aid Society is grateful to Social Services Chairs Davila and Persaud for carrying a package of legislation originally introduced in 2022 by Chair Rosenthal, that, for the first time in decades, would increase the amount of money that Cash Assistance recipients receive to meet their basic needs, and keep it tied to inflation going forward. *See* A.106 (Rosenthal)/S.1127 (Persaud). Relatedly, for the first time since 1997, there is a bill that would achieve justice and parity for a small but needy subset of homeless New Yorkers – those who find themselves residing in shelters that serve three daily meals. *See* A.108 (Rosenthal)/S.113 (Cleare). As of now, the State is expecting these shelter residents to somehow live on \$1.50 a day.

A quick look at the numbers involved illustrate how urgent and overdue these reforms are:

Existing Cash Assistance Program	Last Year Increased	Current Monthly Amount	Current Annual Amount
Basic Needs Grant (not including rent) (for ~395,000 families)	2012 (elements of the grant for utilities not increased since the 1980s)	\$291.50 for a parent and child	\$3,498

⁶ CPRAC 2025 Progress Report, <https://otda.ny.gov/cprac/reports/CPRAC-2025-Progress-Report.pdf>.

Personal Needs/Special Needs Allowance (applies to approximately 9,000 families)	1997	\$126 for a parent and child \$45 for one adult	\$2,512 \$540
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2. Help New Yorkers afford housing.

As the Governor’s CPRAC has recognized, it is not enough to increase the amount the lowest-income families receive for basic needs to help them exit poverty. They also need assistance to make housing affordable. The following are housing-related social services and related reforms that the Legislature should add to the state budget:

- a. Increase Funding for HAVP and require OTDA to update the Cash Assistance shelter allowance for the first time in decades – amounts for adult only households have not been increased since 1988; and amounts for households with minor children have not been increased since 2003.**

Last year, New York State created the Housing Access Voucher Program (HAVP). HAVP is a statewide rental subsidy for low-income families and individuals facing eviction, currently homeless, or facing loss of housing due to lack of affordability, domestic violence, or hazardous living conditions. The program will begin to distribute vouchers in March 2026. However, the program is only a four-year pilot with funding of \$50 million a year. New York must do more. With its current allocation, the program will help about 1,900 households. Yet the need is far greater. HAVP will help reduce costs to the state and taxpayers by preventing evictions, reducing emergency shelter utilization, and reducing the costs of other homeless services. Rental assistance vouchers

have a proven history in increasing stability for tenants. When tenants have stable housing, it leads to better outcomes in health, education, and employment. Low-income New Yorkers are struggling to afford to stay in New York. The State must both increase the funding for the program to \$250 million a year and make it a permanent program.

In addition, the Legislature should direct the State to update the shelter allowance grant levels. The shelter allowance amounts for families with children have not been increased in 23 years – while rents have more than doubled. And the shelter allowances for single adults have not increased in over 30 years. A.1507 (Rosenthal)/S.1454 (Kavanagh) would require the State to increase maximum rent assistance for Cash Assistance recipients to 100 percent of the Fair Market Rent (FMR) levels set annually by HUD, and to adjust these levels annually in sync with the FMR. This is the same standard Governor Hochul signed into law in 2021 for the NYC-based FHEPS program. Making this change to the Cash Assistance shelter allowance would ensure that low-income families can afford a safe and decent place to live.

b. Help Families to Avert Eviction with Emergency Grant Reforms.

S.3222 (Kavanagh) would reform existing State law governing emergency arrears grants (often referred to as “one-shot deals”) to ensure access to these emergency grants for tenants from around the state by (a) eliminating the need to be on the precipice of eviction to qualify for an emergency grant; (b) eliminating any repayment obligation; and (c) increasing the number of months of rent eligible for a grant. These are crucial reforms throughout the State.

c. Encourage New York City to exercise their discretion to extend benefits to New York residents regardless of Immigration status.

A.0160 (Cruz)/S.2839(Persaud) and A.1503 (Rosenthal)/S.958 (Kavanagh) are essential to allowing New York City helping long-stayers within the shelter system to move into permanent housing. Together, these bills protect New York State from federal opposition to decisions about using state funds for New York State residents and grant New York City the discretion to spend City dollars for the purpose of ending homelessness regardless of immigration status. Passing these bills costs the state nothing and will help New York City be more nimble in its response to the current homelessness crisis.

d. Remove restrictions on How New York City deploys State Rental Supplement Program (RSP) money.

Starting in the FY23 State budget, the State has imposed a restriction on how the City of New York spends its invaluable allocation of RSP money, state funding that is explicitly designed to end and prevent homelessness for New York City residents who are not eligible for any other type of rental assistance for reasons that include household composition, source of income (such as federal disability benefits), or immigration status. Since 2022, budget language requires New York City to reserve this funding to cover the cost of increases in a different, existing subsidy program (FHEPS), that the Governor had already approved in December 2021. This inflexible accounting requirement leaves too little RSP assistance to go to those who need it. This is grossly unfair to New York City and The Legal Aid Society's clients, who need every dollar of RSP money allocated (up to approximately \$300 million, currently) to address housing unaffordability, and homelessness in New York City. *See* Proposed FY27 Aid to Localities,

<https://www.budget.ny.gov/pubs/archive/fy27/ex/approps/local.pdf> at 615-617. This restrictive language should be removed retroactively to 2022.

3. Adopt other crucial human services reforms.

a. End the benefits cliff for low-wage workers who need the support of Cash Assistance by adopting common sense Cash Assistance recommendations.

Finally, to really make Cash Assistance changes that give people a chance to achieve longer-term economic stability, we need to end the “benefits cliff” faced by families with low income. These reforms are also recommended by the Governor’s child poverty reduction council. The legislature should adopt the provisions of A.4352 (Rosenthal) which would eliminate the resource test; extend the earned income disregard to applicant households; and eliminate the income rules that punish children.

Resource limits punish working families and increase long-term economic instability.

Current resource limits for Cash Assistance households (\$2,500 for applicants, \$3,750 for households with a member over 60, and \$10,000 for recipients) rob low-income New Yorkers of the ability to save for emergencies and save for retirement rather than turn to Cash Assistance. If a household managed to save more than \$2,500, they would be denied eligibility for Cash Assistance, and if they saved \$10,000 their case would be closed. Some resources are exempt from consideration, but resources like a 401(k) from a prior job are not exempt and count toward the resource cap. Low-income households should be able to save money to weather emergencies like the loss of a job, housing instability, and health crises and still be able to afford to meet their basic needs. But under current rules, former workers who fall on hard times are forced to spend down

their retirement savings and face tax penalties and lose the value of equity on their investments.

This diminishes the long-term economic security of those families who need help now but who will return to the workforce when the period of crisis is over. New York can do better. Neighboring states like Massachusetts and less generous states like Alabama alike have decided to eliminate arbitrary resource tests for Cash Assistance altogether.⁷ Moreover, the SNAP program already successfully uses this approach: most households applying for SNAP no longer have to pass a savings/resource test in order to receive SNAP benefits. Reforming this rule makes common sense.

Applicants for Cash Assistance should benefit from the Earned Income Disregard in Determining Eligibility. The 2023 budget made welcome changes to the way Earned Income Disregard rules apply to Cash Assistance budgeting, except for one omission. The financial eligibility of applicants for Cash Assistance should be determined *after* applying the same earned income calculations that apply to Cash Assistance recipients. Currently, only individuals who have received Cash Assistance during the past four months get the benefit of the favorable budgeting. All low-wage workers should have the opportunity to apply for Cash Assistance to supplement their wages until they get a better paying job or more hours of work. Providing Cash Assistance to these households is fair – it respects the value of work and ensures the fair treatment of all New Yorkers. Households will be better able to weather the personal or economic crisis that create the need for cash assistance until they are stable and ready to move on from the program.

⁷ J. Gehr, Policy Brief, *Eliminating Asset Limits: Creating Savings for Families and State Government*, CLASP (updated October 19, 2023, by A. Burnside and J. Fairbanks), <https://www.clasp.org/publications/report/brief/eliminating-asset-limits-creating-savings-families-and-state-governments/>.

Eliminate unfair income rules that punish children. New York's current budgeting rules (see SSL § 131-c (1)) require that children with income intended for their own support, such as child support or social security survivor's benefits from a deceased parent, be used to support other people in the household for whom they are not legally responsible, such as half-siblings and non-parent caregivers on assistance. Many of the households affected by this rule are headed by grandparents struggling to get by. Prior legislatures recognized this inherent unfairness and passed bills to reform these budgeting rules, but the legislation was ultimately vetoed by Governor Cuomo in the 2019 session. This legislation should be passed again and signed by the Governor this year to promote equity for all types of families including those headed by grandparents.

Preserve favorable "sanction" and sanction prevention rules signed into law for New York City in 2015, while expanding these same rules to the rest of New York State. In 2015, long advocated changes to the rules governing penalties imposed on cash assistance recipients alleged to be not complying with "work rules" were signed into law. See N.Y. S.S.L. §§ 341-a, 342-a. These rules imposed common sense changes to the ways in which program participants could prevent sanctions from being imposed, and for those penalties that still went forward, the law eliminated the durational nature of the sanctions, many of which lasted for at least six months at a time. Such durational sanctions caused food insecurity, housing instability, and were often overturned as baseless in state Fair Hearings. The reforms were only made available to New York City residents. We advocate that the Legislature ensure that all of the reforms enjoyed by New York City residents be extended to our neighbors residing outside of New York City too. This is long overdue. At the

same time, we caution the Legislature not to water down the existing protections in place in New York City which are crucial to our ability to help our clients.

Promote Transparency Regarding Benefit and Rent Supplement Programs through legislative reforms. Two years ago Governor Hochul vetoed legislation that required OTDA to post information regarding waivers of federal and state benefit program rules and information about Rent Supplement Plans. New York needs to foster the transparency this law would achieve. This has been reintroduced in the Senate as S.3189 (Persaud).

C. Restore the State Legislature's Investment of \$1.5 million in the Disability Advocacy Program

The Legal Aid Society is proud to be a part of the remarkably successful Disability Advocacy Project (DAP) program which has helped thousands of New Yorkers secure the federal disability benefits to which they are entitled. In addition to helping disabled individuals access the much-needed federal benefits to which they are entitled, DAP saves the state millions of dollars every year in avoided public assistance costs. When DAP clients win their SSI benefits, state and local governments are retroactively reimbursed for public assistance benefits paid to these clients. Historically, every dollar spent on DAP has returned over \$2 to the state and counties. DAP has generated almost \$1.5 billion to the state and local counties since its inception in 1983, making it one of New York's most long-lasting and respected legal programs.

To keep DAP stable and for the program to continue to meet the current demands facing low-income disabled claimants, in addition to the \$5.26 proposed by the Governor, the Legislature should contribute a \$2.24 million investment and ensure that DAP is included in a Targeted

Inflationary Increase in enacted budget. Total state funding of \$7.5 million would enable the DAP program to confront effectively the current challenges facing our clients state-wide, including SSA understaffing, Social Security's overly complex rules and procedures, and harmful program changes routinely emerging from the federal administration's actions. Funding for this crucial program at this level is also essential to continue to address the heightened needs of disabled New Yorkers that were compounded by the COVID-19 crisis.

CONCLUSION

Thank you for the opportunity to submit this testimony today and for your leadership in helping New Yorkers get through the current crisis.

Respectfully Submitted,

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