



DISABILITY RIGHTS COMMUNITY 2019 BUDGET REPORT CARD

According to the Supreme Court's Olmstead decision, people with disabilities have a civil right to live in the most integrated setting. Sadly, last year's budget included regressive changes to the Medicaid program that undid policies from the State's own Olmstead Plan, making it much harder for people with disabilities to get out of institutions and live in their homes. Then in 2018, the Governor announced the ABLE Initiative, which is supposed to promote the independence and integration of people with disabilities across NYS. Yet, we have seen little come out of the ABLE Initiative to date, and little commitment to Olmstead. This year is a chance to ensure that key programs are funded to ensure New Yorkers with disabilities can live and thrive in the community.



The following recommendations are low cost, common sense investments that would help ensure people can get home and community-based supports, affordable, accessible housing, and the advocacy they need to achieve true community integration.

The New York Association on Independent Living (NYAIL) represents Independent Living Centers (ILCs) and the more than 100,000 New Yorkers with disabilities they serve. NYAIL is grading the State based on whether the following proposals were addressed in the 2019-20 Budget. Final grades are based on what was included in the executed budget.

INDEPENDENT LIVING

<p>Increase base funding for Independent Living Centers (ILCs) to \$18 million. Due to chronic underfunding, ILCs have had to cut back in core services and are unable to pay their staff a living wage, many of whom are people with disabilities.</p>	
NYS Board of Regents:	For the third year in a row, the NYS Board of Regents and State Education Department recommended a \$5 million increase to ILCs in their budget recommendations.
Proposed Executive Budget:	Proposed level funding for the ninth-straight budget.
Assembly Budget:	Proposed increasing funding by \$1 million.
Senate Budget:	Proposed increasing funding by \$3 million.
FINAL BUDGET:	Increased funding by \$500,000
FINAL GRADE:	C+

<p>Reinstate the State Office for the Advocate for People with Disabilities. The disability community has no state office advocating on their behalf. Reactivating the duties of this office, initially created by Governor Mario Cuomo, would be a first step in providing representation for people with disabilities in state government.</p>	
Proposed Executive Budget:	Not included in Executive proposal.
Assembly Budget:	Not included in Assembly proposal.
Senate Budget:	Advances language to create a new Office of the Advocate for People with Disabilities, housed under the Department of State. Allocates \$250,000.
FINAL BUDGET:	Not included in final budget.
FINAL GRADE:	D

EMPLOYMENT

<p>Establish a small business tax credit for employing people with disabilities, as proposed in A.1369 (Cusick)/S.3688 (Addabbo) of 2018. This would provide a real incentive for small businesses to hire people with disabilities.</p>	
Proposed Executive Budget:	The governor vetoed the bill last year saying it should be included in budget negotiations, then failed to include it in the Executive proposal.
Assembly Budget:	Not included in Assembly proposal.
Senate Budget:	Not included in Senate proposal.
FINAL BUDGET:	Not included in final budget.
FINAL GRADE:	F

HEALTH/MEDICAID

<p>Establish a funding mechanism to ensure Managed Long-Term Care (MLTC) plans receive adequate funding to serve those with the greatest needs. New York must ensure people with the most significant disabilities are able to get the care they require to live at home.</p>	
Proposed Executive Budget:	Not included in Executive proposal.
Assembly Budget:	Calls for setting separate rate cells or risk adjustments for high needs enrollees in managed care.
Senate Budget:	Includes proposal to ensure adequate rates for MLTC through risk adjustment.
FINAL BUDGET:	Included a “side letter” stating the Department Of Health will update their risk adjustment methodology for rates paid to Managed Long Term Care Programs for high needs enrollees. Leaving the resolution of this proposal to DOH leaves the disability community with a great amount of uncertainty.
FINAL GRADE:	C

<p>Address the home care crisis by ensuring funding to provide homecare workers with a living wage. People who require home care are having a hard time finding workers willing to provide attendant care services due to the extremely low pay.</p>	
Proposed Executive Budget:	Not included in Executive proposal.
Assembly Budget:	Mandates any contract from a managed care organization with a long-term care provider must support recruitment, hiring, and retention of a qualified workforce. Includes reporting requirements.
Senate Budget:	Ensures that managed long-term care plans distribute recruitment and retention funds to providers using a reasonable methodology, which must be reported to the Department of Health.
FINAL BUDGET:	Not included in final budget.
FINAL GRADE:	D

<p>Oppose the drastic changes proposed for the Consumer Directed Personal Assistance Program (CDPAP). These changes would put the entire program at risk.</p>	
Proposed Executive Budget:	Severely limits the number of fiscal intermediaries (FIs) and changes reimbursements in a manner that would put most FIs out of business.
Assembly Budget:	Rejected the Executive's proposal.
Senate Budget:	Rejected the Executive's proposal and restores the full \$75 million.
FINAL BUDGET:	Limits the number of FIs, but not as severely; includes greater consumer protections; and includes a PMPM, but details for reimbursements are not included in the final budget.
FINAL GRADE:	C

Increase funding for ILCs for New York Connects. ILCs ensure that people with disabilities of all ages are able to access comprehensive, accurate and unbiased information about long term service and support options and linkages to services through their role in New York Connects.	
Proposed Executive Budget:	Proposed \$1 million increase over two years for the ILCs.
Assembly Budget:	Included Executive's proposal to increase funding by \$1 million over two years for the ILCs.
Senate Budget:	Included Executive's proposal to increase funding by \$1 million over two years for the ILCs.
FINAL BUDGET:	\$1 million increase over two years for ILCs.
FINAL GRADE:	A

Oppose eliminating spousal refusal protections. Spousal refusal is a longstanding provision of state law that ensures that married individuals can access the Medicaid-funded services and supports they need to live in the community.	
Proposed Executive Budget:	Proposed eliminating spousal refusal.
Assembly Budget:	Preserves spousal refusal protections.
Senate Budget:	Preserves spousal refusal protections.
FINAL BUDGET:	Preserves spousal refusal protections.
FINAL GRADE:	A

AGING

Increase the State's share of funding for the Long-Term Care Ombudsman Program by \$3 million. New York must increase its share of funding to adequately serve the State's population of people in long-term care facilities.	
Proposed Executive Budget:	The Executive once again proposes level funding.
Assembly Budget:	Proposes level funding once again.
Senate Budget:	Proposes level funding once again.
FINAL BUDGET:	Level funded once again.
FINAL GRADE:	F

HOUSING

<p>Increase Access to Home funding to \$10 million. Access to Home provides home modifications for low income individuals to help keep people in their homes and out of nursing facilities.</p>	
Proposed Executive Budget:	Proposes level funding at a mere \$1 million statewide.
Assembly Budget:	Proposes an additional \$3 million in funding allocated from the mortgage insurance fund.
Senate Budget:	Proposed level funding at a mere \$1 million.
FINAL BUDGET:	Level funded once again at a mere \$1 million.
FINAL GRADE:	F

<p>Make a person's lawful source of income a protected class in NYS Human Rights Law. People with disabilities who are on fixed incomes are unable to afford rent without a subsidy, yet even when a subsidy is available, it is difficult to find housing because landlords turn down prospective tenants who have rental subsidies.</p>	
Proposed Executive Budget:	Amends Human Rights Law to add lawful source of income as a protected class and prohibits housing discrimination on the basis of lawful source of income.
Assembly Budget:	Did not include lawful source of income protections.
Senate Budget:	Did not include lawful source of income protections.
FINAL BUDGET:	Amends Human Rights Law to add lawful source of income as a protected class and prohibits housing discrimination on the basis of lawful source of income.
FINAL GRADE:	A

<p>Create a Visitability tax credit to help homeowners retrofit their homes to make them more accessible. This tax credit would help to ensure that people with disabilities and older New Yorkers are able to afford these modifications and remain in their homes.</p>	
Proposed Executive Budget:	Not included in Executive proposal.
Assembly Budget:	Not included in the Assembly's proposal.
Senate Budget:	Not included in Senate's proposal.
FINAL BUDGET:	Not included in final budget.
FINAL GRADE:	F

VOTING

<p>Fund early voting and pass automatic and same day voter registration. These critical voting reforms will make it easier for everyone to participate in the voting process.</p>	
Proposed Executive Budget:	Included sweeping voting reforms in proposed budget, including automatic and same day voter registration. No funding included for early voting.
Assembly Budget:	The Assembly included \$27 million for early voting and for counties to purchase equipment like ballot printers and electronic poll books.
Senate Budget:	Senate allocates \$10 million to implement voting reforms, including early voting.
FINAL BUDGET:	Includes \$25 million for early voting and for counties to purchase equipment like ballot printers and electronic poll books. The disability community will be monitoring implementation to ensure early voting is fully accessible.
FINAL GRADE:	A