



NEW YORK STATE SENATOR

Martin Malavé Dilan

The 2017-18 State Budget, Senator Dilan Votes No on 'Big Ugly'

MARTIN MALAVÉ DILAN April 26, 2017

| ISSUE: **COLLEGE AFFORDABILITY, RAISE THE AGE, AFFORDABLE HOUSING, NYCHA, INCOME TAX**



This year the budget was a contentious battle that pushed it nine days past deadline and saw the passage of an emergency spending extender that I did not support. A two-month extender meant there was a potential for many of the critically important issues to be passed over. There was no reason to support a measure that wouldn't guarantee needed reforms. The same held true for the final revenue bill.

After many late nights, and much debate, the Legislature passed a \$153 billion budget. There's no denying the impact this budget will have on the lives of millions of New Yorkers. It's a

forward-thinking spending plan that already has sent a clear message that New York is once again the progressive bellwether of our Nation.

New York is the first state in the nation to offer free tuition to public college and university students and cap Medicaid prescription drug costs. These are incredible accomplishments given today's political climate. Even the watered-down raise the age is an accomplishment, considering how hard it was to negotiate. There were plenty of reasons to vote yes this year.

I voted no on the *Big Ugly* – an all-inclusive, massive spending and policy bill with both good and bad – because of the impact some aspects of it will have on my district. They were issues many constituents wrote, emailed and called about for weeks leading up to the vote. The so-called “Affordable New York” housing program is nothing more than the 421-a tax break to developers, complete with no additional oversight and all the workings to worsen, not improve Brooklyn's affordable housing crisis. In addition, as delays and overcrowding continue to plague city transit, the bill included millions in lost funding to the MTA. It is the beginning of what I believe will be an annual fight to preserve promised funding to city transit; a fight I've led for statewide-dedicated transportation funds for nearly a decade.

Outside of the budget, these issues become increasingly harder to legislate, but that doesn't mean my fight ends with voting against them. Together, we will ensure the ultimate success of these programs. Where they need improvement, I will advocate for them. Where we need reforms to voter access, campaign finance, criminal justice, and health care, I will continue to stress their importance.

A hallmark of the budget is the Excelsior Scholarship providing tuition (up to \$5,500) to two- and four-year SUNY and CUNY colleges and universities for students of households earning

up to \$125,000. The remainder of tuition costs will be covered by the state Tuition Assistance Program and federal Pell Grants. According to the Governor, 940,000 families will be eligible for the program.

The program will be phased in over the next three years beginning fall 2017 for families making less than \$100,000. The cap will increase to \$110,000 in 2018 before reaching the full \$125,000 in 2019. Excelsior Scholarship recipients will have to meet the following requirements:

- Be enrolled in at least 12 credits per semester (earning at least 30 credits/academic year;
- Maintain a to-be-determined Grade Point Average;
- Remain on track to on-time graduation;
- Agree to live and work in New York State upon graduation for the term of their scholarship;
- Sign a contract that stipulates upon failing to fulfill the program requirements, the scholarship converts into a loan.

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The debate over college affordability began with graduates, not college-bound students. What they had heard of the college debt crisis, came from graduates suffocating from the struggle of balancing stagnant wages and escalating college debt. For the college-bound, there is a reprieve. The crisis for our graduates continues. Work continues on this end, as well as keeping a keen eye on the Excelsior Scholarship in the event it falls short in terms of funding, and if competition and lack of SUNY/CUNY slots have an adverse effect on the program's success.

Among the most contentious issues of this recent budget was the proposal to raise the age of criminal responsibility to 18-years of age. It was a hard-fought battle, but New York has earned another national distinction with the passage of this budget, it is no longer one of two state's automatically prosecuting minor defendants in criminal court.

#Raise The Age Provisions include:

- 16- and 17-year-olds charged with misdemeanors will appear in Family Court;
- Non-violent felony cases will be referred a newly created youth division of Criminal Court, where they would appear before Family Court law-trained judges;
- Youth offenders are sent back to Family Court after 30 days, unless prosecutors deem the circumstances of their offense warrant a trial in Criminal Court;
- A three-part test—injury to victim, use of a weapon, and criminal sexual contact—will be used to determine if violent felony offenders appear in the youth part of the court or Criminal Court;
- Next year offenders under age 17 will no longer be held in county jails, this will include 18-year olds in 2019.

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This isn't the Raise the Age measure I had hoped for. It isn't immediate, and there are questions remaining about the to-be-determined circumstances that weigh against some of these offenders. Furthermore, measures to guarantee a speedy trial, bail reforms, and the time in which it takes to seal youth-offender records—especially for minor marijuana possession—were not included. These truly represent progressive criminal justice reforms; reforms that would ultimately help to close Riker's. Without them, reducing our prison populations remains a tall order. These reforms will determine if closing Riker's Island was

about justice, or waterfront property.

The program, known as 421-a, has long-been wrought with abuse. It costs New Yorkers billions in revenue and creates little to no affordable options. Rebranded as “Affordable New York” the plan incorporates multi-tiered tax abatements for builders depending on building size, location and number of so-called affordable units. From the first version to the last, I was an emphatic no on any bill 421-a would make its way into without creating truly affordable housing complete with drastic reforms, including:

- True affordability (a 421-a unit offered to earners at 130% median income for \$2,600/month is not affordable);
- Greater accountability and oversight;
- Provisions to guarantee landlords receiving 421-a attend mandatory training, so they are familiar with stabilization laws, and can no longer plea ignorance;
- Public registration of every unit receiving abatements, with a clear, concise and complete record on file for every affordable unit created under 421-a;
- Tenants must be able to know that their landlord has registered and offered a 421-a unit as affordable, as promised, as it should be required by law, complete with penalties.

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There are many family-operated, law-abiding and decent landlords in North Brooklyn. The actions of some of these 421-a bad actors has not only jeopardized Brooklyn's affordable housing stock, but they have made it much harder for small operators to participate in similar programs, with success. North Brooklyn is dotted with one, two and up to six-unit buildings. They make up the heart of our community. The resurrection of 421-a without reforms means

unscrupulous builders and actors will continue to run afoul of the law. They will continue to raze entire blocks of would-be community commercial space and housing for windfall profits and absolutely no social benefit at tax-payer expense. It's a boondoggle.

They care for the sick, injured, mentally or physically disabled, or the elderly and fragile, and they had been without a cost of living increase since 2006. With the 2015 minimum wage increase came an inability to hire or retain these workers in the communities they served. They left their on average \$13/hour jobs for better paying work in service industries.

The salaries of approximately 120,000 Direct Care Worker will increase by 6.5 percent in 2018. Nearly 19,000 youth participated in the Summer Youth Employment Program last year. A popular and successful program, SYEP has put thousands of teens on a path to professional development. SYEP funding for 2018 is \$36 million.

Federal social service block grants, known as Title XX, provide critical funding for many social service programs. An early budget proposal called for a \$17 million reduction to city senior centers. Approximately 65 senior centers were at risk of closing, in addition to reductions in services to 6,000 seniors including meals, eviction assistance and health care assistance. The cut was restored in the final budget.

From the very beginning, I have called for the extension of the higher income tax bracket for New York's top earners, the so-called Millionaires' Tax. Letting the surcharge expire meant a loss of \$4.5 billion in revenue annually. Since 2009, the number of millionaires in New York State has increased 63 percent. New York's working class, and low-income residents, have not fared as well. The 2017-18 State Budget extends the personal income tax top bracket surcharge another two years.

After a \$2 billion commitment to housing failed to materialize last year, that money and an additional \$500 million has been included in this year's budget. Of the \$2.5 billion allocated to

the state Department of Homes and Community Renewal, the agency charged with developing and maintaining New York's housing stock, \$200 million has been earmarked for repairs to NYCHA buildings.

RELATED LEGISLATION

2017-S4840

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Provides for establishment of the New York Health plan

March 03, 2017

In Senate Committee **Health**

Sponsored by **Gustavo Rivera**

Do you support this bill?

2017-S4784

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Restricts the use of segregated confinement and creates alternative therapeutic and rehabilitative confinement options

March 01, 2017

In Senate Committee [Crime Victims, Crime and Correction](#)

Sponsored by [Kevin S. Parker](#)

Do you support this bill?

2017-S496

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

[Relates to political contributions](#)

January 03, 2017

In Senate Committee Elections

Sponsored by Daniel L. Squadron

Do you support this bill?

2017-S4213

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Provides early voting for a candidate in a general election no sooner than twenty days and no later than five days prior to election day at county board of elections

February 06, 2017

In Senate Committee Elections

Sponsored by **Martin Malavé Dilan**

Do you support this bill?