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In response to the FY 2024 State Budget, New York Lawyers for the Public Interest (NYLPI) issues the following statement on key policy issues impacting Disability, Environmental, and Health Justice in New York:

Advancing Climate and Environmental Justice

NYLPI is encouraged by the inclusion of authorization and funding for the New York Power Authority (NYPA) to rapidly build publicly owned renewable energy and storage facilities to ensure that New York complies with the mandates of the Climate Leadership and Community Protection Act (CLCPA) and can retire and replace the state's most polluting fossil fuel power plants, and that NYPA is directed to retire its own fossil-fuel combustion plants with renewable energy generation by 2030.

However, NYLPI is concerned that the enacted version of the Build Public Renewables Act does not include provisions for democratization – increased public input and decision-making powers in the production and distribution of energy as opposed to our current model, which gives far too much discretion to an unelected public service commission. Finally, NYLPI opposes the use of hydrogen in power plants and home heating systems. Just last year a NYPA hydrogen pilot project found that hydrogen combustion released significant levels of nitrogen oxides, which is known to contribute to respiratory illnesses. Until the safety and cost effectiveness of this technology can be demonstrated in ways that do not disproportionately burden disadvantaged and other environmental justice communities, New Yorkers should not be footing the bill to proliferate this technology across the state.

We similarly applaud the state's new mandate banning fossil fuel combustion equipment in new buildings by 2028, an important step to improve public health, reduce climate emissions, and accelerate the transition to all-electric and energy-efficient housing and buildings. However, to bring the benefits of electrification to disadvantaged communities unable to purchase homes in new buildings, the state must take additional action to replace existing fossil fuel combustion heating and cooking devices in existing buildings, and to ensure that this transition does not harm rent-burdened tenants.

Now that the budget has passed, we urge the Governor and Legislature to pass urgently needed mechanisms to curb emissions and raise a minimum of \$10 billion in annual revenue dedicated to climate investments. A

cap-and-Invest bill is one such possible mechanism and must be shaped through a transparent process that includes coordination with the Climate Justice Working Group, community-based organizations, and members of potentially impacted disadvantaged communities. Such a program must specifically include enforcement provisions to rapidly reduce emissions and pollution in disadvantaged and other environmental justice communities, while avoiding any disproportionate burdens that exacerbate environmental racism and injustice.

Moreover, pursuant to the CLCPA's requirement that all mechanisms to reduce emissions, including alternative compliance and mitigation measures, be real, permanent, quantifiable, and verifiable, NYLPI calls on the governor and State Legislature to institute a moratorium on unproven technologies including carbon capture and sequestration until such time that the efficacy of these technologies can be demonstrated as part of any Cap and Invest mechanism.

The legislature should immediately pass the Climate and Community Protection Fund and the Climate Superfund Act to that impacted communities and workers impacted by this transition have a substantial voice in these projects, and that the biggest corporate polluters pay their fair share to protect communities, workers, and small businesses from any short-term cost impacts as our state transitions to a renewable energy economy.

Transforming New York's Response to Individuals Experiencing Mental Health Crises

While praising the sponsors of Daniel's Law -- a bill which would implement a proven non-police system of mental health crisis response utilizing trained peers with lived mental health experience -- NYLPI is deeply disappointed by the State's failure to fund Daniel's Law or even to fund a Daniel's Law pilot.

NYLPI calls on the State to ensure that the task force created by the FY24 budget legislation includes at least 51 percent peers.

NYLPI calls on the taskforce created by the budget legislation to recommend a crisis response that centers peer-led and culturally competent responses to mental health crises, and for the task force to deliver its recommendations well in advance of the December 31, 2025 deadline permitted by the statute.

Improving Transportation

We are relieved that an ill-conceived proposal to shift 100% of the costs of the MTA's Access-A-Ride paratransit service to New York City was removed from the final budget, although we are disappointed that the State will in fact shift substantial additional paratransit costs to the City. Moreover, given the large scope of investments needed to make MTA subways, buses, and paratransit more accessible and functional for people with disabilities, it is also troubling that this budget places the burden of funding the MTA via an increase in the Payroll Mobility Tax only on New York City, and not suburban communities which also benefit from the MTA system. We are also deeply disappointed that the budget does not include funding for expansion of the highly

successful on-demand paratransit pilot program, which for the first time has allowed a few lucky riders to secure paratransit rides when they want – just as most New Yorkers are able to do with New York’s largely inaccessible subways and buses.

Finally, we strongly support the free bus service pilot program included in the budget, and urge the Governor, Legislature, and MTA to consider ways to rapidly expand free and heavily discounted transit fares, including for Access-A-Ride, which currently offers no discounted, let alone free, fares -- to make our City more accessible, equitable, and sustainable.

Increasing Access to Health Care

We are deeply disappointed that the final budget does not address the exclusion of hundreds of thousands of New Yorkers from basic health coverage because of their immigration status - including many who have rightly been praised as essential workers during a three-year pandemic emergency.

Despite receiving more than 1,600 comments urging the inclusion of low-income immigrants in the state’s Essential Health plan and despite strong support from both the Senate and Assembly in their budget proposals, the Governor’s budget and final adopted budget fail to deliver basic healthcare to uninsured New Yorkers.

We urge the Senate and Assembly to immediately pass a bill extending insurance eligibility to all low-income New Yorkers, and the Governor and Department of Health should amend the Section 1332 Waiver application to request authorization to use \$2 billion in annual surplus funds to pay for this expansion.

To address specific health disparities, the legislature should also immediately pass a bill authorizing the Emergency Medicaid program to cover life-saving organ transplants. For New Yorkers with severe kidney disease, for example, equitable access to organ transplants can both save lives and save public funds by allowing patients to move away from costly and debilitating long-term dialysis treatments.

As the state Senate and Assumably turn to a critical legislative session, we look forward to working with legislators to pass bills that will continue to advance Disability, Environmental, and Health Justice for all New Yorkers.

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