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THURSDAY FEBRUARY 12, 2026

TESTIMONY OF THE VOLUNTEER LAWYERS PROJECT OF CNY, INC.

PRESENTED TO THE NEW YORK STATE SENATE FINANCE COMMITTEE AND THE
ASSEMBLY WAYS & MEANS COMMITTEE

JOINT LEGISLATIVE BUDGET HEARING ON PUBLIC PROTECTION

Honorable Chair Krueger, Chair Pretlow, and distinguished members of the Senate Finance Committee and Assembly Ways & Means Committee. Thank you for the opportunity to submit testimony. My name is Bethanie Hemingway, I am the Director of Engagement at the Volunteer Lawyers Project of CNY, Inc., a non-profit legal services provider whose mission is to provide access to justice through engaging the legal community in volunteer service to those in need. Each year our team of staff and volunteers provides free legal assistance relating to the essentials of life to over 4,000 community members in Central and Northern New York every year. We also are a member of the New York Legal Services Coalition (NYLSC), whose over 50 member organizations provide representation to low-income New Yorkers in each region of the state in the areas of family law, domestic violence, immigration, housing, public benefits, consumer issues, elder law, and LGBTQIA + rights. I want to echo the statements of the NYLSC, both in terms of support and request for changes that are needed to the SFY 2027 Budget:

1. Core 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, competitively bid contract process that was designed specifically to provide stability and predictability for civil legal services providers. This multi-year approach allows nonprofit organizations to plan responsibly, retain staff, and meet growing demand for services at a time of unprecedented need. This approach is already supporting more effective, coordinated service delivery across the state.

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. Civil legal services providers are essential partners in implementing the Governor's own budget priorities, including protecting immigrants' rights and helping New Yorkers navigate economic hardship. Without the additional \$25 million needed to fully fund IOLA's request, there will be significant cuts in funding starting April 1, 2026 when year two contracts begin. Those reductions will mean the loss of jobs, fewer services for vulnerable communities, and the potential unraveling of carefully planned investments that were intended to strengthen the civil legal services system for the long term—directly undermining the policy goals this budget seeks to advance.

We are hoping the Executive will realize their mistake and correct this in the 30 day amendments, however, if they do not, our ask to the legislature is that the final budget include \$102.5 million spending authority for IOLA in their one house bills.

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.

Legal Services Assistance Fund and Upstate Legal Services

We ask the Legislature to:

- Restore and maintain \$2.83 million for the Legal Services Assistance Fund (LSAF), honoring last year's legislative commitment; and
- Allocate \$4 million for Upstate Legal Services Funding, an increase of \$500,000, to support civil legal aid capacity across upstate regions. We respectfully request that the SFY 2027 Budget restore and increase funding for not-for-profit legal aid service providers in Upstate New York from \$3.5 million to \$4 million. This initiative has been championed by the Senate for the past five years and has benefited thousands of low-income New Yorkers and communities facing marginalization in Western NY, Central NY, Southern Tier, and the Capital Region. Focusing on individual and family stability, a \$4 million appropriation will allow important programs to continue and enhance support in the areas of family law, housing, public benefits, and more.

2. Safeguarding New York's Nonprofits

We urge the Legislature to address systemic challenges facing nonprofit service providers. First, Nonprofits are a critical part of New York's safety net and economic sector. However, New York state's nonprofit contracting process is broken. Challenges in New York's not-for-profit contracting and payment processes result in financial crisis, staffing instability and fewer services for clients, undermining the goals of the contracts. 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.

Second, 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. This is particularly important for nonprofits like ours who serve populations that are under attack under the current federal administration such as immigrants and transgender people.

3. Protecting Transgender Community Members

Ensuring privacy in court-ordered name changes

VLPCNY has a very substantial Transgender Rights legal program, that assists hundreds of transgender, gender nonconforming and nonbinary individuals with name changes every year. While all other types of name changes – such as for marriage, divorce, or adoption – have categorical privacy, court-ordered name changes do not. This poses a safety and privacy concern for all petitioners, 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 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. ASK: Include the Privacy in Name Changes (S.XXXX Krueger /A.3925 Lavine) in the one-house and final budgets.

Support the Transgender Wellness and Equity Fund

The Lorena Borjas Transgender and Wellness Fund is a vital resource in New York State. Named after Lorena Borjas, a Queens-based trans and Latina activist, the TWEF initiative was created to address the profound mistreatment and chronic underfunding faced by transgender, gender nonconforming, nonbinary, and intersex (TGNCNBI) communities.

Since its establishment in 2022, the amount appropriated by this body has sustained but not increased. The demand for services has skyrocketed, but without an increase in funding, the ability to fully address the pressing social disparities faced by TGNCNBI is gravely limited. The goal of this initiative has always been to grow the Fund so it can expand its capacity to meet urgent needs while continuing to directly invest in TGNCNBI-led and -serving organizations, which are best positioned to support their peers. Accordingly, we are requesting \$10 million total in the FY27 Budget to ensure these critical programs reach more individuals and strengthen the community's infrastructure (an increase of \$5.25 million to what is currently in the Executive Budget).

4. 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 are seeing our friends and neighbors who are law-abiding being detained with no explanation – individuals that never would have been detained in any other time in the 250 years of US history. We urgently need more resources to fight back and protect not only the one in four New Yorkers who are immigrants, but fight back to protect due process and a system of justice that we believe in.

For this reason 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 can not 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.

Access to counsel and basic supports is essential to keeping families together and communities stable.

5. Housing Stability and Eviction Prevention

Housing remains one of the most urgent legal crisis facing low-income New Yorkers. In Central New York we are in a housing crisis. Rents have increased by nearly 50% over the past 5 years, and in the same time incomes have increased barely 15%. Half of people living in Syracuse spend more than 30% of their income on housing, making it unsustainable and unaffordable, leading so often to foreclosures and evictions. We support:

- \$40 million for the Homeowner Protection Program 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 will begin to distribute vouchers in March 2026. New York must do more. The program is only a four-year pilot with funding of \$50 million a year. 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. 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 increase the funding for the program to \$250 million a year and make it a permanent program.
- \$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;

With regard to this last item, we respectfully request \$45 million in Eviction Defense funding for the rest of the state to preserve the eviction defense capacity built across upstate New York. 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. Continued investment in eviction defense keeps families housed, prevents displacement, and strengthens communities by promoting long-term housing stability. Eviction defense is also a proven, cost-effective investment that generates significant savings for state and local governments by reducing downstream costs for emergency shelters, foster care systems, healthcare providers, and local courts. By preventing unnecessary evictions, this funding improves health outcomes, supports educational continuity for children, helps residents remain connected to jobs and local economies, and ensures public resources are used efficiently to prevent crises rather than respond to them after the fact.

Civil legal services are a proven eviction-prevention tool, saving the state money while keeping families housed.

6. Education Debt Consumer Assistance Program

We request your support for the **Education Debt Consumer Assistance Program** ([EDCAP](#)), which provides free, unbiased student loan counseling to New Yorkers across the state. Through EDCAP and its network of community-based providers—including VLPCNY -- constituents in your district receive critical assistance navigating repayment, forgiveness, and servicing issues in an increasingly unstable federal system.

This year, there is strong momentum behind EDCAP. The FY 2026–27 Executive Budget includes \$6 million to expand this essential work, reflecting the program’s proven impact and the growing need among New Yorkers. We are asking for an additional \$250,000 to further strengthen EDCAP’s capacity to serve borrowers statewide and help address New York’s growing student loan default crisis. Currently, nearly one in four New Yorkers—more than 470,000 borrowers—are facing default.

Closing

In closing, Civil legal services are a cornerstone of New York’s safety net. They prevent crises before they escalate, protect vulnerable communities, and promote fairness and efficiency across our legal system.

We urge the Legislature to fully fund these critical priorities and reaffirm New York’s commitment to equal justice for all.

Thank you.