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Center for Elder Law & Justice

JOINT LEGISLATIVE BUDGET HEARING ON PUBLIC PROTECTION
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CEO

Thank you, Chair Krueger, and Chair Pretlow, for the opportunity to submit this testimony to the Joint Legislative Budget Hearing on Public Protection. The Center for Elder Law & Justice (“CELJ”) has been serving the Western New York region for over 40 years, providing free civil legal services to older adults, persons with disabilities, and low-income families. CELJ’s primary goal is to use the legal system to ensure that individuals may live independently and with dignity. CELJ also advocates for policy and systems changes, particularly in the areas of health care access, housing, elder abuse prevention, nursing home reform, and consumer protection. Currently CELJ provides full legal representation in ten counties of Western New York. CELJ’s Free Senior Legal Advice Helpline is open to all New York State.

CELJ is also a part of the New York Legal Services Coalition, a membership organization made up of more than fifty individual legal services programs representing every county in the state of New York, including small, specialized legal services agencies, large core legal aid organizations and those funded by the federal Legal Services Corporation (LSC).¹

1. Restore Core IOLA Funding for Civil Legal Services

We are deeply concerned that the Governor’s Executive Budget did not include full appropriation authority for the Interest on Lawyer Account (IOLA) Fund. The Executive budget included \$77.5 million, far short of the \$102.5 million IOLA requested, and was approved by IOLA’s Board of Trustees.

IOLA is a critical funding source for civil legal services for low-income New Yorkers. This funding is not taxpayer money; it is generated through interest on attorney escrow accounts for the sole purpose of supporting civil legal services statewide as prescribed in statute. The full amount of money needed is currently in IOLA’s accounts.

IOLA is now entering the second year of a five-year contract process that was designed specifically to provide stability and predictability for civil legal services providers. The 25 million shortfall in spending authority will impact IOLA’s ability to fulfill commitments it has already made to the civil legal services community. A loss of funding will result in CELJ, and every other legal services

¹ The New York Legal Services Coalition, <https://nylscoalition.org/> (last accessed Feb 10, 2026).

program, having to cut staff and reduce capacity at a time when our services are in more demand than ever before due to reductions of the social safety net at the federal level.

Moreover, over the past year, providers have also worked closely with IOLA to plan and implement critical infrastructure investments through the Justice Infrastructure Project. These efforts are intended to create long-term efficiencies and improve service quality, including the recently announced statewide civil legal services training center and a planned online intake portal that will expand access and streamline assistance for New Yorkers seeking help. The 25 million in decreased spending authority place this work in jeopardy.

We hope the Executive will correct this in the 30-day amendments. However, if she does not, our ask to the legislature is that the final budget includes \$102.5 million spending authority for IOLA in their one-house bills.

2. Safeguarding New York's Nonprofits

We urge the Legislature to address systemic challenges facing nonprofit service providers. Nonprofits are a critical part of New York's safety net and economic sectors. However, New York state's nonprofit contracting process is broken. The entire nonprofit community faces challenges in cash flow management and an overreliance on expensive lines of credit due to the months (and sometimes even years) long wait to obtain reimbursement for services that have been approved in the budget. We support comprehensive reforms to State Finance Law § 179, led by Senator Mayer and Assemblymember Paulin, to address chronic contracting and payment delays. Nonprofits cannot deliver services effectively when they are forced to front costs for months without reimbursement.

In addition, we urge passage of the NY Protect Act (S.7880A Krueger / A.8583-A Glick), which protects New York nonprofits from federal attacks by creating a state-protected not-for-profit status. This ensures that organizations can continue to operate, contract, and serve communities even if the IRS wrongfully revokes federal tax-exempt status

3. Protecting Immigrant New Yorkers

New York's immigrant communities are facing unprecedented threats, including federal attacks on legal services providers, cuts to funding, and increased enforcement actions. In this moment, New York must lead.

We support:

- \$175 million for the CARE for Immigrant Families initiative, including passage and implementation of the Access to Representation Act, ensuring legal representation in removal proceedings; and the BUILD Act, which strengthens provider capacity and infrastructure. In the past year, immigration law has become more complex, and the number of New Yorkers threatened with deportation has skyrocketed. A substantial increase in funding for Immigration Legal Services is critical to protect the 1 in 5 New Yorkers who are immigrants from unlawful detention and deportation.

- Passage of the New York for All Act (S.2235 Gounardes / A.3506 Reyes), which preserves state and local resources for community safety and ensures New York funds are not used for federal immigration enforcement.
- Passage of SNAP for All (A.6632 Gonzalez-Rojas), establishing a state-funded nutrition assistance program for income-eligible New Yorkers excluded from SNAP solely due to immigration status. While New York cannot fill all of the gaps created by the austere cuts included in last year's HR1 budget bill, ensuring that no New Yorker goes hungry should be a central commitment to all.

4. Housing Stability and Eviction Prevention

New York State has made great progress in supporting individuals who are in danger of losing their homes, either through eviction, or through mortgage foreclosure. However, more needs to be done.

We support:

- \$40 million for the Homeowner Protection Program (HOPP) to prevent foreclosures;
- Establishment of a Statewide Right to Counsel in Eviction, with initial funding to begin a five-year implementation; and
- Increasing the Housing Access Voucher Program from \$50 million to \$250 million and making the program permanent, ensuring long-term housing stability for low-income households. 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 is a four-year pilot with \$50 million a year funding. With its current allocation, the program will help about 1900 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.
- \$75 million for eviction prevention through Office of Temporary and Disability Assistance, including support for New York City providers of \$30 million and rest-of-state providers of \$45 million. This total includes the \$35 million proposed in the Executive Budget and an additional \$10 million to be added by the Legislature. These funds support a network of 31 collaborating organizations serving all 57 counties outside New York City and, as of September 30, 2025, have reached more than 137,000 individuals.

5. Ensuring privacy in court-ordered name changes

CELJ is in receipt of funding from the NYS Department of Health to provide legal assistance to the LGBTQ+ community. While all other types of name changes – such as marriage, divorce, or

adoption – have categorical privacy, court-ordered name changes do not. This poses a safety and privacy concern for our clients and particularly for transgender, and nonbinary people, and those who are victims of domestic violence. The Office of Court Administration implemented a new rule last year, which is a positive step; however, OCA can only go as far as the law allows. We must change the law to treat name changes in court in the same way as all other name changes, and we must provide a path to privacy for people who had name changes before the new rule took effect. There is no reason for New York state to allow confidential information – including home addresses, birth certificates, birth dates, and medical records – available to the public. Especially considering that online filings are scraped, and data is re-published online, and changes at the federal level, this is of utmost urgency.

For those reasons, we support the Privacy in Name Changes (A.3925 Lavine) in the one-house and final budgets.

6. Support Judiciary Civil Legal Services Funding

We also urge adoption of the Office of Court Administration’s proposed SFY 2027 Judiciary budget, which includes a \$25 million increase and a 3 percent cost-of-living adjustment, for a total of \$179 million in Judiciary civil legal services funding. This funding must remain flexible, allowing providers to respond to rapidly changing community needs, including housing instability, domestic violence, and the continued strain on low-income households. Moreover, maximum flexibility will enable providers to address low salaries in our profession which contribute to the Justice Gap.

Simply put, the “justice gap” is the difference between the civil legal needs of low-income Americans and the resources available to meet those needs. While criminal defendants have the right to legal representation, as highlighted by the Federal Legal Services Corporation (LSC), low-income Americans do not get any or enough legal help for 92% of their substantial civil legal problems, often because they cannot afford it.² Civil legal problems typically involve essentials of life including safe and affordable housing, access to health care, family stability, protection from abuse, and more.

As LSC puts it, “[d]espite our pledge of ‘with liberty and justice for all,’ it is still the case that one’s access to justice in our nation too often depends on how much money one has.”³ LSC further reports that in 2022, household incomes below 125% of the poverty level correspond to annual incomes below \$34,500 for a family of four, which translates to approximately 50 million low-income Americans, including approximately 15.2 million children.⁴ Black and Hispanic Americans are more than twice as likely to have household incomes below 125% of poverty.⁵ A staggering 74% of low-income households experienced at least one civil legal problem in the past year,⁶ making access to justice more crucial than ever.

² LSC, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans*, April 2022, available at <https://justicegap.lsc.gov/> (last accessed Feb 10, 2026).

³ *Id.* at 14.

⁴ *Id.* at 22.

⁵ *Id.* at 23.

⁶ *Id.* at 18.

The New York State Unified Court System created the Permanent Commission on Access to Justice (“the Permanent Commission”) in 2010 with the mission to expand access to civil legal services and improve access to justice for New Yorkers. The Permanent Commission holds annual statewide hearings to assess the unmet needs for legal representation in civil legal proceedings involving fundamental human needs, and it assists the Chief Judge in developing a report and recommendations to the Legislature and the Executive about the level of public resources necessary to meet those needs.⁷ In its 2023 Annual Report, the Permanent Commission noted that “while no other state comes close to New York’s commitment [to close the justice gap]...New York’s commitment falls far short of any conceivable measure of need.”⁸

In the 2024 report from the Permanent Commission on Access to Justice, there were several witnesses who spoke about the hiring and retention difficulties due to the low salaries in civil legal services firms.

“The Chief Judge acknowledged the substantial body of research that demonstrates that for every dollar spent on civil legal aid, there is a substantial positive return on investment to the clients served, as well as to society. These benefits include savings from the prevention of evictions, reductions in the costs associated with domestic violence, and the creation of new jobs.”⁹

Despite this, the Chief Judge observed:

“[L]egal service providers face extraordinarily difficult times in attracting and retaining lawyers because they are overworked, under-resourced, and cannot pay salaries that are competitive to what the city, state, and local governments pay lawyers.”¹⁰

The issue of competitive compensation for legal services attorneys was at the center of the annual Civil Legal Services Hearings. Across the board, presenters and written submissions expressed the same concern: the pay discrepancy between civil legal services attorneys, on the one hand, and government and other public interest attorneys, on the other hand make it impossible to hire and retain staff impeding access to justice.

The 2024 report concluded:

vii NYCourts.gov, Permanent Commission on Access to Justice: <https://ww2.nycourts.gov/accesstojusticecommission/index.shtml> (last accessed Aug. 23, 2024).

⁸ NYS Unified Court System, Permanent Commission on Access to Justice, *Report to the Chief Judge of the State of New York*, November 2023, available at <https://ww2.nycourts.gov/accesstojusticecommission/annual.shtml> (last accessed August 30, 2024).

⁹ NYS Unified Court System, Permanent Commission on Access to Justice, *Report to the Chief Judge of the State of New York*, November 2024, available at <https://ww2.nycourts.gov/accesstojusticecommission/annual.shtml> (last accessed Feb. 10, 2026).

¹⁰ *Id.* at 10.

“The inability to offer market compensation rates to attorneys has drastically hampered civil legal services providers’ ability to attract and retain new talent. The compensation gap has reached such a critical point that economic considerations are even forcing seasoned, longstanding attorneys to resign in favor of higher-paying government and public interest positions. The Pay Parity Survey demonstrated that attorney turnover in some offices was as high as 35% and that, on a statewide basis, the vacancy rate averaged 13%, representing approximately 426 vacant attorney positions across the State.”¹¹

We are grateful for this significant investment in civil legal services from the Chief Judge and urge maximum provider flexibility to improve our ability to reach pay parity and fill existing vacancies which provide desperately needed services.

Thank you for the opportunity to submit this testimony. CELJ is available to answer any questions and provide additional information.

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¹¹ *Id.* At 39.