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The Honorable Kathy Hochul
Governor of New York
NYS State Capitol
Albany, NY 12224
Sent via email

RE: Independent Living Community's 2024 budget priorities

Dear Governor Hochul,

The New York Association on Independent Living (NYAIL) is a statewide membership organization of Independent Living Centers (ILC) across New York State. ILCs are cross-disability, locally administered not-for-profit organizations, run by and for people with disabilities. We are writing regarding our top Executive Budget priorities for SFY 2024-25. New York State can champion the rights and independence of people with disabilities by including the below priorities in the Executive Budget, all of which would help advance the State's integration efforts for people with disabilities.

The dangers of institutionalizing people remain ever present as the availability of community-based long-term supports and services (LTSS) and accommodation has become more difficult due to funding not meeting the need. Our community and partners in advocacy continue encouraging systemic reforms in an antiquated system of care that is long overdue for reform. We are seeking your support in addressing access to LTSS, enabling people to make the choice to live independently in the community with adequate supports for those who may need them. We are encouraged by the efforts made so far to increase disability employment by expanding the Medicaid Buy-In for Working People with Disabilities Program and increased funding for home accessibility modifications through the Access to Home program. We are still seeking investment in the following priorities to address our ongoing concerns for older adults and people with disabilities living in the community, the many that would like to return home from institutional settings, and those who will be facing challenges if we do not act on making the following investments.

Increase base funding for Independent Living Centers in SFY 2024-25 to \$18 million and incorporate a statutory cost-of-living adjustment to ensure funding keeps pace with the ever-rising cost of doing business in NYS.

Independent Living Centers are the only statewide network of disability-led organizations. We provide critically important services which help Disabled New Yorkers to navigate the ever-changing service system to live independently in the community. The ILC network has been historically underfunded while the cost of providing services has increased dramatically, creating

a crisis for centers and the people with disabilities they serve. ILCs were not included in the 2023-24 state budget Cost of Living Adjustment (COLA) given to other human service organizations, which amounts to a de facto cut in funding. Centers, with level funding, will be forced to cut services and staff positions in order to cover the rising costs from rapidly rising inflation and expectations for increased wages. This will ultimately lead to fewer services and programs for people with disabilities who need them most.

Maintaining investment in ILCs is essential to being prepared for events like COVID resurgence or a declining economic outlook which disproportionately impacts the consumers we serve. Serving new populations experiencing independent living challenges can only be accomplished with renewed levels of investment, like assisting those with long term post-COVID disabilities and older adults who overwhelmingly want to age at home. In addition, ILCs also employ many people with disabilities statewide and help to elevate them to leadership positions and governance within the centers. They work with businesses to understand their responsibilities to hire and support employees with disabilities. Increased ILC funding will help continue to build future leaders and the workforce of people with disabilities, supporting the Administration's efforts to make New York State a model employer and increase employment rates within the disability community.

We are calling on this administration to correct a history of inadequate support to the network of Independent Living Centers so they can meet the needs of people with disabilities they serve annually by increasing funding to \$18 million and ensuring a statutory COLA moving forward.

Address the home care crisis by increasing wages for home care workers to 150% of the State's minimum wage, as outlined in the Fair Pay for Home Care Act.

There has long been an aide shortage throughout the State, making it difficult for people to obtain home care. The past few years have worsened the crisis to the point where it is an acute crisis in all parts of the State from Long Island to Buffalo. The home care crisis is now the primary barrier to transitioning people back home. The State has an obligation under the Supreme Court decision, *Olmstead v. L.C.*, to provide disabled people with supports and services in the most integrated setting, their home communities. Yet the lack of available home care is making this an impossibility for many.

Current efforts have not adequately addressed the ongoing home care crisis. This work has historically been undervalued by society while the workforce is primarily composed of women, immigrants, and people of color. Other segments of the care workforce already receive higher wages and better benefits from the State while still not being able to adequately fill openings. The stagnant wages which led to this home care crisis are continuing to effectively fall among larger economic pressures of inflation. In 2006, home care workers earned 150% of minimum wage, a time when people were more readily able to access their approved authorized hours, saving the State money as an alternative to more costly institutional care.

The Fair Pay for Home Care Act would effectively address this crisis, ensuring older adults and people with disabilities are able to obtain home care, while the people who provide their services can get paid a living wage. It would also ensure the providers paying home care workers would

be adequately reimbursed via the current system, which has been a challenge with recent increases. NYAIL joins with others in the Caring Majority calling for Fair Pay for Home Care to be included in the Executive Budget and highlighted in the State of the State address. Furthermore, adequately addressing the homecare crisis compliments the Master Plan on Aging by ensuring older New Yorkers and people with disabilities have the LTSS to age in place.

Repeal cuts to eligibility for community-based long-term supports and services in Medicaid proposed by the Medicaid Redesign Team II.

The Medicaid Redesign Team (MRT) was directed to advance policies that would achieve Medicaid savings without impacting access to services. Yet, multiple proposals were advanced through this process which would make it much more difficult for people with disabilities to receive community based LTSS. In particular, the State raised the eligibility threshold to qualify for LTSS. The federal Maintenance of Effort restrictions for the Medicaid program paused these changes, but we now face implementation in early 2024 when the state spends down remaining American Rescue Plan funds. When the changes go into effect people must require assistance with physical maneuvering with at least three activities of daily living (ADLs) to qualify, or they must have a dementia or Alzheimer's diagnosis and be assessed as requiring supervision for at least two ADLs. This effectively eliminates Level I home care, which provides many people with vital assistance with activities such as cooking and cleaning (also known as Instrumental Activities of Daily Living (IADLs) to remain in their homes, but do not require assistance with ADLs. It also sets up a discriminatory eligibility standard which bases eligibility in part on diagnosis. This policy is antithetical to the Master Plan on Aging and, if enacted, would put many people at risk of injury and hospitalization, eviction, and institutionalization. NYAIL urges the State to repeal this policy in the proposed Executive Budget, as laid out in A.6346 / S.328.

Increase funding for Access to Home to \$10 million.

Access to Home is an important program administered by NYS Homes and Community Renewal (HCR) which provides funding for home modifications allowing individuals with disabilities and older New Yorkers to stay in their homes and out of costly institutions. For many people, the addition of a ramp to their front door makes the difference between being able to leave the house and being homebound.

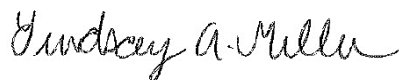
We appreciate the 2023-24 state budget allocated \$2 million in additional funding for Access to Home, bringing the total funding to \$3 million. This is a step in the right direction, but more must be done to address the lack of accessible housing stock in New York State. We urge the State to increase HCR funding to \$10 million to ensure availability of home modification services statewide. In addition, the administration rate must be increased from 7.5% to 15% and Scope of Work fees up to \$1,000 should be reimbursed. This aligns with similar state modification programs and will encourage more not for profits to offer these services. An investment in Access to Home will help older adults, especially those under age 60 who are excluded by other programs, and people with disabilities around the State will remain in their home and out of institutions. The State will more than recoup this investment in other State agency expenditure reductions.

Require counties to expand paratransit beyond Americans with Disabilities Act minimums.

Limited availability of accessible transportation services is a major barrier faced by people with disabilities, often leading to unemployment, inability to access medical care, lack of access to voting sites, and isolation from friends, family, and full community participation. The failure to expand paratransit services throughout the State is a major contributor to this pervasive problem. Accessible taxi services are nonexistent in many parts of the state. Private paying for a one-way trip with a medical transportation service in a wheelchair accessible vehicle can cost hundreds of dollars for a local trip. The Americans with Disabilities Act (ADA) requires counties to provide accessible paratransit service to disabled people who are unable to take the fixed route bus. At minimum, paratransit service must be provided to disabled people within $\frac{3}{4}$ of a mile of the closest bus stop. This was always meant to be the floor, not the ceiling. As fixed route bus lines are eliminated and other transit models are becoming more popular, people are at higher risk of being cut off from paratransit service. This leaves disabled people stranded, without services, or the ability to work, receive services, attend houses of worship, or medical appointments. The State could address this by increasing the minimum service levels provided to people who rely on paratransit. Suffolk County for example, has exceeded the minimum by eliminating the bus stop distance requirement and extending service countywide to all people with disabilities.

We would welcome the opportunity to meet with you and discuss the above priorities.

Sincerely,



Lindsay A. Miller
Executive Director

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