

Policy Update: 2023-24 New York State Budget Recap

This year's budget process was the [longest](#) New Yorkers have seen in over a decade, with the final budget arriving a month late on May 2. Negotiations were held up by a few big-ticket items, including rollbacks to bail reform. In the end, the final budget provided additional funding for a number of (but not all) critical legal services advocated for by the City Bar, as well as a number of substantive policy proposals that were met with mixed reviews by our committees. Here is a roundup of City Bar comments on proposed budget provisions and where those provisions landed:

- **Legal Services Funding.** The City Bar issued multiple reports related to the need for maintaining, if not increasing, legal services funding in a number of areas:
 - The **Council on Judicial Administration** expressed [support](#) for the adoption of the Judiciary's budget request, which included \$98.6 million for funding civil legal services providers. The Council urged the Legislature to adopt the budget, recognizing that additional resources should be committed to the Judiciary to ensure that the court system can deliver the level of fair and speedy justice that the residents of New York expect. The Judiciary Budget was adopted in full.
 - The **Pro Bono and Legal Services Committee, Real Property Law Committee** and **Cooperative and Condominium Law Committee** also expressed [support](#) for the proposed increase in the Judiciary Budget for civil legal services and further urged the Governor and Legislature to restore funding for the Homeowner Protection Program (HOPP), which was initially excluded from the budget. HOPP is the state's only homeowner protection program, made up of a network of legal service providers and counselors in every county of the state aimed at preventing foreclosures. The final budget increased HOPP funding from \$35 million to \$40 million.
 - The **Immigration and Nationality Law Committee, Civil Rights Committee** and **Pro Bono and Legal Services Committee** [called](#) for increased funding for immigration legal services. In addition to the City Bar's continued support for existing state-funded legal services programs, the committees also urged passage of the Access to Representation Act (ARA), which would establish a right to representation for people at risk of deportation. A much needed \$63 million for immigration legal and essential services was included in the final budget. However, the ARA was not included, excluding an important tool that would help build the long-term infrastructure needed to adequately serve immigrant communities.
 - The **Council on Children** [urged](#) funding for Attorney for the Child (AFC) offices across the state. The institutional AFC offices that handle over 90% of the legal representation of children in family court in New York City and other cities across

our state have suffered essentially flat budgets for close to twenty years. Unfortunately, that trend continued this year, with the final budget failing to increase funding for AFC offices once again.

- **Protecting Children and Families.** The **Council on Children** [commented](#) on a number of budget provisions with a significant impact on children and families in New York State. In addition to reiterating their support for AFC offices funding, the Council spoke to the following issues:
 - The Council supported rate increases for attorneys assigned to represent parents and children in Family Court pursuant to § 722-b of County Law Article 18-b, noting that the state has not increased compensation paid to these attorneys in two decades despite the fact that they provide critical legal representation to many litigants and children. While the Council was supportive of the rate increase in general, they raised concerns over the initial proposal included in the budget because it lacked a cost-of-living increase and based rate increases on where in the state the 18-b lawyer is located. The final budget included raises across the board for 18-b lawyers to \$158 per hour, but failed to include a built-in cost-of-living increase.
 - The Council raised a few concerns regarding the Governor’s proposal as drafted to the creation of a state-wide model domestic and gender-based violence policy. This budget provision was excluded from the final budget.
 - The Council expressed concern over a proposal to allow the use of body imaging scanning equipment to screen individuals held in secure or specialized secure detention facilities, or placed in facilities operated by the NYS Office of Children and Family Services (OCFS), as well as any visitors to those facilities. The use of body imaging scanning equipment in OCFS facilities was excluded from the final budget.
 - The Council applauded the provisions in the budget that would make the juvenile justice services Close to Home initiative a permanent feature of the New York law. Close to Home ensures that children who are deemed to require placement in a juvenile justice facility by a Family Court Judge will be placed in a location in proximity to their community, ensuring more regular and frequent visits with family members and more robust planning for successful discharge to the community. The Council raised concerns that the Budget failed to allocate any funding to support the Close to Home program in New York City. The final budget extended close to home until March 31, 2028 but provided no updates in funding.
 - Finally, the Council urged inclusion of the Child and Family Wellbeing Fund, currently included in the Child and Family Reinvestment Act advanced by

Assemblymember Hevesi and Senator Brisport. The Fund advances the health and development of all New York's children by investing resources in communities that have been historically disenfranchised and targeted for government intervention through the child protective system. Unfortunately, this funding was not included in the final budget.

- **Public Campaign Financing.** The **Election Law Committee** and **Government Ethics and State Affairs Committee** issued a [statement](#) calling for the full funding of New York State's Public Campaign Financing Program for the 2024 election cycle and beyond. The final budget provided [full funding for 2024](#).
- **Bail Reform Rollbacks.** For the [second year in a row](#), the City Bar voiced [opposition](#) to rollbacks to bail reform proposed by the Governor in the budget. The **Criminal Courts Committee**, **Civil Rights Committee**, **Corrections and Community Reentry Committee**, and **Mass Incarceration Task Force** argued that the Governor's proposal undermined the core principle guiding the 2020 bail reforms: that the presumption of pretrial detention is a major driver of wrongful imprisonment and false convictions. The committees also reiterated their concerns that rolling back vital criminal justice reforms, and doing so out of public view during budget negotiations, was not the right solution to public concerns over public safety. Rollbacks to bail reform were [ultimately included](#) in the budget, although changes were made to the Governor's proposal.
- **Increasing Reporting by OCA to the Legislature.** City Bar President Susan Kohlmann [raised concerns](#) about a substantive policy proposal included in a Senate one-house budget bill that would have required the Office of Court Administration to collect data and publish reports on judicial training programs, the performance of judges, and judicial security. President Kohlmann decried the inclusion of the controversial measures in the budget, which does not allow for sufficient public discourse and debate. The measures were ultimately not included in the final budget.
- **Increasing Public Assistance Benefits.** The **Social Welfare Law Committee** submitted testimony [calling for](#) Public Assistance grant increases in the budget. The Committee pointed to two areas in particular need of increases. The first would increase – for the first time since 1997 – the very minimal “needs” allowances that are provided to New Yorkers living in shelters that serve meals. The second would increase the Cash Assistance (non-rent) grant levels for all recipients. Unfortunately, neither of these grant increases were included in the budget.

Now that the budget has passed, the Policy Department is adapting its strategies to maximize our impact in the remaining weeks of legislative session. We look forward to continuing to partner with our dedicated and expert committee members, up to and including on the last scheduled session day of June 8.

To view the City Bar's full 2023 State Legislative Agenda, click [here](#).