

The logo for the New York City Bar, featuring the text "NEW YORK CITY BAR" in a serif font, centered between two horizontal bars.

NEW YORK  
CITY BAR

January 24<sup>th</sup>, 2007

Governor Eliot Spitzer  
State Capitol  
Albany NY 12224

Dear Governor Spitzer:

We, the members of the Committee on Social Welfare Law of the New York City Bar Association, write to draw your attention to certain issues that we believe should be some of your priorities in your next four years as governor. We do not wish to give you an exhaustive list of every important issue. Rather, we seek to set forth a few specific recommendations based on some basic principles.

The Committee on Social Welfare Law believes that state social service policies must create meaningful opportunities for all residents of New York State to have sustaining incomes to lift them out of poverty. To that end, New York should have anti-poverty policies that support and facilitate sustaining earned incomes. Encouraging employment is not enough. The state should ensure that such employment is actually available and sustaining.

To that end, the state should adopt policies that avoid work disincentives. Any aid program that contains a so-called "income cliff," whereby a person earning a certain income level sees his benefit so drastically reduced that the earned income becomes a burden rather than a benefit, creates just such disincentives. Rather, aid programs should allow beneficiaries who gain employment to retain their benefits to the extent that such retention allows poor people to seek and take advantage of meaningful employment. Any reduction in benefits should occur only when the individual's earned income is sufficient to justify the accompanying reduction.

The Earned Income Tax Credit (EITC) is perhaps the best anti-poverty measure that the state has. It aids the needy, and it rewards work. As a tax credit that rewards work, perhaps it should be called the "Worker's Credit." The New York State EITC, however, contains many of the "income cliffs" referred to above. These income cliffs should be eliminated, and the state should expand the Worker's Credit to reach a larger number of New Yorkers. The new "enhanced" Worker's Credit for non-custodial parents is an excellent initiative, but the low income cliffs render it unlikely to be of benefit to many low-income New Yorkers because those below the federal poverty level, who are entitled to the greatest credit, are least likely to be able to pay child support, even at minimum levels.

Other anti-poverty measures should also be enhanced. The state should provide tax incentives and subsidies that foster the development of affordable housing. Food stamp outreach should also be expanded to ensure that all who are eligible have simplified access to this federally-funded benefit. Similarly, the state should provide the funding necessary to subsidize the creation of sufficient quality, affordable child care for low-income working families. All of these measures will require increases in funding for the various programs that support them.

Similarly, the state should create policies that facilitate a formerly incarcerated individual's transition into gainful employment and a meaningful place in society. To that end, the state should eliminate the practice of prohibiting formerly incarcerated individuals from obtaining certain privileges, such as licensing and public housing. Also, under current law, if a person subject to an order of child support should become incarcerated, the incarcerated individual with no means of meeting his child-support obligations will simply see an accumulation of arrears during that incarceration. This helps no one. The state should provide a means for incarcerated individuals to meet or modify their child-support obligations so that these arrears do not accrue during incarceration.

While poverty policy should make every effort to ensure that individuals can procure employment, the state must also recognize that some individuals face insurmountable barriers to employment. For those individuals, the state should ensure that public-assistance grants are sustaining. The state should adopt graduated public-assistance levels that will provide the basic necessities of life and reduce those work sanctions that improperly punish people for being disabled.

The Housing Stability Plus program, a potentially effective method of reducing homelessness by granting rent subsidies to formerly homeless individuals, currently reduces that subsidy by 20% after a year, causing rent arrears and evictions. The state should cease this policy of gradual elimination. The state should also develop policies that better identify those who need accommodations because of disabilities, both physical and mental. Also, the state should return to its previous policy of treating SSI income as invisible in public-assistance households, rather than its current policy of punishing disabled individuals for collecting their SSI benefits.

In conclusion, we believe that your election as governor presents a tremendous opportunity to achieve some success in alleviating poverty in this state. By adopting policies that do more than encourage work, by actually making work both possible and profitable, we believe that these recommendations should, if adopted, make some inroads toward that goal.

Very truly yours,

The Committee on Social Welfare Law of the  
New York City Bar Association

By: Robert F. Bacigalupi, Chair