



Testimony of Justin Wood
Director of Policy at New York Lawyers for the Public Interest
New York City Council Committee on Finance
Hearing on the FY24 Executive Budget
May 22, 2024

Thank you, Chair Brannan and Finance Committee members for the opportunity to comment on the proposed FY2025 Executive Budget.

As you know, the Independent Budget Office (IBO) recently released an [end of year analysis](#) showing that the City will end up with a budget surplus of about \$1.1 billion following multiple cuts to vital public services, understaffing of agencies that serve as our city's social safety net and economic engine, and severe under-invest in proven solutions to systemic inequality and the monumental challenge of the climate crisis.

We thank Speaker Adams and the City Council for recognizing the immediate and long-term harms of the Mayor's austerity programs, and for proposing restorations and expansions of vital social and economic programs and infrastructure investments that will make our communities more equitable, sustainable, and healthy.

To this end, we are pleased to offer the following priorities to advance 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.

The improved access to health insurance has had life-changing and often life-saving effects on the lives of our clients, often results in cost savings for the City and State and our safety net health care system, and strengthens our economy when people are able to resume work and productive lives.

In 2023, we were able to provide immigration and health screenings to 143 seriously ill people in the community and in detention. We provided direct legal representation for over 60 cases. We obtained state-funded healthcare for more than 30 previously uninsured immigrants. IHI funding also allowed NYLPI to advocate on behalf of over 20 clients who, even with our support in becoming eligible for state-funded healthcare, needed further advocacy with healthcare administration entities to ensure their enrollment. In addition, NYLPI conducted trainings on immigrant access to healthcare to frontline caseworkers, community-based organizations and legal service providers who serve immigrant communities throughout the city.

Our specific programs include:

A) Transplant Equity: Informed by our client experiences, NYLPI has been working to advance Transplant Equity since 2015 for immigrant New Yorkers. Based on misinformation, healthcare inaccessibility, and mistreatment of immigrant patients, many people in need of kidney transplants are denied necessary, lifesaving healthcare furthering racial/ethnic disparities in healthcare. With the support of IHI funding, NYLPI has been advancing this work through direct representation, advocacy, legislative efforts, trainings, and research. In 2021, we launched our pilot Transplant Justice Pipeline with the kidney transplant program at SUNY Downstate Medical Center. This program has trained hundreds of health care and legal services providers, including health providers at Montefiore Medical Center, the Bronx Health Collective, Bellevue, and Kings County Dialysis Centers. As a result, seven NYLPI clients received kidney transplants in 2023. This is a significant increase in the annual number of kidney transplants for noncitizens in New York.

We are grateful to Council Members Narcisse, Hanif, Schulman, and Louis for sponsoring legislation that would establish an Office of Organ Transplant Equity within the Department of Health and Mental Hygiene (DOHMH) to provide information and coordinate services for people seeking transplants. We encourage the Council to adopt this legislation to enhance equitable access to vital medical care for all New Yorkers.

B) UndocuCare: With the support of IHI funding, NYLPI's UndocuCare TGNCI+ program strives to ensure that immigrant New Yorkers who are transgender, gender-nonconforming, intersex (TGNCI), or living with HIV can obtain and sustain access to gender-affirming healthcare, HIV care, and housing through immigration legal advocacy. In the last fiscal year, the TGNCI+ project served 24 trans, gender non-conforming, intersex, or HIV-positive immigrant New Yorkers in their defensive asylum proceedings to prevent their deportation. We have a strong track record securing asylum for these clients, including three clients who won asylum in 2023 and one already in 2024. Furthermore, NYLPI staff represented several more people in their affirmative immigration cases with the goal of sustaining access to vital healthcare.

C) Health in Detention: The IHI funding also supports NYLPI's work seeking to improve access to healthcare in immigration detention facilities. For NYC residents held in detention, NYLPI provides crucial and urgent advocacy to improve health care and advocate for release. Through the funding provided by the Immigrant Health Initiative, we have built and continue to support our volunteer Medical Providers Network (MPN), now with over 250 medical professionals, available to perform reviews and consultations for people in detention in support of advocacy efforts. In 2023, NYLPI connected more than 50 people in detention to volunteer doctors. Many of these requests come from attorneys with the City Council-funded New York Immigrant Family Unity Project (NYIFUP) and help secure the release of their clients from immigration detention. We represent two individuals who have sued ICE and local counties for medical neglect while detained and have fielded requests from other advocates to assess the viability of legal claims on behalf of immigrants denied access to medical care while detained in ICE custody. We conduct this work in coordination with organizing efforts to shut down local detention centers.

2. Fully implement Organics Recycling, Waste Equity, and Commercial Waste Zones Programs

The administration's decision to close community composting programs and lay off composting workers is unacceptable and undermines our city's efforts to reduce waste and climate emissions and to educate millions of New Yorkers on the importance of diverting organic waste from landfills – both in our homes, and in our workplaces and businesses.

The Adams Administration's decision to close community composting programs and lay off composting workers is unacceptable and undermines our city's efforts to reduce waste and climate emissions and to educate millions of New Yorkers on the importance of diverting organic waste from landfills – both in our homes, and in our workplaces and businesses.

These program closures come just as a new waste characterization study shows that for the first time in recent history, recycling rates have actually declined to just 20% over the past several years – a serious blow to the City and State's climate and equity goals given that the waste sector is now thought to account for as much as 12% of statewide greenhouse gas emissions, and that polluting solid waste transfer stations and truck infrastructure remain concentrated in a few overburdened communities of color and low-income communities in our City.

While the Executive Budget includes \$16.9 million for construction and renovation of transfer stations "in accordance with the City's Solid Waste Management Plan," DSNY has not announced a plan to begin accepting commercial waste at existing municipal marine and rail transfer stations, nor to convert a Manhattan marine transfer station to a commercial waste facility, which are among the commitments of the nearly expired 2006 Solid Waste Management Plan (SWMP). We urge that the FY2025 budget include funds to operate these transfer facilities during hours when they can accept commercial waste, thereby eliminating unnecessary diesel truck miles by private carters traveling from dense commercial districts to private transfer stations clustered in a few communities overburdened by waste facilities and other truck-intensive infrastructure. We commend the members of the Council Sanitation Committee for advancing Intro 55 of 2024 which would mandate a plan to accept commercial waste at these transfer stations by 20 and call on the Council to pass the bill as soon as possible.

Finally, we are concerned about reductions in enforcement programs in the proposed executive budget, when DSNY is preparing to implement the first of twenty commercial waste zones mandated by Local Law 199 of 2019. Robust enforcement of DSNY and Business Integrity Commission laws is critical to public health and safety and will need to be part of an all-out comprehensive effort to turn around declining citywide diversion rates. We especially highlight the critical importance of enforcing safety regulations, labor standards, and recycling rules in the commercial waste industry just as [another New Yorker has been killed](#) by a private sanitation truck reported to be illegally reversing down a one-way street. The highest safety and labor and environmental standards must be a pillar of the forthcoming Commercial Waste Zones system mandated by Local Law 199 of 2019.

3. Utilize the proposed allocations for B-HEARD to fund the CCIT-NYC non-police mental health crisis response system.

NYLPI remains deeply concerned about the City's dangerous and illegal practices relating to the involuntary removal of individuals perceived to have mental illness diagnoses for psychiatric evaluation. We also oppose

the Behavioral Health Emergency Assistance Response Division (“B-HEARD”) Program, a deeply flawed pilot that diverts resources desperately needed for non-police response to mental health crisis into a program that continues the criminalization of disability. For example:

- In FY23, about 79% of all mental health calls in B-HEARD precincts were still directed to the NYPD, and B-HEARD responded to only about 21% of total mental health calls in the pilot area. The City anticipates continuing to have about 50% of all mental health calls directed to the NYPD.
- All mental health calls continue to go through 911, which is under the NYPD’s jurisdiction.
- The program is run by the NYPD, the Fire Department and other City agencies, with NO role whatsoever for community organizations.
- The crisis response teams are composed of emergency medical technicians (EMTs) who are City employees (from the Fire Department) who are deeply enmeshed in the current police-led response system and are not trusted by peers. Moreover, B-HEARD has NO requirement to hire peers.
- The training of the teams does NOT require a trauma-informed framework, need NOT be experiential, and need NOT use skilled instructors who are peers or even care providers.
- The anticipated response time for crisis calls could be as long as half an hour, and when last reported averaged over fifteen minutes, which is not even remotely comparable to the City’s response times for other emergencies of 8 to 11 minutes.
- The pilot operates only sixteen hours a day, with no outcome/effectiveness metrics and no oversight mechanism.

We urge that the FY25 budget instead include 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;
- include an independent EMT in the response team;
- run by culturally competent community organizations;
- train the teams using a trauma-informed framework, offer experiential learning, and be led by skilled peer instructors;
- 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.

4. Target New Dept. of Buildings staff to effective and affordable Local Law 97 implementation.

Local Law 97 of 2019 remains New York City's most ambitious and essential program to reduce greenhouse gas emissions from buildings, to make immediate public health improvements by reducing fossil fuel combustion in buildings, and to create thousands of high-quality local green jobs.

We appreciate the inclusion of \$4 million for 36 new positions at the Department of Buildings in the proposed executive budget to implement and enforce Local Law 97. Yet 20 of the positions are for new "energy auditors," technical positions which we already understand may be hard to recruit given the civil service law and pay scale. Only two of the new positions are associated with outreach and assistance.

At this early juncture of Local Law 97 enforcement, the Council can help ensure that these funds are used to maximize the likelihood of compliance by helping to ensure that new DOB positions are focused on assisting owners on the front end of the compliance period. We have no clarity on what MOCEJ is doing as to outreach or assistance, nor have we been able to obtain any data from MOCEJ or elsewhere to learn about how owners are being assisted, or if the assistance being provided is meaningful and effective.

We remain seriously concerned that far too many building owners are opting to risk violations and fines rather than investing in compliance strategies such as energy efficiency and electrification, likely because it seems too expensive or logistically challenging. Pursuant to Local Law 97, owners could avoid penalties if they plan and design their electrification work in good faith. It is imperative that adequate mechanisms and staff be put in place now to assist owners to meaningfully plan compliance with Local Law 97, which will enable them to seek financial assistance from federal, state or city funds becoming widely available later this year. We hope that the final FY2025 Budget will clarify exactly which government entities will provide owners with planning and design assistance, and that such assistance be precisely tailored to achieving Local Law 97 compliant emissions reductions and energy savings as effectively as possible.

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 reverses the austerity cuts of the last two years, and advances our shared vision for a more equitable, sustainable, and healthy New York City.

Yours,

Justin Wood
Director of Policy
New York Lawyers for the Public Interest
Jwood@nylpi.org (212) 244-4664

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 our vision, all New Yorkers live with dignity and independence, with the

resources they need to succeed. NYLPI seeks lasting change through litigation, community organizing, policy advocacy, pro bono service, and education.

For more information please visit: www.nylpi.org