

**Testimony of Justin Wood  
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New York City Council Committee on Finance  
Hearing on the FY24 Executive Budget  
May 24, 2023**

Thank you, Chair Brannan and members of the Finance Committee for the opportunity to share testimony on the preliminary FY24 budget.

New York Lawyers for the Public Interest (NYLPI) wants to thank Speaker Adams and the City Council for recognizing the immediate and long-term harms of a proposed budget that would cut funding for vital public services and result in the understaffing of agencies that serve as our city's social safety net and economic engine. As we face ongoing crises of systemic inequality based on race, national origin, and disability, and the monumental challenge of the climate crisis, New York City needs long-term investments in sustainable infrastructure, education, health, and workforce programs now more than ever.

To this end, we are pleased to offer the following priorities that we feel are integral to increasing health justice, environmental justice, and disability justice in New York City:

**1. Fully fund the City Council's Immigrant Health Initiative.** Since 2017, NYLPI has been privileged to be a part of the City Council's Immigrant Health Initiative. We use this funding to provide free immigration representation, holistic wrap-around services, comprehensive health screenings, and legal advocacy for undocumented New Yorkers. These programs include:

**Transplant Equity:** NYLPI recently launched a [campaign for Transplant Equity](#) in New York City and State. Our new report entitled "[They Can Donate, But They Can't Receive](#)" documents the barriers immigrant New Yorkers face when they need a life-saving kidney and other organ transplants and the cost savings and public health benefits of a more equitable and accessible transplant care system, and recommends immediate actions that can be taken by legislators, agencies, and health systems. Our advocacy for uninsured and undocumented patients is also having an individual impact: in partnership with SUNY Downstate and other safety net hospitals, we've completed comprehensive immigration and healthcare benefit screenings for 70; we've helped 30 seriously ill, undocumented people, enroll in state-funded insurance; we've helped 12 formerly uninsured New Yorkers secure kidney transplant evaluations; and three of our clients have received their kidney transplants.

**UndocuCare:** NYLPI also provides direct legal services to meet needs specific to TGNCI+ individuals, such as asylum, name changes and advocacy for HASA housing. In the past year, we have conducted 187 immigration and health benefits screenings; enrolled 30 previously uninsured people in health benefits with many more on their way to qualifying; and trained hundreds of health and legal service providers on PRUCOL based health benefits. This year we created a new resource in Spanish and

English called "[Healthcare is For You](#)." Our volunteer Medical Provider Network also provides free expert medical country conditions declarations to help individuals seeking asylum.

**Detention:** NYLPI advocates for better medical treatment of detained individuals and facilitates medical/legal partnerships to support petitions for release, other immigration relief, and prevention of detention, through individual representation, impact litigation, and action research. In the past year, 30 detained individuals were connected to doctors; three detained people were released from immigration jail; and two litigation cases against an immigration detention facility continued to move forward.

## **2. Make immediate investments in renewable energy, battery storage, and sustainable waste infrastructure on Rikers Island.**

We applaud the Council's proposal for at least a \$57 million investment in supportive housing for justice-involved New Yorkers to help speed the closure of the Rikers jail and additionally call for funding to ensure Rikers Island is fully transferred to DCAS per the timeframe mandated by the Renewable Rikers Act of 2021. Use of unoccupied land on Rikers Island for renewable energy and storage solutions cannot come soon enough as New Yorkers continue to face skyrocketing energy bills and as the downstate electric grid continues to rely on highly polluting and expensive fossil fuel peaker plants clustered in the same communities that suffer from the worst impacts of mass incarceration.

Moreover, as the city begins to implement a universal, mandatory organic waste recycling program, Rikers Island also has great potential for sustainable waste management facilities including composting or anaerobic digestion of organic food waste far beyond the current limited composting operations for food waste generated by Department of Corrections.

## **3. Fund the implementation of Local Law 97 of 2019.**

With a compliance period fast approaching in 2024, we are concerned that the Office of Building Energy Emissions Performance (OBEEP) and DOB remain understaffed to adequately educate New York City residents and building owners of their obligations under the law. Although DOB has testified that current staff are capable of implementing Local Law 97 and meeting all other agency obligations, the overall vacancy rate for the agency is 18% and only 5 out of 11 positions dedicated to LL97 are currently staffed. The City will soon have to process the submissions for nearly 50,000 properties greater than 25,000 square feet and will need to conduct thorough document reviews and analyses to determine whether a building owner has made "good faith efforts," to comply. Given the slow rule-making process, lack of publication of compliance guidelines, and uncertainty of factors that will be considered when assessing fines, there is a clear need for the City to allocate substantially more funding to ensure Local Law 97 is efficaciously and equitably implemented.

We urge the council to push for at least \$975,000 to staff OBEEP with ten new positions. Building owners do not all have the same resources to hire outside consultants and engage with third-party resources to ensure they are complying with the mandates and reporting requirements of the law. As we approach deadlines to

oversee implementation for building energy and emissions performance for existing buildings, new construction, and major renovations, demand for OBEEP services and guidance will only increase.

**4. Ensure that organic waste recycling and commercial waste reform are coordinated to advance waste equity and creation of good green jobs.**

We applaud the inclusion of funding for the rollout of the first citywide curbside organic waste recycling program in New York City's history and hope this program will soon be codified in law with the passage of Intro 244-A of 2022. New York City's current waste diversion rates are a dismal 17-18% and are far from on track to meet the City and State's climate goals. It is also critical that this program be implemented in close coordination with the long-delayed Commercial Waste Zones program so that New Yorkers can learn a single set of source-separation and waste reduction rules and strategies whether they are at home, at work, in a commercial establishment, or utilizing a public space.

Similarly, it is critical that the implementation residential organics recycling, and Commercial Waste Zones programs bring tangible environmental and economic benefits to the communities most overburdened by a highly polluting and inefficient truck-intensive waste export system. To this end, we recommend increases to the budget for DSNY's marine and rail transfer stations, specifically to accept commercial waste during peak commercial collection times. In the Mayor's proposed budget, full-time staff and budget for marine transfer stations are substantially reduced, by 17 full-time positions, and \$750,000. The marine and rail transfer stations are the gold standard in minimizing pollution exposure and climate impact in processing waste. We understand that there is unused capacity at the marine transfer stations, and believe it is common sense to process more waste at these gold-standard facilities and to explore the possibility of using these facilities to process source-separated organic waste as new residential and commercial recycling programs ramp up. This would allow for further efficiencies in commercial waste routes, cutting additional truck miles from overburdened communities, and would help level the playing field for smaller designated commercial waste haulers that do not own their own transfer stations.

**5. Ensure the Department of Education can meet New York City and State's all-electric school bus fleet mandate.**

Following the City Council's lead in passing an all-electric school bus mandate for New York City, New York State has now mandated that all school buses must be zero-emissions vehicles by 2035.

According to Local Law 120, the DOE must report on the implementation of electric school buses to the Mayor and to Speaker Adams by July 1, 2023.<sup>3</sup> It is critical that this year's budget includes necessary funding to purchase, install, maintain, and train workers on fully electric school buses and chargers at the pace necessary to meet the all-electric fleet mandate.

We especially note that, as the City's non-profit bus contractor, New York City School Bus Umbrella Services ([NYCSBUS](#)),<sup>4</sup> has the potential to set a new standard of transparency, parent involvement, and community

accountability in the City's school bus industry. We urge the Council to work closely with NYCSBUS to ensure the company can make investments in rapid electrification and safety.

## **6. Invest in Mental Health and Physical Health for NYC Students.**

Schools have an important role in meeting not only our children's educational needs, but also their social-emotional demands, yet there is a significant deficit in mental health services for students with disabilities in the New York City public school system. One in five children ages 2-17 in the city have one or more emotional, behavioral, or developmental conditions, while approximately 264,000 children ages 9-17 have a "severe emotional disturbance" that substantially limits their ability to function.<sup>1</sup>

Students will fare optimally in their academic pursuits if additional funding is directed toward the identification and treatment of mental health issues for children. NYLPI and numerous organizations recently [sent a letter](#) to Mayor Adams urging a full restoration of critical funding, including \$5 million for the Mental Health Continuum program aimed at 50 high-needs schools, and \$13 million in programs for immigrant students. We are troubled that this funding has not been included in the executive budget, and support the Council's push for full funding for mental and emotional health programs in our schools.

We also urge the Council and DOE to ensure that the Public Schools Athletic League (PSAL) has a sufficient budget for, and prioritizes, implementation of DOE's commitments under *Moises Jimenez v. New York City Department of Education*, the class action lawsuit seeking greater sports equity for Black and Latinx students. We applaud DOE's initiative to expand the Individual Access Program to all students for all sports, and urge the agency devote ample staff and resources to roll out these new opportunities, beginning with the students and schools that have had less access to sports.

## **7. Utilize the \$27 million proposed allocations for B-HEARD to fund the CCIT-NYC non-police mental health crisis response system.**

After nearly two years in business, the City's B-HEARD program, which was intended to be a non-police response to mental health crises, *continues to dispatch police to more than 80% of mental health crisis calls*. For a city where 19 individuals experiencing mental health crises have been killed at the hands of the police in the last seven years alone, B-HEARD continues to present enormous dangers for individuals with mental disabilities.

NYLPI urges full funding for a truly non-police model of the sort proposed by [Correct Crisis Intervention Today – NYC \(CCIT-NYC\)](#) that, unlike B-HEARD, will:

- use the federal 988 hotline rather than the police-run 911 system;
- engage community members and individuals with lived mental health experience in its design, implementation, and oversight of crisis response — most crucially as members of the crisis response teams;
- be available 24/7; and
- have a response time comparable to that of other crises.

Notably, The CCIT-NYC model is based on the [CAHOOTS model](#), which has operated for nearly 35 years without any serious injuries to individuals served or to staff, and has been adopted by cities across the country, including Los Angeles, San Francisco, Albuquerque, Denver, and New Haven.

We thank you for the opportunity to submit testimony and look forward to working with Speaker Adams and the members of this Council to implement a budget that advances our shared vision for a more equitable, sustainable, and thriving New York City.

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**About New York Lawyers for the Public Interest**

*Founded more than 45 years ago by leaders of the bar, New York Lawyers for the Public Interest (NYLPI) is a community-driven civil rights organization that pursues justice for all New Yorkers. NYLPI works toward a New York where all people can thrive in their communities, with quality healthcare and housing, safe jobs, good schools, and healthy neighborhoods. In NYLPI's vision, all New Yorkers live with dignity and independence, with the resources they need to succeed. NYLPI's community-driven approach powers its commitments to civil rights and to disability, health, immigrant, and environmental justice. NYLPI seeks lasting change through litigation, community organizing, policy advocacy, pro bono service, and education.*