

**Testimony of Lisa M. Flores, MOCS Director**  
**Before the New York City Council Committee on Contracts**  
**Budget Testimony**  
**March 21, 2023**

Good morning, Chair Won and members of the Contracts Committee. Thank you for inviting us to testify at this year's preliminary budget hearing. The Mayor's Office of Contract Services (MOCS) has made great strides in the past year to advance many of the key initiatives I laid out for you last year, and we are happy for the opportunity to update this Committee on our progress.

This administration has made it a high priority to reform procurement. We recognize that the issues plaguing the City's procurement process, such as slow payments, late contract registration, and administrative complexity have existed for many years and require a concerted citywide effort to address them. Across multiple workstreams and approaches for tackling these problems MOCS has been charged with spearheading this effort to make the City a better business partner. In addition to MOCS' traditional role as an oversight, leading this reform work involves key initiatives in several buckets:

1. Digitization through the Procurement And Sourcing Solutions Portal (PASSPort)
2. Reforming rules and regulations
3. Nonprofit and Capital reform
4. Maximized M/WBE utilization
5. Enhanced community engagement

Before sharing some of the important work that MOCS has carried out over the past year to fulfill these initiatives, I want to provide an overarching view into the City's procurement landscape. In FY22, Mayoral Agencies inclusive of NYC Public Schools, awarded nearly \$38 billion in City contracts for the goods, services, and construction necessary to fulfill their respective missions. This was a 25% increase over the previous year, in which the City awarded \$30 billion in contracts. In FY22, human services accounted for \$20.3 billion, or over 50% of this total, up from \$12 billion in FY21, highlighting the importance of procurement to the delivery of human services, with the largest agencies in this category being NYC Public Schools, Department of Homeless Services, and Department of Health and Mental Hygiene.

A big part of the reform work, as we have shared previously, is our leadership role with the Joint Task Force to Get Nonprofits Paid on Time, which is a combined initiative between the Mayor and Comptroller from the transition period aimed at improving the City's rate of on-time contract registration for nonprofits. This initiative kicked off with a resounding success through the "Clear the Backlog" initiative, which led to over \$4.2 billion cleared through a 12-week sprint, freeing up cashflow for around 460 organizations. As of now, the City has cleared over \$6.2B of the \$7B originally targeted in the backlog initiative and is making steady progress on closing the remaining contracts out.

Through the backlog initiative, we identified common pain points to guide more foundational reform work, which involves peeling back many layers of problems that have built up over years. This has already led to the addition of an allowance clause to human services contracts, which will enable agencies to process anticipated budgetary increases without revisiting the entire procurement process for an amendment. Through this new allowance clause, budgetary changes such as the FY23 \$68 million workforce enhancement funding are being added more quickly and efficiently to applicable human services contracts. Another area we are focused on is the City Council discretionary process, which allocates funding to providers well after the start of the fiscal year, when they are already expected to begin services. This means agencies must go through the procurement process in tandem with providers fulfilling their contractual obligations – a guaranteed recipe for late payments in a high-volume contracting portfolio. Fortunately, we have found a willing partner in the Council to review and revise this process – we are continuing to assess new solutions for reforming this process and look forward to being able to share out results as we get further along. Beyond this area of nonprofit contracting reform, we are also looking at areas such as vendor integrity reviews, a ContractStat review of agency performance, and more PASSPort system enhancements to further advance the work of the Task Force.

MOCS also played a leading role in the New York City Capital Process Reform Task Force, which brought together a range of key stakeholders across the City to devise recommendations to improve the City's capital project delivery process with the goal of reducing timelines, saving taxpayer dollars, enhancing participation, and

improving the City's ability to respond to emerging needs. The recommendations developed by this Task Force span many facets of the process, with a number focused on procurement, such as increasing the availability of alternative delivery tools, implementing full-scale electronic bidding statewide, revising the City's approach to public hearings, and modernizing various outdated policies and procedures. We've already made progress on one such policy - the Financial Control Board agreed to increase its review threshold fivefold, thus reducing unnecessary bureaucracy on hundreds of contracts that go through this process. In this case and others, a win for one sector of procurement often cascades into others, as this change has allowed us to reduce process requirements on hundreds of contracts annually. The City is currently advocating up in Albany for the passage of a legislative package formulated out of these recommendations and look forward to sharing out the results from this session.

Along with reforming the rules that underlay our digital procurement system, we are also continuing to enhance and expand upon the functionality available in PASSPort itself. At a high level, our major releases have involved:

- Release 1 (2017): Vendor disclosures and responsibility determinations
- Release 2 (2019): Goods purchasing catalogues
- Release 3 (2020): End-to-end procurement from sourcing to registration
- Release 4 (2021): Financials and invoicing (Pilot)

Up next, we are implementing a platform upgrade and expanded functionality for human services financials and reporting. These efforts will further consolidate, centralize, and standardize City procurement in one digital platform. We are fully aware that change can come with an adjustment period, and we are planning proactive change management, training, communications, and other approaches to support adoption of new pieces of functionality. If the Committee members encounter any providers who are experiencing difficulty with this change, please feel free to refer them to myself, my colleagues in attendance with me today, or the MOCS Service Desk. Help is always available for those who need it while navigating NYC procurement.

While change can be difficult, we know from experience that citywide standardization and centralization can pay enormous dividends in the long run. HHS Accelerator provided the blueprint for this – the implementation of this legacy system

allowed for the City to gain then-unprecedented transparency and performance management tools to understand agency progress in moving contracts forward. PASSPort has taken this model and expanded on it citywide, with the results to show for it so far. Based on publicly available data on PASSPort Public Beta, a reporting feature built to aggregate and publish the wealth of data in PASSPort, we can report that over 25,000 vendors have completed all necessary paperwork filings to be ready to compete for business, nearly 22,000 contract actions have been registered in-system in less than 3 years, with another 7,000 in progress, and importantly, we've had over 400 vendors in 2021 and 2022 each who submitted a response to a solicitation that had never previously had a contract with the City. In effect, this measures the level of competition for City opportunities, ensuring that we are getting widespread participation, a diverse array of offers related to our needs, and ultimately lower costs. In the human services sector, solicitations for human services have averaged about 20 responses per solicitation, a high level of competitiveness that we hope to continue improving.

We are also focused on functionality to enhance transparency through a data warehouse and delivering on the Document Vault feature in PASSPort that has been highlighted throughout our reform work as a priority for the human services sector. Data for City procurement rests in multiple systems: while PASSPort is the entry point to doing business with the City, financial transactions are logged in FMS, the Comptroller has their own system, subcontractors must go through the Payee Information Portal, and several agencies use unique systems of their own. PASSPort delivers on the need to centralize and standardize the work of procurement but reporting on all of these diverse systems in a centralized, coherent way is the mission of our data warehouse.

We have previously shared information with this Committee on the costs related to our agreement with Ivalua as the software provider for PASSPort, along with our subcontract agreement with Accenture to support systems integration, maintenance work, and other technical support for implementation services. In total, we have contracted for roughly \$84 million over 10 years with Ivalua from FY16 to FY26, and our associated subcontract with Accenture for implementation services has been valued at \$16.4 million over 3 years. We are currently working through an additional change order for approximately \$3.9 million for Ivalua and \$9.3 million for Accenture, which will deliver

on key functionality identified through the Joint Task Force to support nonprofit contracting, expand our reporting capacity, and implement the Document Vault. In terms of the workload that this system was designed to manage, the City's overall procurement portfolio, our expenditures on PASSPort are a drop in the bucket. Annualizing the costs of PASSPort to \$10 million per year over the FY16 through FY26 contract term, PASSPort represents less than a tenth of one percent of total citywide contract award value each fiscal year, and transaction costs of less than one cent per contract action and vendor filing in system. It is reasonable to make this level of investment in a process so critical to City operations, and we are happy to follow up with additional details as we have in the past.

While our teams lead procurement reform work in the human services and other sectors, we are also responsible for carrying out day to day work that pushes contracts forward. MOCS was responsible for approving over 1,200 HHS Prequalification List applications in FY22, a required step for being able to compete for many human services RFPs and receive City Council discretionary funding. We also processed the procedural clearance of nearly 10,000 discretionary awards to facilitate the contracting process in PASSPort.

Our teams also support the M/WBE program in partnership with our colleagues at the Office of M/WBE and Department of Small Business Services. In FY22, the City achieved its highest award total to M/WBEs under Local Law 1 in history, at nearly \$1.4B, while also surpassing the OneNYC goal established under the prior administration three years ahead of schedule. Through Quarter 2 of FY23, the City is currently at 25.8% utilization of M/WBEs on Local Law 1 eligible contracts, and with the recent appointment of Chief Business Diversity Officer Michael Garner in February, we are collectively laser focused on improving outcomes. To this end, we successfully advocated for legislation to raise the threshold for M/WBE Noncompetitive Small Purchases from \$500,000 up to \$1 million in the previous state legislative session, and completed policy and technical requirements to ensure that agencies were able to expeditiously utilize this increased threshold. In FY22, agencies used this method to procure over \$110 million worth of goods and services, nearly 50% higher than the prior year, demonstrating the increased uptake of this method as we raise the threshold. We

are currently advocating to increase this threshold to \$1.5 million to align with other governmental bodies in New York State. We have also continued to enhance the digital tools that facilitate the procurement process – PASSPort Public shows that over 6,000 City-certified M/WBEs have completed the process requirements to be ready to bid on contract opportunities, while agencies have issued nearly 2,000 Requests For Information to complete M/WBE noncompetitive small purchases since 2020. We continue to review opportunities to further enhance the system to meet the needs of M/WBEs and will gladly keep the Council apprised of our progress.

With both the M/WBE program and all citywide contracting, MOCS serves a key role as the steward of the City's procurement data to provide transparency and accessibility into the expenditure of taxpayer dollars. MOCS publishes nearly 100 legally required reports in total each year, spanning from legally required M/WBE reporting each quarter to more discrete reports such as the purchasing of environmentally preferable goods in City contracts. In addition to required reporting, MOCS conducts much of the data analysis that informs policy and program decisions, such as assessing the impact of potential reforms through the various task forces, projecting the impact of policy changes (such as changing public hearing requirements), and providing ongoing performance management reporting. With multiple systems in place across the City for procurement-related work that have been devised over many years, it is important work to connect all this data coherently and tell a clear story to City leadership, external stakeholders, and the public. This is why it is imperative that we continue our work on the Procurement Data Warehouse, as I outlined earlier, which will centralize and integrate the data from disparate systems, leading to better standardization, accessibility, and ease of use for the consumption of City procurement data and advancement of Mayoral initiatives. Data scientists are a notoriously difficult group of professionals to recruit even in the best of hiring environments, and as such, we place tremendous value on the key staffers at MOCS who have carried this workload and put us in a better position going forward.

MOCS has a new enhanced approach to facilitate learning the systems, rules, and policies that guide NYC procurement. Our Learning and Development team has published dozens of resources which are available to vendors and City staff, and we are

currently doubling down on engagement by putting an emphasis on meeting vendors where they are. We have made our learning services available at numerous public events, including the recent SBS Procurement Fair and Bronx M/WBE Borough Forum, and put together simplified resources that will help vendors who are just starting out. Furthermore, we have launched a new initiative, MOCS in Your Neighborhood, a series of in-person workshops where we bring PASSPort know-how to locations in every borough and assist vendors with any questions they may have. This led to a 73% conversion rate for vendors to complete the filing process at our initial sessions, which we hope to continue expanding. Our teams have also recently launched several training programs, including the Procurement Training Institute which has been delivered to 653 agency users and a monthly webinar series for vendors on getting started contracting with the City that has had over 2,000 vendor attendees since August, with more to come for the rest of this year. Targeted communications have also led to tangible results, with a recent PASSPort information blast reaching nearly 12,000 individuals and leading to over 150 organizations to take action in PASSPort to set up their account.

Our Service Desk also provides best-in class support to vendors and agency users who have questions on PASSPort, the procurement process, or anything related to City contracting. Our Service Desk has made it a high priority to bring down our average time to respond and reduce the ticket backlog to ensure we are providing a high-level of service and responsiveness to the vendors who rely on our systems and policies. Our team has achieved a 62% reduction in the average time to respond between February of this year and last. This high level of responsiveness will position us well for the major PASSPort releases ahead.

MOCS is also involved in a host of issues and initiatives that do not typically command attention when discussing City procurement but are nonetheless important to the delivery of government services and construction. For example, we are part of the Local Law 97 Contracting Working Group with DCAS and the LAW Department, which focuses on providing early procurement advice, support, and troubleshooting to assist DCAS in expanding their universe of contracts and tools to achieve the citywide climate goals of reducing building-based carbon emissions by 40% by 20230 and 80% by 2050 on approximately 60,000 residential and commercial buildings in NYC. MOCS provides

procurement, legal, and technical reviews for various priority projects including solar construction, technical service contracts for energy audits and retro-commissioning, general studies, commissioning, distributed energy feasibility studies, cost estimation, operations and maintenance, and building controls. MOCS also leads the Franchise and Concessions Review Committee for the City's nearly 500 operating franchises and concessions who generated over \$200 million in revenue in total in FY22. For just one more example among many, we have also partnered with HPD and the Chief Performance Officer to pilot a new approach to procurement, known as results-driven contracting, which is a set of strategies designed to help governments use procurement and contracting to achieve better outcomes for residents, businesses, and community stakeholders. This pilot is still in the early stages but we are looking forward to evaluating the results.

Like many City agencies, MOCS has experienced some difficulty with attrition and hiring. Our current budgeted headcount is 209, with 32 vacancies currently open. We had 33 vacancies reduced as part of the vacancy reduction plan, and our headcount has remained stable at 177, slightly up from 168 in FY22. As many of our vacancies sit in the technology-related areas, we have had challenges with hiring for these positions. However, we are encouraged to see the Mayor, OMB, and DCAS taking an active approach to improving the citywide hiring climate and believe several of the ideas discussed publicly would allow us to have more flexibility and tools at our disposal to recruit and retain top-notch talent. MOCS has also taken an aggressive approach to implementing new initiatives that will support our hiring. This includes having a presence at jobs fairs through DCAS and universities, sharing our positions via distributions lists and social media, and embracing emerging talent through programs like Ladders for Leaders, Summer Youth Employment Program, the Mayor's Office's Legal Fellowship, Civil Service Pathways Fellowship, City Service Corps Fellowship, the VISTA program, and partnering with City Tech, the college of technology of the CUNY system. We've also implemented an internal DEI review as part of our hiring process to ensure we are developing a diverse and inclusive workforce. Taken together, these actions position us for recruiting success in the future as hiring conditions improve.

In closing, I want to thank the Chair for a productive partnership in our first year in our respective seats. We both know there is much more work ahead across so many areas: expanding on the wins we have already secured through PASSPort, fixing underlying rules and processes to streamline the procurement process, implementing Task Force reforms to make sure nonprofits get paid on time and capital projects are delivered at a faster rate, and instilling equity throughout the procurement process. I look forward to continuing our dialogue on these issues and partnering with the Council to get stuff done for the City procurement. I am joined by our Acting Chief Technology Officer Don Sunderland and Deputy Chief of Staff Matt Sullivan, and we would now be happy to answer any questions you may have.



## **Asian American Federation**

### **Testimony to the New York City Council Committee on Contracts**

*March 21, 2023*

#### Written Testimony

I want to thank Chair Won and Council Members of the Contract Committee for holding this hearing and giving the Asian American Federation (AAF) the opportunity to testify. My name is Ravi Reddi, Associate Director of Advocacy and Policy at AAF, where we proudly represent the collective voice of more than 70 member nonprofits serving 1.5 million Asian New Yorkers.

Since 2010, the Asian population in New York City has increased 34%, growing from over 1.1 million in 2010 to over 1.5 million in 2020, making up 17.3% of our city's total population. Overwhelmingly, Asian New Yorkers are immigrants, with two out of three in the city being foreign-born. Of those Asian immigrants, 47% arrived in 2010 or after. Additionally, language barriers remain high among Asian New Yorkers. Overall, 48% of Asians have limited English proficiency in New York City, compared to a citywide rate of 23%.

While Asian New Yorkers comprise at least 10% of the population in 34 of the 51 City Council districts, from Fiscal Year 2002 to 2014, the Asian American community received a mere 1.4% of the total dollar value of New York City's social service contracts, a reflection of a broader, long-term trend. When it comes to helping our AAPI neighbors, we have to look towards those they trust the most: our community-based organizations (CBOs). Our CBOs are leading by example in the provision of direct services, from providing wrap-around services that include mental wellness checks, to providing ESOL trainings and anti-violence trainings through our Hope Against Hate Campaign. Our CBOs are where community members go to learn critical skills, spend time with friends and family, and receive culturally- and linguistically-competent services.

However, in our work and the work of our member and partner organizations, we are consistently reminded that many of the issues our community is grappling with relate to issues of capacity, delays in funding, and the contracting process.

Take our Seniors Working Group (SWG), for example, the first and only Asian older-adult-focused advocacy coalition in New York State. Led by AAF, the SWG is made up of 12 Asian-led, Asian older-adult-serving member organizations. This group served 306,964 Asian older adults in 2022, 120,166 of whom were low-income. Asian older adults comprise 13.7% of the city's older adult population, and 24.7% of Asian older adults live in poverty. Of our older adults in poverty, 28.8% live alone and 83.5% have limited English proficiency (LEP). SWG members, in balancing the need for culturally-competent basic needs, reopening senior centers as the City wants, and simultaneously addressing the needs of isolated seniors, are overstretched, understaffed and risking burnout.

CBO staff members say meeting our most vulnerable where they are with culturally-competent, effective services requires systemic change. This includes the City supporting, reinforcing, and building capacity for programming by and for marginalized communities by prioritizing cultural competency and language access in contracting processes. It also means focusing more funding on smaller contracts so the organizations providing care to our most marginalized communities have access to funds they can spend

down at their size. For example, among our 12-member Seniors Working Group, only about half of the organizations even had the capacity to apply to last year's DFTA RFP, when all of them are doing indispensable work in their communities that 87,000 low-income Asian seniors depend on.

Council members must also keep in mind the persistent inequities in city contracting practices and the systemic barriers facing our CBOs. For example, the median total allocation in FY 2023 across City Council Initiatives was less than \$260,000 across 34 member organizations, an amount barely enough to maintain operations. On top of this, across our member organizations, there are complaints that contracting is moving too slow, and that even small amounts of approved funding are taking too long to receive, if they've been received at all. Delays in funding have proved to be a challenge for many of our CBOs, where they often have to dip into their own reserves to provide the much-needed services Asian community members demand. This remains an unsustainable practice and oftentimes we see CBOs shutter their doors due to lack of timely funding, further depleting resources available to the Asian community. Serious process constraints are handicapping our organizations and these must be addressed at the agency level.

Asian-led, Asian-serving CBOs have been our community's primary support since Day 1 of the pandemic, and long before that, too. These same CBOs are the key to restoring trust between our most vulnerable populations and the City. We at the Asian American Federation thank you for allowing us to testify and look forward to working with all of you to make sure our most vulnerable get the support they deserve.



Testimony  
New York City Council Committee on Contracts  
Oversight Hearing on the FY24 Preliminary Budget  
Tuesday, March 21, 2023

Submitted by  
Penni Bunyaviroch, Director of Contracts Management  
Catholic Charities Community Services, Archdiocese of New York

Good morning, Chair Won and the members of the City Council Committee on Contracts. My name is Penni Bunyaviroch, Director of Contracts Management for Catholic Charities Community Services, Archdiocese of New York. Thank you for the opportunity to testify today.

**Who we are.** The Catholic Charities of the Archdiocese of New York seeks to uphold the dignity of each person as made in the image and likeness of God, by serving the basic needs of the poor, troubled, frail and oppressed of all religions. We collaborate with parishes, as well as non-Catholic and Catholic partners, to build a compassionate and just society. Through a network of administered, sponsored, and affiliated agencies, Catholic Charities delivers, coordinates, and advocates for quality human services and programs touching almost every human need.

Our Catholic Charities staff has done extraordinary work over the past year, responding to the migrant crisis by providing food/clothing and other basics, social work assessments and immigration consultations, while at the same time responding to the urgent needs of people facing housing instability, hunger, and a range of other needs.

Catholic Charities was grateful for the opportunity to participate in the Mayor and Comptroller's *A Better Contract for New York: A Joint Task Force to Get Nonprofits Paid on Time*. We applaud the City for following through on some of the key, short-term action items recommended by the Task Force, as well as the efforts of the "Clear the Backlog Initiative." We are encouraged by the City's recognition of the challenges nonprofits face due to late contract registration and payment and persistent gaps between contracted amounts and the true cost of services. However, we remain concerned about several ongoing challenges.

**1. Fiscal and Administrative Burdens**

Contract delays impose high fiscal and administrative burdens on nonprofits and create an implicit expectation that providers absorb the additional costs that come with floating the City to

fund services for which it pays providers late. Over the past 2 fiscal years, Catholic Charities has outlaid almost \$4.5M in emergency food costs incurred during the pandemic. For FY21 and 22, we had a total of 8 discretionary contracts totaling appx. \$5M that were not only registered late, but also paid late because of delays and the lack of clear instructions from the funding agency on invoicing.

We must continue to prioritize efforts to increase efficiency, transparency and accountability in the City's procurement process. We support the passage of Int. 511, which would be a critical step forward through requiring the Procurement Policy Board (PPB) to create timeframes for City agencies to complete the procurement process.

## **2. Lack of Annual Escalator Clauses**

Nonprofits routinely operate with contracts that don't allow regular, predictable escalator clauses for wages and direct costs. It is not sustainable for nonprofits to absorb yearly increases in rent, utility, insurance, and other costs that are funded at flat rates over multiple years. We additionally thank the Council for its support of a \$60 million investment in the human services workforce in FY23, a welcome step toward alleviating the effects of years of underinvestment, even as guidance was delayed for at least 6 months and funding totaled less than the 4% Cost of Living Adjustment (COLA) the Council included in budget negotiations. The inclusion of a 6.5% COLA, specifically designated as such, in the FY24 budget, will help human services nonprofits to meet current and emerging needs.

## **3. Indirect Cost Rates**

As a member of the Nonprofit Resiliency Committee that worked with the City to develop the Indirect Cost Manual, we applaud the City's commitment to the Indirect Cost Rate Initiative. We advocate for its continued funding in FY24 and urge the City to take steps to ensure that the initiative remains fully supported after federal pandemic aid expires. We also ask that the City apply the indirect cost rate methodology to all discretionary contracts, which would bring the City closer to fully funding the cost of providing services across the human services sector.

Thank you for the opportunity to testify today and for your commitment to serving our city. If you have any questions about my testimony, please contact me at [penni.bunyaviroch@catholiccharitiesny.org](mailto:penni.bunyaviroch@catholiccharitiesny.org). We look forward to working with you to advance the needs of New York City's most vulnerable.



**ADVANCING OUR  
COMMUNITY**

**Chinese-American Planning Council, Inc. (CPC)**

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**Chinese-American Planning Council, Inc.  
Testimony at the New York City Council  
Committee on Contracts  
Honorable Chair Won**

Thank you Chair Won, and the Members of the City Council for the opportunity to testify today. The mission of the Chinese-American Planning Council, Inc. (CPC) is to promote social and economic empowerment of Chinese American, immigrant, and low-income communities. CPC was founded in 1965 as a grassroots, community-based organization in response to the end of the Chinese Exclusion years and the passing of the Immigration Reform Act of 1965. Our services have expanded since our founding to include four key program areas: Childhood Development, Education & Career Services, Senior Services, and Community Services.

CPC is the largest Asian American social service organization in the U.S., providing vital resources to more than 80,000 people per year through more than 50 programs at over 30 sites across Manhattan, Brooklyn, and Queens. Our revenue is approximately half New York City funding.

CPC now employs a team of over 700 staff members, many of whom come from the same neighborhoods we serve. With the firm belief that social service can incite social change, CPC strives to empower our constituents as agents of social justice, with the overarching goal of advancing and transforming communities.

CPC offers holistic services that target both individual and family needs. Our programs are available for community members of all ages and backgrounds, and span five key service areas:

- **Early Childhood Education:** child care for children of ages 1-5 and workshops for parents.
- **School-Age Child Care Services:** after-school programming for children in grades K-5.
- **Education & Career Services:** ESOL classes, youth development, and workforce trainings.
- **Senior Services:** wellness, recreation, meals, and workshops for adults aged 60 and older.
- **Community Services:** family resources, public benefits, counseling, advocacy, and referrals

To that end, we are grateful to testify about issues that impact the individuals and families we serve, and we are grateful to the Council for their leadership on these issues.

We are grateful for your commitment towards establishing prevailing wage requirements for city-contracted human services workers. This is a critical step for a workforce that is deeply underpaid by the City for the essential work we carry out everyday. Government contracts directly sets salary rates on contracts or indirectly by establishing costs for a unit of service along with required staffing on a contract. Government has intentionally kept these wages at poverty wages, for a workforce that is largely staffed by women, people of color and immigrants. For example, we have an early childhood director who has been at the organization for 50 years whose City contract pays her on par with a first year DOE instructor. In order to truly create robust wages for human services workers, we must do so at the source- there must be a mandate on contracting agencies to pay a prevailing wage on all existing and new contracts with funding so that this bill does not become an unfunded mandate. We urge the Mayor, Comptroller, and City Council to work together with human services providers for rulemaking and implementation to lift wages and ensure there are no unnecessary administrative burdens.

We are also grateful to see Intro 0511, human services providers continue to face late contracting issues, which have a detrimental effect on both the organizations themselves and the communities that

we serve. These late contracts create a risky situation where we have to start the work without a registered contract and payment, or delay in starting the contract, which affects the communities dependent on the services of providers. Many of the late contracts are also renewals, so there isn't really an option to suspend services while we wait for a registered contract; the City's delays cost us real money and jeopardize the quality of services by diverting funds away from programs to pay interest on lines of credit. Although the City cleared the backlog of more than \$4 billion in unpaid contracts and amendments, setting procurement timeframes can help ameliorate the procurement delays facing the sector.

Late payments are an exacerbating issue for nonprofits that already strapped for cash flow due to the severe underfunding of New York City Contracts. They mean that we have to delay other important payments, put off critical investments in things like infrastructure and technology. They often mean we have to take out a line of credit to float the difference. Last year, we paid nearly \$100,000 in interest on late payments. That money that we subsidize the city on, is money that could have been used to provide adult literacy classes to 111 more students, a full year of afterschool programming to 33 young people, or over 8,300 culturally appropriate home delivered meals for home-bound seniors. Exacerbating this issue is the fact that we don't even know when late payments will come in, with no reliable way of finding out. This makes planning impossible, so we can't even say how long we have to put off a needed repair, for example. It is worth noting that discretionary contracts are among the worst offenders for late payments.

Lastly, we are grateful to see legislation that increases the transparency of the procurement process. However, it is crucial that the development of this procurement database does not create administrative burdens for the providers. Providers already face high administrative burdens with insufficient staffing infrastructure to manage them. Because the City already utilizes PASSPort Public, human services organizations should not be responsible for inputting data into this new public procurement database, but rather mandate contracting agencies to support the database.

CPC appreciates the opportunity to testify on these issues that so greatly impact the communities we serve. We look forward to working with you on them.

If you have any questions, please contact Carlyn Cowen at [ccowen@cpc-nyc.org](mailto:ccowen@cpc-nyc.org)

March 21, 2023

## **Testimony of Rosemarie Pinks, Finance Director at Encore Community Services**

### *New York City Council Committee on Contracts*

Good afternoon council members. My name is Rosemarie Pinks, I am the Finance Director at Encore Community Services, a nonprofit organization serving older adults on Manhattan's West Side. We run older adult centers and supportive and affordable housing in Midtown, as well as serve half a million home-delivered meals to local residents every year.

Our staff is a literal life-line for aging New Yorkers who are in critical need of food, resources, and community. But we, like our entire sector, are struggling because the wages afforded by our city contracts are not competitive. We have extreme difficulty hiring and filling crucial positions like delivery drivers and case workers, and have had to turn to using temp agencies as a solution. Retention is a challenge, which is a problem because we are asking people to trust us, and turn to us for help, yet we can't offer consistency.

Pay for human service workers is an equity issue. Why does our [workforce, primarily made up of women and people of color](#), make [25-30% less](#) than our counterparts in the government and private sectors? Our teams carry out essential functions for the city, which was celebrated when COVID sent so many workforces home. Our people showed up, and kept services available to everyone who needed us during that incredibly difficult time. Now instead of relief, we find inflation has made our already stagnant wages seem even more dismal.

Poverty wages mean that a significant portion of employees of human service organizations rely on benefits including rental assistance and Medicaid. They are often not able to work beyond half-time without risking those benefits—impacting the organization as well as their capacity to improve their position. This should not be the case for government contracted jobs.

We were glad to see the city commit to a 4% pay bump in last year's budget, even though it's just a starting place, and does not even match inflation. But we are disappointed that we are here today to talk about next year's budget, while our staff has yet to see a cent of that money. It's just one of many examples of how the city's slow pace when it comes to nonprofit hurts us all.

We appreciate the effort to create prevailing wage requirements for city-contracted human services workers, though we ask that there is funding attached to the proposed bill so that it does not become an unfunded mandate for human services organizations. We applaud efforts to address the contract procurement timeframe, and support increased transparency in a way that does not add to administrative burden.

Our nonprofit workforce deserves better than what the city currently provides, and we thank members of the committees for coming together to address this issue today.

Send to: [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov)

Testimony of Good Shepherd Services  
Before the New York City Council Committee on Contracts

Submitted by  
**Annie Minguez, Vice President of Government and Community Relations**  
Good Shepherd Services

March 21, 2023

Thank you, Chair Julie Won and the Members of the Committee on Contracts for the opportunity to testify on Mayor Adams' Preliminary Budget as it relates to the Mayor's Office on Contracting Services.

My name is Annie Minguez and I am Vice President of Government and Community Relations at Good Shepherd Services.

My testimony will focus on the need to improve the procurement relationship between nonprofits and government and the need for greater investments in the human services sector to address the staffing crisis severely impacting our ability to support children, families, and communities across New York City.

Good Shepherd operates 94 programs that support 33,860 children and families across the Bronx, Manhattan and Brooklyn. Guided by social and racial justice, Good Shepherd Services partners and grows with communities so that all NYC children, youth, and families succeed and thrive. We provide quality, effective services that deepen connections between family members, within schools, and among neighbors. We work closely with community leaders to advocate, both locally and nationally, on behalf of our participants to make New York City a better place to live and work.

*Procurement Reform*

As a former member of the Non Profit Resiliency Committee (under the De Blasio Administration), Good Shepherd Services has been a steadfast advocate for the indirect cost rate initiative, workforce enhancements and the Cost of Living Adjustments (COLA) that support the lowest paid front-line positions. Good Shepherd has also worked tirelessly to improve the human services contracting process and is looking forward to working with the newly established Office of Nonprofit Services.

NonProfits continue to experience delays in registering contracts and receiving payments. This is particularly an issue with some of our New York City Department of Education contracts that can take up to one year to register. As MOCS Director Lisa Flores mentioned there are significant delays on the registration of the City Council discretionary awards. Good Shepherd Services was not designated as a DoVe vendor until December of 2022 and this delay impeded

our ability to financially plan. While some progress has been made with PASSport and the Indirect Cost Rate Manual, there is still a need to streamline the process for non profit providers to avoid the additional administrative burden that comes from uploading the same documents for each contract over and over again. I want to thank you, CM Won, for asking MOCS about the timeline to streamline document submission which will allow contracts to be registered in a timely manner and allow the City to pay nonprofits on time.

Good Shepherd Services has a several contracts that have not been re-procured and instead extended for several years including the Learning to Work, SONYC and COMPASS contracts. The extensions leave providers with outdated reimbursement rates that do not reflect inflation or changes in the labor market. Additionally, late payments on contracts are impacting cash flows of providers. An example of this can be found in the Summer Rising program which is operated by DYCD and has outstanding contract backlogs from FY21, FY22, or FY23.

*Staffing Crisis and the need to Fully Fund Equitable Salaries for the Human Services*

During the General Welfare Preliminary Budget Hearing, the ACS Commissioner mentioned, they were hiring additional staff. Their [latest](#) Youth Development Specialist job posting has a starting salary of \$47,393 and after 5 years that increases up to \$60,031 along with a \$2,500 sign on bonus. As Chair Ayala mentioned then, non-Profits cannot compete with these offers because our contracts will not allow us to pay annual increases or bonuses. Additionally, during the Education Preliminary Budget Hearing, I testified that DOE's [latest](#) School Psychologist and Social Worker Salary pay schedule states that the starting salary is of \$65,822 and after 5 years that increases up to \$99,176 along with annual increases. While we thank the Administration and the Council for the Workforce Enhancement Investments in the past two budgets, we are concerned that Mayor Adams' preliminary budget omitted a COLA all together. This is why the Human Services Council is asking for the Administration and Council to negotiate a budget that includes a 6.5% Cost of Living Adjustment and salary parity so human services providers across NYC can pay living wages to staff that are equal to the salary compensation and benefits available to City workers. Chair Stevens' bill to create a Prevailing Wage Schedule for Human Services Workers (Introduction 510), if fully funded with the inclusion of wage comprehension, is an important step the City can take to address the salary inequities that exist among human services workers.

Child Welfare agencies are experiencing a staffing crisis and reporting a turnover rate of 49% for frontline staff and 24% for caseworkers across the state. For Good Shepherd Services, our overall turnover rate for FY 21 was 27.09% and in FY 22 it increased to 49%. As a City, we should be concerned about these rates as high turnover rates negatively impact outcomes for children and youth and especially, for youth in care. There is a desperate need for the infusion of funding to raise salaries for the current workforce to provide equitable and competitive salary parity with the public sector, thus allowing programs to attract candidates who will support children, youth and families across New York City.

Thank you again for the opportunity to testify.



## **TESTIMONY**

New York City Council Committee on Contracts  
Fiscal Year 2024 Preliminary Budget Hearing  
March 21, 2023

Submitted by:  
Michelle Jackson  
Executive Director  
Human Services Council of New York

### **Introduction**

Good afternoon, Chairperson Won, and members of the New York City Council Contracts Committee. My name is Michelle Jackson, and I am the Executive Director of the Human Services Council, a membership organization representing over 170 human services providers in New York City. HSC serves our membership as a coordinating body, advocate, and an intermediary between the human services sector and government. We take on this work so our members can focus on running their organizations and providing direct support to New Yorkers. These are the nonprofits that support our city's children, seniors, those experiencing homelessness, people with disabilities, individuals who are incarcerated or otherwise involved in the justice system, immigrants, and individuals coping with substance abuse and other mental health and behavioral challenges. We strive to help our members better serve their clients by addressing matters such as government procurement practices, disaster preparedness and recovery, government funding, and public policies that impact the sector.

### **Support Human Services Workers with a 6.5% COLA**

We thank the City Council for the \$60 million workforce investment in the FY23 budget, which demonstrates the importance of compensating frontline workers who have been essential during the pandemic and for the recovery of New York. However, the workforce investment is not a true cost-of-living adjustment (COLA) and is less than the 4% that the City Council has stated the investment represented. There were also issues of implementing this investment as providers waited months to receive the funding to distribute to their staff. Thus, we ask that you include a 6.5% COLA in the budget to be included in every City-contracted human services contract to show your commitment to the sector.

Nonprofit human services providers have long been a backbone of both the economic and social fabric of New York, combining government resources with private giving and philanthropy to deliver services to over 2.5 million New Yorkers each year. The sector is both an essential partner to government—contracted to provide mandated services like shelter in addition to key programs like childcare, afterschool programs, food pantries, and mental health services—and independent organizations that can and do react quickly to changing needs in their communities and engage in rapid response to ensure children and families have their needs met.

Years of underfunding of the sector have resulted in the human services workforce being some of the lowest compensated workers in New York City's economy. These are workers who do some of the most important jobs in our communities; they take care of our aging neighbors, assist families in staying in their homes, work with people to overcome substance abuse and addiction, and help people from all walks of life in the event of an emergency. Yet despite all of this, they are drastically underpaid. This government-sanctioned "poverty pay" has resulted in nearly 25% of all human services workers qualifying for food stamps in 2016-2018. Low wages also have a sweeping effect on workplace condition and the outcome of programs, with high staff turnover and vacancy rates resulting in heavy and unsustainable workloads. **A 6.5% COLA on the personal services line of all City-funded human services contracts is needed in the FY24 budget to ensure this vital workforce does not slip further into poverty.**

### **Transform the Procurement Process**

As you know, Sheltering Arms, a 200-year-old nonprofit has made the decision to end programs and a major reason is the millions of dollars in late contract payments. This is a wake-up call for the City to support the human services organizations that provide critical services as they make the difference between success and failure for countless individuals and families. Changes must be made to the procurement process because for too long nonprofits have incurred substantial costs for service delivery before they have a legal right to be paid and are often forced to borrow to meet payroll. Interest payments on such borrowings are not reimbursable, except in rare cases, and must therefore be paid from reserves already stretched to the breaking point. And that assumes that an organization can find a willing lender. According to a survey of HSC members, in 2020, nearly 46% of respondents were forced to take out loans or draw on a line of credit due to withheld or delayed payments – sometimes at significant cost. The average annual cost of interest on interest-bearing loans is reported as \$223,000.

Moreover, most contracts have not been adjusted for rising costs throughout their contract terms, including fringe benefits, COLAs, rent, and utilities. The chronic underfunding and delayed procurement processes coupled with rising inflation have a detrimental impact on not only the nonprofits but the communities they serve. It is crucial that human services providers have the resources and support they need for the sustainability of their programs and organizations.

Although the Joint Task Force to Get Nonprofits Paid on Time took on a great effort in creating substantial reforms to address the procurement challenges that nonprofits face, there are still compounding delays in the contracting process that force providers to undertake costly borrowing to make payroll and rents, often accruing interest not covered by government contracts. According to SeaChange Capital Partner's analysis of PASSPort Public data, nonprofits incurred \$309 million for work they have done prior to registration. Registration delays can be financially ruinous, as services are expected to begin on the first day of a contract, even if the contract has not yet been registered by the relevant agency. City agencies are not getting a deal by chronically underfunding human services contracts to balance the budget; it is further harming the low wage workers the City relies on to keep these programs running while pushing community-rooted nonprofits into failure during a time of increased need.

### Mission-Driven Organizations

During the pandemic, human services workers were at the frontline risking their lives to support their communities and faced increased need for services even when they did not have the resources to do so. Currently, providers are serving people seeking asylum and other reasons for migration in which 96% of organizations consulted by HSC reported providing services to people seeking asylum entirely or partially out of pocket. Forty percent reported that a government entity (predominantly Mayoral offices and City agencies) asked them to provide services for people seeking asylum. Less than 13% reported that complete governmental funding was offered for these partnerships (with 80% of funds offered as reimbursements). Providers are over capacity and straining to meet existing needs, especially after prior enforcement policies, concurrent COVID-19 recovery, and overall migration trends. And yet, human services organizations continue to help the City try to meet the reputation its leaders boast: a sanctuary for oppressed people here and abroad.

### Conclusion

Systematic underinvestment in nonprofits is not an accident. Veterans of the sector strongly believe human services organizations are devalued because of who they serve and who they employ. The City and State budgets are balanced on the backs of low-income neighborhoods and BIPOC communities who get reduced services, and a workforce that is predominantly made up of women and people of color who are paid poverty-level wages due to insufficient contract funding. A 6.5% COLA on the personal services line of all City-funded human services contracts is needed in the FY24 budget to support the sector to continue to provide lifesaving services to all New Yorkers.

We look forward to continuing our work with the City Council and ask that you support the [#JustPay campaign](#) and include a 6.5% COLA to fairly pay the low-wage workers the City relies on, who are predominantly women and people of color, to keep these programs running and uplift communities.

Thank you for your continued support and providing me with this opportunity to testify about the state of human services workers.

Michelle Jackson, Executive Director  
Human Services Council of NY  
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## Testimony of New York City Employment and Training Coalition (NYCETC)

*New York City Council Budget and Oversight Hearings on the Preliminary Budget for Fiscal Year 2024, the Preliminary Capital Plan for Fiscal Years 2024-2027, Fiscal 2024-2033 Preliminary Ten-Year Capital Strategy, and the Fiscal 2023 Preliminary Mayor's Management Report*

COMMITTEE ON CONTRACTS

Submitted by Gregory J Morris, CEO

March 21, 2023

I'd like to thank Chair Won for her leadership and the opportunity to provide testimony. I'm Gregory J Morris, CEO of the New York City Employment and Training Coalition (NYCETC) - the largest city-based workforce development association in the country. For 25 years, NYCETC has played a vital role in presenting and championing policy priorities that 1) support the alignment and coordination of our City's workforce development and economic development communities; 2) seek to reduce and/or eliminate barriers to employment based on systemic and structural racism; and 3) supply every New Yorker with the skills, training and education needed to thrive in 21st century. Over the last two years, NYCETC has influenced both the previous and current city administrations by hosting industry roundtables and conferences and convening public and private sector leaders (e.g. [NY Workforce Recovery Strategy Group](#)) to develop responses to the unemployment crisis caused by the pandemic ("[Recovery for All: A Vision for New York City's Equitable Economic Recovery](#)") and proactively addressing long standing disparities in economic development, workforce development and affordable housing ([NYC Inclusive Growth Initiative](#).)

Today, NYCETC is the '*industry voice*' of more than 200 workforce development providers serving 600,000 New Yorkers—primarily individuals who live in under-resourced neighborhoods, identify as BIPOC, and have low to moderate incomes—and it is the '*connective tissue*' that fills strategic, operational, and programmatic gaps between stakeholders - providers and employers, business alliances and labor, city and state, higher ed and philanthropy. Each of these stakeholders have responsibility for addressing the City's siloed and under-funded workforce development ecosystem for the purpose of propelling our City forward on its path to an equitable and inclusive recovery. Two recent reports by NYCETC and its intermediary partners emphasize specific data points that highlight the structural and economic challenges experienced by multi-service, community-based service providers and New Yorkers who can least afford to lose work and wages.

From the "[New York City's Workforce Landscape \(September 2022\)](#)" report:

- 96% of organizations stated that they saw a decrease in revenue due to reduced City contract funding, State contract funding, private philanthropy or fundraising in comparison to the previous City fiscal year.
- More than one-third of organizations reported delays in contract funding.

- Direct service providers from over a dozen organizations reported that many New Yorkers were reluctant to jump back into the same jobs they had before COVID, looking for opportunities that offer remote options, more flexibility and health protections, higher wages or room for growth.

NYC relies heavily on nonprofit workforce development providers to connect its residents with access to jobs; and the services and training necessary for securing long-term, family-sustaining employment. The City pays for approximately half of workforce development program offerings across the five boroughs, and relies on the non-profit and community-based organizations within the coalition to provide them to New Yorkers of all ages facing barriers to employment. The need for these services – job training and placement, career exploration, internships and apprenticeships, adult education and literacy, college access and persistence programs, wage subsidies, employment retention and advancement services, and benefits access and tax preparation – has only increased since the onset of COVID-19. **To ensure that workforce development providers are able to meet the needs of New Yorkers, I respectfully request a commitment to pay equity between NYC’s agencies and contracted providers and timely contract payments.**

From the "[NYC’s Unsettled Covid-19 Era Labor Market: The Case for an Active Labor Market Policy \(January 2023\)](#)" report:

- New York’s City unemployment rate was 6.1 percent in the third quarter of 2022, well above the nation’s 3.5 percent. Black workers had an unemployment rate of 9.8 percent, compared to 3.5 percent for white workers.
- Employment rates for young males, ages 18-24, dropped from 49 percent in the six months before the pandemic to 38 percent over the second and third quarters of 2022.
- The number of city residents receiving cash assistance has surged by 112,000, or 35 percent, from February 2020 to September 2022.

New York City’s workforce is the backbone of its economic success. Whether it's the New Yorkers who drive our local economy today, or the young people who will make up our future workforce, the City of New York does better when its people have access to the resources and education they need to access good paying jobs that sustain them and their communities. New York City’s workforce development system is as diverse and ambitious as the city itself, yet there are still too many systemic barriers and disconnections that hold us back from a truly inclusive economy. **To equalize opportunity for all New Yorkers, I respectfully request that the Council invests in workforce development now while leading efforts to increase access to quality jobs over time.**

It is only through the intersection of our City’s investments in workforce development and its ability to construct efficient contractual services that we will be able to maximize employer access to New York talent. There is clear guidance as to the approaches that should be taken to reform the [City’s procurement process](#) - *from registrations to amendments and from budgets to invoicing*. The Mayor’s

Office of Contract Services, city agency representatives, and key non-profit coalition intermediaries should be convened to work in collaboration/partnership to ensure that meaningful steps are taken over time to improve contractual services in New York City. The efficient coordination and effective and timely disbursement of billions of dollars directed toward our City's vendors is essential to maintain a functioning city. **It is imperative that the City Council create transparency and accountability by establishing robust goals and key performance indicators (KPIs) that align to a shared city-wide procurement reform effort.** The compliance efforts must include a sub-committee for convening and oversight (*Sub-committee on Procurement Reform*) and quarterly reports tracking the City's progress toward these goals.

Thank you for the opportunity to provide testimony on the budget. For further questions, I can be reached at 646-469-2683 or [gmorris@nycetc.org](mailto:gmorris@nycetc.org).



**New York City Council  
Committee on Contracts  
Preliminary Budget Hearing  
March 21, 2023  
Joint Testimony of NYC Legal Service Providers**

**1. Introduction**

We are New York City’s legal service providers. Collectively, we provide constitutionally and statutorily mandated legal representation to hundreds of thousands of New Yorkers each year. We employ thousands of dedicated lawyers, social workers, investigators, paralegals, advocates, organizers, and administrative professionals who provide essential services to support our communities. The work our staff provides, in many instances, is only needed because of the inequities, disparities, and obstacles that exist throughout all the systems we encounter. Our very existence as social justice organizations is a direct result of systemic failures by the courts, administrative agencies, policies, and laws that work against our clients. Our services are sought after because of the historic and chronic under-resourcing of low-income BIPOC communities. It is, therefore, not a coincidence that those of us who serve these communities are also forced to do more with less.

The services we provide are supported by City initiatives and funding. We are grateful to the City of New York for its ongoing commitment to our work and are proud providers of many of the City’s hallmark innovative programming like Right to Counsel in Housing Court, the New York Immigrant Family Unity Project, and interdisciplinary Criminal and Parental Representation. For decades, the City has led the way in improving access to services for vulnerable New Yorkers on a range of issues. Despite these investments, legal services providers have reached a tipping point and our programs, and our operations are in jeopardy. Chronic underfunding and contract delays threaten our ability to provide high-quality advocacy for our clients, retain staff, and respond to the ever-increasing need in the community.

Simply put, the City's system of funding and contracting with nonprofit legal service providers is broken. But it can be fixed. To ensure New Yorkers have access to the services they deserve, systemic changes in both funding levels and contracting processes are needed. This includes funding our programs at amounts that allow us to attract and retain talent, cover the true costs of running our organizations, include COLA increases to multi-year contracts, set new protocols to ensure timely registration of contracts and prompt payments, and reissuing RFP's on time when previous contract terms expire. As detailed below, implementing high quality services requires an investment in the same.

## **2. Insufficient funding**

### *Funding that stems our attrition crises and allows us to hire staff*

Legal services providers are facing a staffing crisis. Since the pandemic, we have seen a dramatic spike in attrition. Attrition rates remain double digit, and in some cases up to roughly 25 percent, while many report increases in attrition of approximately 70 percent to more than 200 percent compared to last year, a trend that is continuing and worsening this year.

Through these departures, we are losing experienced staff. For example, 1/3 of attorneys leaving the Legal Aid Society (LAS) this fiscal year had at least 10 years of service. Within our Criminal practice, that number was even higher, and approximately half of departing attorneys had at least 10 years of service.

Moreover, many providers are finding it difficult, if not impossible, to attract experienced candidates to fill vacancies due to the high cost of living in New York City and the low salaries we are able to offer. The result is that a growing proportion of our staff are made up of less experienced lawyers and advocates who require intensive training and supervision and who cannot handle more complex and serious cases.

### *Fund Fixed Cost Increases*

In addition to salary increases, our flat contract budgets also do not cover year-over-year cost increases for healthcare premiums, utilities and space, and other OTPS costs, which have continued to rise.

Every year, our space, utilities, and other OTPS costs increase by up to 3%, and our healthcare premium costs increase by 10% on average, while our contracts remain flat. For some the increase is much higher. For example, for the New York Lawyers Assistance Group (NYLAG), insurance premiums increased 15-20% for three years in a row. Our organizations have had to manage these cost increases by using unrestricted dollars and delaying essential additional investments critical to the safe and effective delivery of services to our clients. Put another way – we face budget reductions every year because of our flat contract budgets.

For legal services providers, funding adjustments for collectively bargained salary increases, fringe benefits, and utility and space costs should be routine and covered centrally, just as they are for every City agency, including the City Law Department and District Attorneys.

### *Costs not covered in current contracts and RFPs*

Beyond year-over-year cost increases, many of our contracts fall far short of covering the full cost of service delivery.

### Discovery

To meet the demands brought by discovery reform, New York's defender organizations need a dedicated budget for discovery that includes hiring additional paralegals at a ratio of 1 paralegal for every 3 lawyers and building the necessary technological infrastructure necessary to meet the demands of this increasingly time consuming and digitally complex work.

### Additional Technology

Beyond discovery, without additional funding for technology, we are unable to make investments in systems and that are essential to the safe and effective delivery of services to our clients. While our clients and staff have become more reliant on technology for the delivery of services, especially as a result of the pandemic, our City contracts have not sufficiently increased to include the costs of the essential replacement and enhancement of outdated IT equipment and systems, including meeting new and increased cybersecurity standards, and new systems to meet emerging needs.

### Eviction Defense

Through right-to-counsel programs such as Universal Access to Counsel in Housing Court, the City has established itself as a national leader with the program serving as a model that has been replicated by other cities across the country. We need to increase funding for these contracts to cover the full cost of the current program and increase providers' capacity to represent all eligible people who come through New York City Housing Court.

### Family Defense

Similarly, New York's Family defense legal contracts do not provide sufficient funding to ensure workloads meets statewide standards and are reasonable for attorneys and other staff or provide critical social work and parent advocate services.

## **3. Contracting Delays**

### *Delays in the RFP Process – The Beginning of the Problem*

The City's contracting crisis is multifaceted and touches every point along the contracting timeline. However, the starting point for the crisis is the City's request for proposals. Despite having ample notice of when a contract term is set to expire and years to prepare for the RFP process, the City routinely fails to issue the RFP in a timely manner. For instance, the baselined 6-year contract for parental defense providers in Article 10 cases expired in June 2021 and the City has yet to provide a date for the issuance of the RFP. Similarly, the contract to provide representation to tenants facing eviction under the City's universal access to counsel program expired in June 2023 and there is similarly no indication of when the providers can expect to bid for a new contract.

The repeated and long-term delay of the RFP process creates uncertainty and instability for providers. Without knowing whether our contracts will be renewed and for how long, how much funding will be allocated to our organization and for what services, we cannot effectively plan ahead. While the City can and does extend existing contracts through the negotiated acquisition extension (NAE) process, these extensions only last for one year and do little to mitigate the problem. Nowhere is the problem more acute than in our hiring process. Many of our offices have fall training classes that are staffed with lawyers who have just graduated from law school. However, the law school hiring process starts a full year before the projected start date and offers are often made in late winter and early spring. The uncertainty caused by delays in the RFP process requires providers to roll the dice when it comes to how many staff we will need for the following year. If we overestimate the number of staff we will be able to afford, we either face a fiscal deficit or must rescind the offers that have already been made.

To make matters worse, the NAE is a more time-consuming and cumbersome process than a regular contract renewal and so NAEs are often registered late. The delayed registration of the NAE creates a funding gap that leaves organizations scrambling to find ways to address budget demands so we to provide seamless service to people in need. By way of example, the City did not register the 8<sup>th</sup> year NAE for the parent defense providers until 7 months after the start of the fiscal year.

#### *Delays in Baseline Contract Registration and Renewals*

The delays in the RFP process and in the registration of NAEs are just the tip of the contracting delay iceberg. Even once an award has been made, it can take months to get the new contract creating further disruption, confusion, and uncertainty. For instance, the last contract for the criminal defense providers started in January 2019 instead of July 2017 because the City, despite having issued the RFP in a timely manner could not get the new contracts drafted and registered by the time the old contracts had expired. As a result, the City provided a 6-month extension of our contracts to bridge the gap between the one year NAE and the start of the new contract in January. However, the extension created a cashflow crisis for the organizations because it reduced the amount of our contract advance by half.

While new 6-year contracts, once registered, provide our organizations with a semblance of security, the reality is quite different. Even with a standard two-year renewal, we often find delays that stretch far into the fiscal year, postponing our advances which are critical to sustaining services at the beginning of the fiscal year and creating a gap in funding that we are forced to try to fill using unrestricted dollars, reimbursements from other programs, and high-interest loans so we can make payroll. If we can't fill that gap, these delays amount to a covert cut in funding for which the City is unaccountable.

#### *Delays in the Registration of Contract Amendments*

While these delays are common when it comes to the RFP and baselined contract process, they are endemic when it comes to contract amendments. Because of the delay in contracting and the lack of flexibility within the reimbursement contract structure, each of our core contracts is funded by a series of amendments that must be separately registered and invoiced. The

amendments which are intended to increase investments to the organizations serving low-income New Yorkers through increased salaries for staff and funding for indirect costs, have in reality been nothing more than false promises.

For example, in 2019, the City announced with great fanfare that New York’s legal service providers would finally receive pay parity with the City’s own lawyers at the Law Department. As a result, all our organizations increased salaries to match the new scales. However, the contract amendments were not registered that year, or the year after, or the year after. The result was that we had to find other ways of funding those increases. Many of our organizations had no choice but to reduce our staffing to create cost savings to cover the increase in salaries. Similarly, the FY20 COLA amendment to our criminal contracts was registered in FY23. Other times amendments are grouped for purposes of registration – for instance in February of this year, the City registered the Article 10 contract amendments for both FY20 and FY21. While all of our organizations welcomed the opportunity to apply for an increased ICR rate, many of our FY23 contracts, including our housing contracts, still have not had their contract amendments registered precluding us from invoicing for the increased cost in indirect expenses.

The requirements of the reimbursement-based budgeting process mean that our finance teams must allocate expenses to contracts that are not registered, sometimes for multiple years. We must record back-up that is detailed to the level of serial numbers on laptops and who on staff receive the specific laptop. We must then maintain those records – without being able to invoice for the expenses – for years.

While the allowance clause is intended to alleviate these delays going forward, our contracts must first be amended to include the allowance clause. However, the amendments are, not surprisingly delayed, and so we have yet to benefit from this change despite being informed of the new clause last summer.

#### *Delays in Registration of Discretionary City Council Contracts*

While these problems are pervasive in our baselined contracts, they are baked into the process for when it comes to discretionary City Council awarded contracts. Organizations don’t even learn whether they have been awarded funding by the Council until services are set to begin and the contracting process with the City’s agencies cannot commence until the awards have been initiated which does not happen until the fall. Because the agencies are so delayed when it comes to the City's baselined contracts, the discretionary awards fall to the bottom of the pile and often are not registered until the following fiscal year. This means payment on services provided comes a year if not years after our organizations’ work is completed.

#### **4. Passport/Accelerator Problems**

The challenges with the current City contracting procurement, registration, and payment system are not limited to delays, but extend to the technical systems, extensive and detailed invoicing requirements, and unreasonable demands by the City. The combined Passport and Accelerator systems are inefficient, complex, and over-burdensome.

The first step in registering our contracts once they have been issued is through Passport. Our offices must maintain certificates and documentation in Passport to pre-qualify for all City contracts. However, pre-qualification does not alleviate the burden of uploading those same certificates and more for each contract. For every contract and amendment, we must individually upload all requested documents which include the Broker’s Certification, Budget Detail; Certification of Client Abuse and Neglect; CHAR 500 + 990 + Audit; Disability Insurance; General Liability Insurance; Labor Peace Attestation; Labor Peace Agreement Certification; Scope of Work; Tax Affirmation; and Worker’s Compensation. Despite all the contracts requiring identical certification, none of the documents carries over between contracts.

Moreover, not every City agency uses Passport and none of the agencies communicate with the other. City Council discretionary funding for our offices has recently been transferred from MOCJ to DYCD, which requires us to submit all the same certifications and documents that are now in Passport to them and with their address on the certificates instead of MOCJ’s. This process is overburdensome and causes delays when simple technical issues – like the incorrect format for an insurance certificate is uploaded – causing our contracts to be rejected.

Once we have successfully cleared all of the hurdles in Passport, which includes submitting a detailed budget, our contracts are then cleared for registration and are moved into Accelerator. From this point, the issues facing our offices only become worse. The budgets that were uploaded and approved in Passport do not carry-over into Accelerator. Instead, our financial staff must once again upload detailed budgets into Accelerator for every grant. One contract amendment in Passport may be comprised of multiple grants which each need a detailed budget in Accelerator. For example, in Passport NDS (Neighborhood Defender Service) registered “FY22-23 Neighborhood Defender Service Renewal #1 Amendment” but the contract is made up of the following grants:

<b>COLA (FY20)</b>
<b>Parity</b>
<b>MOCS Indirect</b>
<b>ILS Immigration (Dist. 11)</b>

Each of the four grants requires its own detailed budget and budget narrative. The narrative that is now required is a line-by-line explanation of every budget item. This includes describing a “staff attorney” role and similar detail. Contracts are regularly returned for revision for insufficient explanation of line items in the budget narrative. In one instance, MOCJ returned a budget for revision because the description of “office supplies” was not sufficiently detailed to explain how these supplies supported the work.

In addition, the requirements for budgeting, registration, and invoicing seem to shift on a near daily basis without explanation. The Article 10 contracts for Family Defense providers offer an example of this issue. These contracts are funded by a contract with MOCJ and are funded entirely by the City. Despite this, when the contracts were moved from Passport to Accelerator (a

process that did not happen until seven months into the fiscal year) the contract was divided into City, State, and Federal funding. To register the contract and be able to invoice for the first half of the fiscal year, we were required to submit three separate budgets just for the base contract. For example, NDS had to submit four additional budgets for additional amendments. All seven of these budgets required line by line budget narratives – a time consuming process to say the least.

When requirements shift, MOCJ often does not know what the new requirements mean or how to assist our offices. Given that our offices had never seen our City contracts divided into City, State, and Federal funding, the providers requested a meeting with MOCJ for an explanation. MOCJ was unable to give us a reason or any guidance on why this change was made or how it might impact our invoicing and reporting. To date, MOCJ has not clarified this issue and despite our contracts being registered we cannot invoice against the State and Federal portions of the grant. For one provider, at least, this means that we have now maximized our invoicing against this contract for FY23 and cannot receive additional funds, despite incurring expenses, until the State/Federal invoicing issue is resolved. The massive delay in registration coupled with the inability to further invoice is causing a cashflow crisis and requires our office to seek loans and other sources of funding to cover the City’s outstanding receivables.

Similarly, the Criminal Defense contracts, which include funding from the State Office of Indigent Legal Services, have been delayed for years and still have unanswered questions and issues that prevent us from recouping these expenses. The following exchange is indicative of the issues:

Status Change	Status Changed from 'Returned for Revision' To 'Pending Approval'
Provider Comments	As agreed upon, and requested, the ILS Case Cap and ILS Hurrell Harring funds have been reallocated to "Unallocated Funds"
Status Change	Status Changed from 'Pending Approval' to 'Returned for Revision'
Agency Comments	Reviewed and returned for revision. Please move ILS OCA and ILS HH funds in the unallocated subtab.

On this contract MOCJ returned the budget for revision because they wanted ILS OCA and ILS HH funds moved from the “unallocated subtab.” However, after conversation with our finance staff and an inability to budget any other way, MOCJ reallocated the same funds to unallocated funds. This unnecessary back and forth between our finance staff and MOCJ occurs on a daily basis and further delays our ability to invoice.

## 5. Invoicing Issues

Final registration of our contracts – months and years after the work has been completed – does not end the difficulties with receipt of payment. Indeed, it merely sets the stage for the next layer of challenges. The invoicing process is extremely onerous and requires record keeping and reporting that our current finance teams are insufficiently staffed to meet.

The line-item reimbursement process requires detailed submission and back-up for every expense. Each invoice now requires a QFR – which is a 7-page spreadsheet with line-by-line explanation for personnel, OTPS, fringe, equipment, admin, and unallowable expense adjustments. This seven-page sheet must be completed with every invoice in addition to the documentation that has always been required including budget narrative, equipment forms, general ledger reports, and payroll registers among other details. The detailed requirements often shift, and new reports are added. This means that our staff may have completed invoices while waiting for contracts to register that are now in the incorrect format or lacking the appropriate details and must be redone. Moreover, we are often asked for details on invoices that are for expenses that are two and three years old, when the invoicing process was less onerous. The result is that we cannot always provide adequate detail for prior expenses and the cost is not allowed. Although our offices are all experiencing cashflow crises and are operating over budget in many instances, we routinely cannot fully recoup our contracts.

The invoicing is made worse by inconsistent messaging from MOCJ. We recently received directions to “Combine all Feb23 invoices and submit in Bulk.” When we inquired as to what was meant by the direction MOCJ informed us that we should submit a single invoice for several grants. However, the Accelerator system does not allow single grouped invoices. At the time of inquiry from our finance staff, MOCJ was not able to clarify the request any further, therefore additional follow-up is required to resubmit the invoices. Like registration, the back-and-forth requests for revisions and altered details slow down the process of invoicing and further overwhelm our finance staff.

Finally, invoicing is further delayed by the budget modification process. Accelerator and MOCJ allow a 10% or less budget modification on any budget line. However, when budget modifications of a greater percentage are required, they must be submitted for approval. It can then take weeks or months to receive the approval. In the time that a budget modification is pending, no invoicing can be done on that grant, further negatively impacting cashflow.

In addition, budget modifications are sometimes required for de minimus changes. Legal Services NYC, for example, has recently been required to voucher to budget as opposed to actual work done, which required them to prepare budget modifications any time a staff member left or was added to a project—since these staff changes can occur on a monthly basis because of the hiring and retention challenges discussed above, the need to prepare budget modifications each time causes additional delays to invoicing and payment.

## **6. Impact of insufficient funding and contracting delays on low-income New Yorkers**

Historic issues with contracting and funding levels threaten our ability to provide expert advocacy for our clients, retain staff, and respond to the ever-increasing need in the community. Lack of adequate funding to meaningfully support legal services providers harms the clients we serve.

Our existing contracts do not allow us to offer competitive and fair wages to our staff. Justice for New Yorkers is directly tied to how well our organizations are staffed. Without contracts that offer competitive wages to our staff we experience high rates of attrition, it negatively impacts

on our ability to recruit new hires, and on our ability to support our staff as they perform vital and challenging work. Our staff should be able to afford to live in the city that they spend their careers serving.

These obstacles we face also have a real impact on our ability to provide services, The result is fewer staff to take cases as well as higher caseloads for those who remain, which turns into a vicious cycle of burnout and greater attrition. Lack of adequate funding to attract and retain our attorneys and staff threatens critical constitutionally and legally mandated services for New Yorks' most vulnerable New Yorkers across a myriad of courts.

The ripple effect goes beyond just the walls of our organizations. With fewer case handlers, the ability to move matters forward in court can be delayed as lawyers request time to familiarize themselves with their new clients and transferred cases. These delays will exacerbate existing court backlogs in civil and criminal courts. High attrition and resulting case delays do not just have a negative impact on our staff and the ability to move matters through the courts, they harm the people we serve. The foundation of effective representation is our relationship with our clients. However, that relationship is eroded as people have their cases transferred repeatedly to new lawyers and advocates who are unfamiliar with their case. Moreover, as the workload increases, each staff member has less time to spend building trust with clients and preparing their case. The result is less effective representation of the people we serve.

Our organizations' missions and models are to serve New Yorkers in need and provide high quality legal services. But to maintain this, we need our staffing intact and stabilized; for this to happen, our contracts must include significant case rate, operational and COLA increases.

Further, contract delays, from every step in the process, ultimately result in a cut to our funding. It is common for payment on city contracts to come years after we've done the work. When the City doesn't pay us on time for our work, we are forced to rely on lines of credit, take out interest-bearing loans, and we have to pull away from our limited, unrestricted funding. Many of our resources, both staffing and financial, are drained by contract delays so that we wind up paying fees on city contracts. Our funding is further jeopardized after repeatedly relying on lines of credit, as banks are hesitant to front the money because they do not want to deal with the City's contracting delays. Additionally, the constant need to pull from unrestricted funding prohibits us from ever building up reserves which are intended to stabilize our organizations in times of crisis, not as bridge loans for City funding.

The funding amounts we receive must reflect the full cost of doing this essential work, and it must be paid on time. This is how the City can ensure that low-income New Yorkers are best served.

## **7. Requests for Increased Funding**

- a. a 25% increase of the personnel budgets on our baselined contracts to raise existing salaries
- b. Additional funding to cover the 10% increase in health insurance on our baselined contracts

- c. Additional funding to cover the 3% increase in occupancy and OTPS costs on our baselined contracts
- d. Continuation of the Workforce Enhancement Initiative (WEI) on our baselined contracts
- e. Expansion of WEI to our City Council discretionary contracts
- f. To meet the above needs, we are calling on the City to provide:
  - \$125M to defender organizations
  - \$300M to the dozens of civil legal services providers who administer critical housing, eviction, immigration and other related work
  - \$48M for New York’s family defense legal providers

**8. Recommendations to Address Contracting Delays, Passport/Accelerator Problems, and Invoicing Issues**

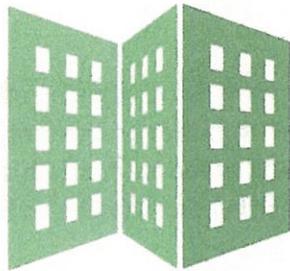
- a. Delays
  - i. Accountability in the form of timeframes for each step of the contracting and procurement process. While some exist already, such as the Comptroller has 30 days, it is not enough.
  - ii. Dashboard with detailed information so organizations can see exactly where their contract is in the registration process. Registration sits in limbo with the designation “in progress” for far too long with little to no explanation.
  - iii. Longer contract terms for baseline contracts with COLAs or funding increases aligned with anticipated rising costs.
  - iv. Allowing renewals of City Council discretionary grants for multiple years instead of starting the entire contracting process over again each year.
  - v. More funding for the Renewable Grant Fund so that it can cover the operating costs of an organization’s program not just for a pay cycle but for the entire length of time it takes to get a contract registered.
  - vi. Bridge Loans from the renewable grant fund w/o contract registration requirements.
  - vii. Require the City to cover the interest incurred on a loan or a line of credit.
- b. Passport/Accelerator
  - i. Create consistency across agencies in the use of and requirements for the Passport and Accelerator systems.
  - ii. Create a document vault so that organizations only have to upload required documents once and don’t have to duplicate efforts.
  - iii. Ensure that agency contract specialists are properly trained in PASSPort (we've received requests to go change something in PASSPort for a registered contract that we are no longer able to edit and the agency should know that)
  - iv. The documents requested are ones the organizations can provide.
  - v. Reduce annual contract registration document requirements for renewals. For example, insurance certificates that need agency names, not just the city of NY.
- c. Invoicing
  - i. Streamlined invoice review and budget modification approval process

- ii. Create different levels of oversight and review based on the contracting history with the provider with more oversight for newer providers and programs and less oversight and review for established providers and programs.
- iii. Provide advances of 50% instead of 25% to help address delays in the invoicing process.



# TAKEROOT JUSTICE

*TakeRoot Justice provides legal, participatory research and policy support to strengthen the work of grassroots and community-based groups in New York City to dismantle racial, economic and social oppression.*



## STABILIZING NYC

*fighting predatory equity and tenant harassment  
organizing nyc tenants for the right to stay in our homes and communities*

**Testimony Concerning:**

Preliminary Budget Hearing  
March 21, 2023

**Presented Before:**

NYC Council Committee on Contracts Chair Julie Won  
NYC Council Speaker Adrienne Adams

**Presented By:**

Jackie Del Valle

Stabilizing NYC Coordinator

TakeRoot Justice

123 William Street 16<sup>th</sup> Floor New York, NY 10038

Cell: 718-877-6689 • Fax: (212) 533-4598

[jdelvalle@takerootjustice.org](mailto:jdelvalle@takerootjustice.org)

My name is Jackie Del Valle from **TakeRoot Justice** and the **Stabilizing NYC Coalition** or SNYC. I'd like to first thank Council Member Won for her leadership and the opportunity to testify.

**TakeRoot Justice** provides legal, participatory research and policy support to strengthen the work of grassroots and community-based groups in New York City to dismantle racial, economic and social oppression. Because we know that law and policy alone is not enough to shift massive power imbalances, we partner with organized grassroots organizations committed to fighting oppression, employing a unique model of partnership with grassroots and community-based groups. Our partners take the lead in determining the priorities and goals for our work, and advance our understanding of justice. Our work has greater impact because it is done in connection with organizing, building power and leadership development. We currently employ 50 people.

**Stabilizing NYC** is a 20-group coalition composed of a legal service provider, a housing advocacy organization, and eighteen grassroots organizations who have come together to combat tenant harassment and preserve affordable housing for the New Yorkers who need it most. This coalition combines legal, advocacy and organizing resources into a citywide network to help tenants take their predatory equity landlords against harassment.

**SNYC Groups**

Asian Americans For Equality, Inc.
Banana Kelly Community Improvement Association
Catholic Migration Services
Chhaya Community Development Corporation
CAAHV
TakeRoot Justice
Cooper Square Committee
CASA/ New Settlement Apartments
Fifth Avenue Committee
Flatbush Tenant Coalition/ Flatbush Development Corporation
GOLES - Good Old Lower East Side
HCC- Housing Conservation Coordinators
MOM- Mary Mitchell Family and Youth Center
Met Council on Housing
Neighbors Helping Neighbors
Northwest Bronx Community and Clergy Coalition

Impact Brooklyn
St. Nicks Alliance/ UNO
HOPE/ UHAB
Woodside on the Move

### Scope of the problem

I have been directly working in **procuring awards for discretionary funding** for over 15 years and it's always been long and painful. I have *never* experienced getting my contracts registered in the same fiscal year we were designated the money. It typically takes an additional 4-6 months *after* the fiscal year ends.

For this current fiscal year TakeRoot Justice was awarded a little over \$2 million in discretionary funding. We have not received any of this money and our HPD awards, which include that SNYC Initiative, have not even begun the contract registration process. We also have not registered our FY22 contracts.

As the council and my colleagues have testified today, nonprofits receiving discretionary funding are asked to perform vital services, meet deliverables, run programs, pay and manage staff yet we do not see the money until long after the fiscal year has ended. This has been happening year after year- and these multi-year funding delays have compounded.

The nineteen other SNYC nonprofits are in this same sad, frustrating boat.

Stabilizing NYC is a \$3.70 million City Council Discretionary Initiative funding 20 groups, administered through HPD. For FY23, the Stabilizing NYC Coalition organizing members must complete a minimum of \$160,000 of tenant organizing deliverables. We must pay and support staff to do outreach, develop tenant associations and run building campaigns. We must pay and support staff to manage the burdensome administrative work of registering the contracts and reporting on deliverables. Yet most of the groups are waiting on our FY22 money, which began on July 1, 2021.

As of early March

- None of the FY23 contracts have been registered & the contract process only began last month
- Only a couple groups has gotten their FY22 contracts registered but has not received any payments for the invoices they submitted

Sadly, this is not unusual but seems worse than ever.

- FY21 contracts took over a year for all groups to get registered, with most contract registrations happening at the end of 2021, 18 months after the contract started.
- This has been true for FY20, FY19, FY18 etc....

This is unacceptable and immediate action needs to be taken.

The solutions potentially fall into two buckets- 1) addressing the backlog of contract registrations and payments and 2) ensuring the process is better for FY24

For the **backlog at HPD** specifically we are asking for:

- 1. Groups to immediately receive a significant portion of owed money through advances or bridge loans from 7/1/2021 through 12/31/22**
  - a. Advances given or Bridge loans to be expedited for groups whose FY22 contracts not registered
  - b. Advances given or Bridge loans to be expedited to groups for FY23 contracts not registered by end of the fiscal
- 2. HPD to hire more contract managers to process contract registration and invoicing so that the rest of FY22 and FY23 money can be paid to groups**
  - a. Commit to hiring and training enough staff to have the FY22 contracts registered by April 1
  - b. Commit to hiring and training enough staff to have the FY22 contracts submitted invoices processed and paid by June 30, 2023
  - c. Commit to hiring and training enough staff to have the FY23 contracts registered by July 1, 2023
  - d. Commit to hiring and training enough staff to have the FY23 contracts submitted invoices processed and paid by June 30, 2023
- 3. Monthly meetings with HPD, MOCS and council staff to address the contracting delays**
  - a. Provide updates on the status of contracts and invoices for each group
  - b. Identify & address bottlenecks and common issues with PASSPort and users
  - c. Identify & address training and support needs for the groups and agencies

For a better FY24, there needs to be an on-going review of the procurement steps to identify and fix bottlenecks and redundancies in both the staggering and confusing amount of paperwork required and the process which the paperwork is reviewed by various agencies

**We applaud the legislation being introduced.** Close monitoring through a taskforce ("procurement policy board") and database to track compliance time and identify issues is a critical step and concur there must be reasonable timelines set for procurement and MOCS must streamline and improve the process.

- The enormous amount of paperwork required year after year to register each contract needs assessment
- This paperwork is not clearly requested- if one takes a look at MOCS 's page for non-profits right now, there are several key documents needed that are missing from their list.
- Further, the lag in processing this paperwork results in documents expiring and needing to be resubmitted.

- Process/ flow of paperwork is insane: I have seen glimpses of the flowchart from award issued to registration and it's kafka-esque.

**Why can't the process for certifying Vendor responsibility to do work with the City and the individual contract registrations be separate processes?** This would save an enormous amount of time for both the organization gathering and submitting all the paperwork- and the agency reviewer.

Starting in FY24 Community groups should be certified to receive city funding on an annual basis (Vendor responsibility determination). The certification dates can be staggered over the year to not overload MOCS.

1. Groups receive advances at the start of the fiscal year
2. Contracts registered within 6 months of getting an award. Not one to two years!
3. Community groups should be certified to receive city funding on an annual basis – the Vendor responsibility determination should be a separate process instead of being repeated with every distinct contract an organization holds in a fiscal year.
  - o The certification dates can be staggered over the year to not overload MOCS.

In conclusion, years of egregiously late payments on the HPD discretionary contracts have compounded and are jeopardizing the impact of my organization and the SNYC coalition. Organizations lose resources fighting not for their missions, but cash-flow solutions. These multi-year funding delays hurt the low-income communities of color the Council intends to empower.

Read Testimony:

Good afternoon and Hello! My name is Jackie Del Valle from **TakeRoot Justice** and the **Stabilizing NYC Coalition** or **SNYC**.

Thank you Council Members for holding this hearing and the tough questions you are asking!

I have been directly working in **procuring awards for discretionary funding** for over 15 years and it's always been long and painful but things seem as bad as ever, despite having on-line/digitized portals and processes and a more committed administration.

As the council and my colleagues have testified today, nonprofits receiving **discretionary funding** are asked to perform vital services, meet deliverables, run programs, pay and manage staff yet we do not see the money until long after the fiscal year has ended. This has been happening year after year- and these multi-year funding delays have compounded.

For this current fiscal year my organization TakeRoot Justice was awarded a little over \$2 million in discretionary funding.

- We have not received any of this money and our HPD awards, which include that SNYC Initiative, have only just begun the contract registration process.
- We also have not registered our FY22 HPD contracts.
- The nineteen other SNYC nonprofits are in this same sad, frustrating boat.

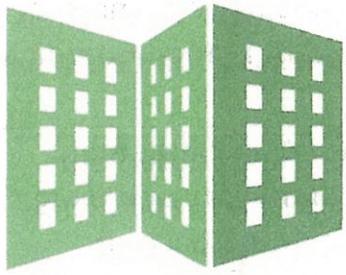
For the backlog we ask, first and foremost, Groups to immediately receive a significant portion of owed money through advances and bridge loans.

Starting in FY24

- Groups receive advances at the start of the fiscal year
- Contracts registered within 6 months of getting an award. Not one to two years!
- Community groups should be certified to receive city funding on an annual basis – the Vendor responsibility determination should be a separate process instead of being repeated with every distinct contract an organization holds in a fiscal year.

Years of egregiously late payments on the HPD discretionary contracts have compounded and are jeopardizing the impact of my organization and the SNYC coalition. Organizations lose resources fighting not for their missions, but cash-flow solutions. These multi-year funding delays hurt the low-income communities of color the Council intends to empower.

*fighting predatory equity and tenant harassment*



**STABILIZING  
NYC**

*organizing nyc tenants for the right to stay in our homes and communities*

## **FY 2024 Initiative Funding Request For \$4,000,000**

**Stabilizing NYC requests \$4,000,000 in City Council initiative funding** for the tenth year of our highly successful program to combat harassment, evictions, and the loss of affordable housing at the hands of predatory equity and speculative investors. *Stabilizing NYC (SNYC) is a citywide coalition combining legal, advocacy and organizing resources to organize tenant associations and landlord coalitions.* SNYC members provide outreach, tenant rights education, leadership development, and legal defense and support.

Safe, affordable housing continues to be under threat as we emerge from the pandemic. Courts have been overwhelmed with eviction cases since the moratorium was lifted and tenants struggle to pay rent. **Predatory Equity & Speculation disproportionately forces out tenants in BIPOC communities and turn to smaller properties for investments.** SNYC tenants grapple with landlords who use a variety of harassing tactics to displace tenants to flip buildings out of regulatory status in order to maximize profits over people.

- aggressively pursue eviction cases even where back rent has been paid by ERAP or where there are ERAP stays
- refuse to make repairs, forcing tenants to live in dangerous & unhealthy conditions
- warehouse vacant apartments, hoping to ultimately circumvent rent regulations

**Housing justice is racial justice.** Decades of government disinvestment in communities of color has been exacerbated by redlining, speculation, and overleveraging. Landlords continue to benefit from systemic racism by going unpunished, face little accountability, and are rewarded for their negligent behavior. Landlords wield power over communities through denial of services, neglect repairs, illegal construction, etc and are rarely held accountable by city and state agencies. Private equity companies and speculators are working every day to find “opportunities” in this crisis as they commodify housing and seek to displace our communities for their profit.

**Organizing is essential to keep tenants safe and to address the unjust impacts on the communities we organize.**

## **STABILIZING NYC MEMBERS:**

<b>Manhattan:</b>	CAAHV: Organizing Asian Communities • Cooper Square Committee • Good Old Lower East Side (GOLES) • Housing Conservation Coordinators • Met Council on Housing
<b>Bronx:</b>	Community Action for Safe Apartments (CASA) – New Settlement • Mothers on the Move • Northwest Bronx Community and Clergy Coalition • Banana Kelly Community Improvement Association
<b>Brooklyn:</b>	Fifth Avenue Committee • Flatbush Tenant Coalition • IMPACCT Brooklyn • Neighbors Helping Neighbors • St. Nicks Alliance • Urban Homesteading Assistance Board (UHAB)
<b>Queens:</b>	Asian Americans for Equality (AAFE) • Catholic Migration Services • Chhaya CDC • Woodside on the Move
<b>Citywide:</b>	TakeRoot Justice

Over the last 9 years, Council funding has allowed us to create and strengthen vast networks of tenant associations across the city. Our work results in an **improved and well-maintained NYC housing stock that's kept affordable for our working-class families and seniors.**

**SNYC has organized & supported hundreds of tenant associations throughout the City. From this base we have...**

- Formed coalitions across building portfolios
- Built campaigns to thwart predatory equity tactics through direct & legal action
- Forced unscrupulous landlords to make improvements and provide tenant protections across their portfolios
- Won rent strikes & stopped evictions
- Held landlords accountable for incorrect rent amounts and received the ERAP protections that they're entitled to in housing court.

Tenant organizing builds community, where people with varying levels of vulnerability or marginalization, including immigration status, support each other. Members organizing Tenants on the ground creates lasting networks that are crucial when our communities face crises - such as COVID-19 - and need access to resources and information beyond housing as well. **Funding will continue to allow SNYC to fight speculation & displacement, develop dynamic tenant leadership and neighborhood structures.**

Last year, the City Council generously awarded us \$3,700,000 to continue our work. We are requesting \$4 million to allow a 9% COLA increase to each of the 20 coalition members, helping to ensure that we can continue to do the same amount of work as business and living costs have risen sharply. *With the additional increase of \$300,000 we can protect more homes, win more building improvements and strengthen community organizing across the City.*



TakeRoot collaborates with 70+ groups organizing low-income, BIPOC and immigrant communities throughout NYC to serve 2100+ New Yorkers per year and share \$20 million+ in support for work toward racial, social and economic justice. We are proud to work with the following organizations:

#### The Bronx

- Banana Kelly Community Improvement Association
- Crotona Community Coalition
- Green Worker Cooperatives\*
- Mary Mitchell Family and Youth Center
- Mothers on the Move/ Bronx Organizing Neighborhoods & Development (BOND)
- New Settlement Apartments/Community Action for Safe Apartments (CASA)
- Northwest Bronx Community and Clergy Coalition & the Bronx Community Land Trust
- Pan-African Community Development Initiative
- South Bronx Tenant Movement

#### Brooklyn

- Brooklyn Movement Center
- Carroll Gardens Association
- Carroll Gardens Nanny Association
- Center for Family Life in Sunset Park
- Cypress Hills LDC
- East New York Community Land Trust
- Equality for Flatbush
- Fifth Avenue Committee
- Flatbush Tenant Coalition
- Haitian Women for Haitian Refugees\*
- IMPACCT Brooklyn
- Neighbors Helping Neighbors
- Red Hook Initiative
- St. Nicks Alliance
- Worker's Justice Project/Proyecto Justicia Laboral\*

#### Queens

- Adhikaar\*
- Chhaya Community Development Corporation
- Desis Rising Up and Moving\*
- MinKwon Center for Community Action
- New Immigrant Community Empowerment
- Project Hajra
- Ridgewood Tenants Union
- Woodside on the Move

#### Manhattan

- African Communities Together\*
- Asian Americans For Equality\*
- CAAAV Organizing Asian Communities\*
- Chinese Staff and Workers' Association
- Cooper Square Committee
- East Harlem El Barrio Community Land Trust
- Good Old Lower East Side (GOLES)
- Harlem Solidarity Defense
- Little Sisters of the Assumption
- Movement for Justice in El Barrio
- The Residents to Preserve Public Housing
- University Settlement

#### Staten Island

- La Colmena

#### City-wide

- Arab American Association
- Asian Americans for Equality
- Association for Neighborhood and Housing Development
- Black Alliance for Just Immigration
- Damayan Migrant Workers Association
- Domestic Workers United
- Flanbwayan Haitian Literacy Project
- Laundry Workers Center
- Make the Road NY
- National Domestic Workers Alliance
- National Mobilization Against Sweatshops
- NYC Network of Worker Cooperatives
- Participatory Budgeting Project
- Right to Counsel NYC Coalition
- Rise
- Sylvia Rivera Law Project
- Tenants and Neighbors
- VOCAL-NY
- Urban Upbound

*\*These organizations also offer services to communities in other borough(s) in addition to the borough under which they are listed.*



## Advancing Racial, Social and Economic Justice in NYC Communities

TakeRoot Justice provides legal, participatory research and policy support to strengthen the work of grassroots community-based organizations in New York City to dismantle racial, economic and social oppression. We partner with dozens of grassroots community-based organizations each year (see partial list on reverse) that build leadership and power within New York City's low-income communities, particularly immigrants, communities of color and others who are traditionally excluded from policy-making. Founded in 2001 as a project of the Urban Justice Center, TakeRoot has been an independent, 50-person nonprofit organization since July 2019.

Our current areas of work include:

- Tenants' Rights
- Workers' Rights
- Immigrants' Rights
- Consumer Justice
- Equitable Neighborhoods & Cannabis Equity
- Participatory Research and Policy
- Technical and Capacity Building Assistance for Nonprofits and Small Businesses

### FY24 Funding Requests

TakeRoot participates in several citywide council funding initiatives designed to provide critical services to low-income NYC communities. They include:

- Stabilizing NYC
- Legal Services for the Working Poor
- Low Wage Worker Support
- The Worker Cooperative Business Development Initiative
- Community Land Trust (CLT) Initiative
- Community Housing Preservation Strategies (aka Housing Preservation Initiative and Community Consultant Contracts)

TakeRoot's innovative research, legal services and support for community-based organizations have played a crucial role in underserved NYC communities for over 20 years, and with the Council's support we look forward to engaging in the hard but necessary work of helping these communities recover from the devastating effects of the pandemic.

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**New York City Council  
Preliminary Budget Hearing  
Committee on Contracts  
March 21, 2023**

**Testimony of The Bronx Defenders  
By Justine Olderman, Executive Director**

The Bronx Defenders (BxD) provides innovative, holistic, and client-centered services to low-income people of the Bronx. These services include criminal defense, family defense, immigration representation, civil legal services, and social work support and advocacy. Our staff of over 450 represents more than 20,000 individuals each year and reaches hundreds more through community intake and engagement.

We represent Bronx residents from predominantly low-income communities of color who are already subject to high levels of system involvement. They need the support and services of our organization more than ever. The Bronx is the most systematically under-resourced borough in New York City and home to the poorest urban congressional district in the United States. As recent figures illustrate, the people we serve are fighting just to survive.

- **Eviction:** The Bronx has the most eviction filings in New York City and accounts for the largest percentage of pending evictions city-wide.
- **Unemployment:** The Bronx has the highest unemployment rate in New York City at 7.6%.
- **Food Insecurity:** In the Bronx, one in four residents faces food insecurity, 1.7 times the state average.
- **Under Education:** The Bronx has the lowest high school graduation rate of the five boroughs and of the ten precincts with the most child in crisis interventions by the NYPD at schools, eight are in the Bronx.
- **Incarceration:** BxD represents 280 people currently held in NYC jails, where 19 people died last year.
- **Family Separation:** The Bronx has the highest family regulation caseload in the City and the most children in the foster system.
- **Youth Detention:** The Bronx has the largest number of young people in secure detention of all five boroughs.

These are the people that BxD serves. As an organization that helps to address the underlying issues that drive people into the various legal systems and mitigate the devastating impact of that involvement, such as deportation, eviction, the loss of employment, student loans, and public benefits, and removal of children from their homes, it is not surprising that our support and services serve a critical need. The people we serve have been negatively impacted by decades of divestment and face extraordinary legal and non-legal challenges. Generations of underfunding and hyper-

surveillance drive low-income Bronx residents into punitive legal systems. Providing the high-quality, holistic services that they need and deserve is more resource intensive than ever before.

As detailed below, BxD needs an increase in funding for fiscal year 2024 to address historical underfunding, meet new needs, and ensure that the people we serve receive high-quality, zealous, and holistic representation.

#### *FY24 Request for Increased Agency Funding*

- **Criminal Defense:** Together, NYC criminal defense providers request an increase of \$135 million. This increase is broken down into the following categories:
  - An increase of 25% for personnel/salary costs (BxD - \$6.5 million)
  - An increase of 10% for health care/fringe costs (BxD - \$200,000)
  - An increase of 3% for OTPS costs (BxD - \$330,000)
  - An increase of \$41.5 million to fund the costs of discovery implementation (BxD - \$3.9 million for discovery paralegals and \$1.25 million for discovery technology)
  - An increase of \$10 million to fund representation on homicide cases (BxD – \$950,000)
  - An increase of \$250,000 for other BxD technology needs
- **Family Defense:** Together, NYC family defense providers request an increase of \$48 million of which BxD requests a proportional increase, including:
  - An increase of 25% for personnel/salary costs
  - An increase of 10% for health care/fringe costs
  - An increase of 3% for OTPS costs
  - An increase of \$11.4 million to meet state caseload standards
- **Eviction Defense:** Together, NYC housing defense providers request an increase of \$300 million to ensure full staffing and funding to serve tenants facing eviction in New York City of which BxD requests a proportional increase, including:
  - An increase of 25% for personnel/salary costs
  - An increase of 10% for health care/fringe costs
  - An increase of 3% for OTPS costs

#### *FY24 Request for New and Continued Council Funding*

- **Deportation Defense:** \$5,533,333 for the New York Immigrant Family Unity Project to meet our City’s commitment to defending New York residents against deportation
- **Right to Family Advocacy Project:** \$825,000 in funding for the Right to Family Advocacy Project to maintain the ability of parents to access legal counsel and advice when navigating family court system investigations
- **Prisoner’s Rights Project:** New funding of \$250,000 for our Prisoner’s Rights Project, which advocates on behalf of people represented by BxD incarcerated in NYC/NYS jails and prisons
- **Education Project:** New funding of \$150,000 for our interdisciplinary Education Project to provide education advocacy and support for young people represented by BxD

- **Mentoring Program:** New funding of \$140,000 for our Mentoring Program which connects young people in the Bronx with mentors from BxD and gives them the opportunity to create change in their communities
- **Bronx Cannabis Hub:** New funding of \$100,000 for the Bronx Cannabis Hub to provide support to system-impacted people applying for the new retail licenses under the Marijuana Regulation and Taxation Act (MRTA)
- **Community Engagement Project:** New funding of \$50,000 for our Community Engagement Work including Know Your Rights Trainings and BxD’s annual Block Party and Resource Fair
- **Community Immigration Advocacy:** New funding of \$20,000 for our Immigration Community Intake Project to address unmet and increasing community need

### **The Problem of Chronic Underfunding**

Our funding crisis, like that of the other legal service providers, is the result of the City’s failure to fund our programs sufficiently to fully implement discovery reform, keep pace with the increase in homicide cases, allow us to meet caseload standards for parent representation, and hire enough staff to represent all tenants under the Universal Access to Counsel Program. In addition, flat funding by the City has made it impossible for us to offer competitive salaries to attract and retain talent and cover the costs of increases in health care, occupancy, and OTPS. As a result, BxD, along with the other legal service providers, are requesting the following increases in funding:

*BxD requests a 25% increase in personnel funding to attract and retain talent*

Our current funding is insufficient to allow us to pay our staff competitive salaries. Not only is this unfair to the hard-working staff who are devoting their careers to serving people in need, but it has had a significant impact on our ability to retain staff. Chronic underfunding has created an unprecedented staffing crisis. Experienced attorneys and advocates have left our office in droves. The result is crushingly high workloads for those left behind and a shrinking pool of experienced staff to handle the most complex and serious cases. This feeds a vicious cycle of burnout, attrition, vacancies, and increased workload. In our Family Defense Practice, we have lost half of our attorneys since FY20. In our Criminal Defense Practice, we have lost over 30 attorneys, which is more than 25% of our attorney staff. While losing 30 attorneys is significant, what is more concerning is that the average experience level for departing attorneys was eight years. Of equal significance is that BIPOC attorneys comprised nearly half of the departing attorneys from our criminal practice. In the months and years ahead, we must dedicate more resources to better support BIPOC colleagues as well as colleagues whose identities and lived experiences reflect those of the communities we represent.

While we have tried to hire aggressively to fill open staff lines, offering low salaries in a city as expensive as ours has hampered our ability to recruit, particularly more senior staff. Most of our new hires are recent law graduates, fresh out of school, with no previous legal experience. There is an extremely steep learning curve in effectively representing people facing loss of their liberty, children, housing, or ability to stay in this country. This means that new staff members are not able to take on a full caseload or handle the most serious cases immediately. This also means a need

for an increased supervisory and training investment, which puts an additional burden on senior staff members who are trying to make sure that people facing the most serious cases receive the representation they deserve. Caught between low pay and high workloads, it is a very difficult time to be a public defender in New York City, and many people are choosing to leave a profession they love rather than trying to make the impossible work for themselves and their families.

When defenders leave, the people they represent end up transferred to a new advocate for representation. There are several direct consequences of this disruption. First, assignment of new counsel often slows down cases as the new legal team must take the time to learn the history of the case, evidence, and person they represent, which delays hearings, trials, or other resolutions in cases. Most significant, however, is the impact on the experiences of clients as they face cases with life-altering, high stakes. People end up having to retell traumatic stories over and over or place their trust in a new advocate just to have them leave. Some people facing the most serious cases have been represented by two, three, four attorneys while they wait for their day in court. This is a frustrating, untenable situation for public defenders, but it is an unconscionable, shameful way to treat low-income New Yorkers who come for help in their times of greatest need.

*BxD requests a 10% increase in health care costs and 3% increase in OTPS*

In addition to salary increases, our flat funding does not cover year-over-year cost increases for healthcare premiums, utilities and space, and other OTPS costs, which have continued to rise. Each year, we have faced at least a 10% increase in health care costs and on average a 3% increase in occupancy and OTPS. Moreover, our negotiated collective bargaining agreement requires annual salary increases, which also trigger related increases in benefits. Despite these unavoidable and anticipated cost increases, our baselined contracts remain flat.

With no other source of funding to cover these cost increases, we have no choice but to reduce staffing to make up the deficit. When we reduce staffing, however, workload goes up, morale goes down, and our experienced, dedicated, and talented staff leave, setting off a vicious cycle that impacts the quality of representation and harms the people we serve. While the city does not characterize its refusal to cover the costs of unavoidable and anticipated increases “a budget cut,” it has the exact same impact as if the city reduced our funding each year. Not only does the City’s insistence on flat funding harm the people we serve but it reinforces the inequity that already exists in our legal system since these increased costs are routinely covered for other stakeholders like the City’s District Attorneys, Law Department, and Administration for Children’s Services.

*BxD requests an increase to our criminal, family, and housing baselined contracts*

BxD is requesting an increase to our criminal, family, and housing contracts. These increases are necessary to ensure the highest level of representation that the people we serve have come to expect and deserve from us.

For more detailed information about each of our core practice areas and the need for additional funding to support services for clients, see below.

### **The Problem of Contract and Payment Delays**

The City is failing the low-income people of the Bronx who rely on our legal and social support services because of the chronic underfunding of our organization. But underfunding is only part of the problem. The chronic delays in the RFP process, contract and amendment registration, and payment on invoices have repeatedly threatened the organization's ability to make payroll and provide uninterrupted services to low-income New Yorkers in need.

*Registration delays and undelivered funding have repeatedly put the organization on the brink of insolvency*

The City has failed to live up to its contractual obligations, failed our organization, which it claims to partner with, and more importantly has turned its back on the tens of thousands of people who rely on our services each year. The delays in the registration of our contracts have ballooned to epic proportion, requiring us to find months, if not years' worth of funding to operate our organization while our contracts make their way in fits and starts through the bureaucratic maze that is the City's procurement process.

At various points in FY23, the City of New York owed BxD over \$10 million, a significant portion of our total annual revenue. Currently, we do not have an endowment, reserve fund, or line of credit, in part, because lenders, investors, and funders do not trust the City to live up to its commitments.

Because we do not have enough cash available to fund the full cost of operating our organization, we must triage our spending, which means paying our staff and not paying for rent, utilities, software to do legal research, expert witnesses, and court reporters, among other critical expenses. We also delay filling open staff lines, resulting in increases in workload, decreases in the quality of representation and morale, and an increase in attrition. These contracting delays also strain our small finance and operations team as they field angry calls from unpaid vendors, seek loans, and beg, plead, and cajole City agencies to move our contracts forward and pay our invoices.

Two effects of this delay in contract registration and payment are non-reimbursable interest accruals and forced underspending. While we desperately need to hire staff, pay our bills, and make purchases to keep our office operational, the extremely slow procurement process and structure of our cost-reimbursement contracts means that we have to borrow more and more to stay afloat. However, the large amount of interest we incur is not reimbursable under our contracts, which requires us to fundraise just to cover our interest payments, rather than support our programmatic mission. So far this year, we have incurred over \$300,000 in interest. Beyond this, cash flow pressures cause us to artificially limit our spending on important costs, including replacement staffing and basic infrastructure updates, which, in turn, affects the quality of services we can provide to the community.

The City's "Taskforce to Get Nonprofits Paid on Time" documented the harmful impact of these delays on service providers across the City and issued a series of recommendations. We are seeking the Council's support in ensuring these recommendations are advanced as quickly as possible. In addition, we are asking the Council to provide more funding for the Fund for the City of New York. The Fund does not have enough money to provide the bridge loan we need when our contracts are delayed. Finally, we are also asking the Council to explore, with the Comptroller and

other City agencies, ways that the City can be a guarantor for commercial banking loans. Because the City is judgment proof, many commercial lenders are reluctant to extend a line of credit to non-profits, especially in light of the City's worsening performance when it comes to on-time registration and payment.

While our office does everything in our power to expedite contract registration and payment, the technology used by the City to execute contracts and pay invoices is complicated and difficult to navigate. Our staff spend an inordinate amount of time uploading the same organizational documents multiple times to various portals for each contract and amendment. Recently, our finance team has also begun spending time answering new questions about invoices and justifying spending for obvious expenses that have never previously been questioned. For example, our finance team was recently asked to explain what "office supplies" were used for in order to justify payment on an invoice. The use of resources to impose this new level of micromanagement and scrutiny is unnecessary and demoralizing given that it is the City's inaction on contract registration that has left our office on the edge of financial collapse.

A budget should be more than a list of numbers. It should reflect the City's commitments and values. But it can only reflect the City's commitment and values when it comes to non-profits if it translates into services and support for the low-income people in need who are the intended beneficiaries.

### **Our Model Works and Saves Millions of Dollars that Can be Reinvested in the Communities we Serve**

Given the impact of the pandemic on our clients, the continued targeting and enforcement against them, and the lack of access to the systems that are supposed to protect them, the representation, resources, and support of BxD's holistic defense model are more important than ever. When properly funded, our model is perfectly designed to adapt to this moment. It is built to address the underlying issues that drive people into the various legal systems and to mitigate the devastating impact of that involvement. Moreover, it is made to be flexible and adapt to the evolving needs of our clients, their families, and their communities. And most importantly, it works.

At BxD we have:

- Saved our clients 1.1 million days behind bars
- Reduced incarceration rates by 16%
- Cut sentence length by 24%
- Increased the chances of detained immigrants winning their deportation case by 1,100%
- Reduced time in foster care by four months
- Prevented family separation and foster care placement for 80% of parents we represented during an ACS investigation

Investing in holistic public defense not only provides critical support and services to those who need it most, it also saves the City and state millions of dollars that can be reinvested in impacted communities. One study showed that our model:

- Saved taxpayers \$165 million dollars in incarceration costs over a ten-year period
- Saved NYC \$40 million annually in foster care costs

Collectively, our staff is making sure that the most vulnerable among us are not forgotten. But we cannot deliver high-quality holistic defense without full funding and timely registration of our contracts. Below is a closer look at each of our core practice areas and how they have evolved to meet the needs of the people we represent as well as the obstacles we face in our mission to serve Bronx residents navigating legal system involvement.

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### **Civil Action Practice**

A sweeping array of civil punishments are triggered the moment someone faces arrest, deportation, or prosecution by ACS. Our clients risk losing their jobs, homes, income, property, and basic civil rights — hardships that can be devastating and long-lasting. This civil fallout, sometimes referred to as “collateral consequences” or “enmeshed penalties,” effectively traps individuals in a cycle of poverty and system involvement. We know it does not have to be this way.

At BxD, we have the unique opportunity to intervene early and break this cycle by integrating transformative civil action within our criminal, family, and immigration defense work. Our civil consequences experts work collaboratively to represent our clients in civil courts and tribunals throughout the City and to help clients meet basic civil needs and protect their civil rights.

In addition to our holistic civil advocates, we are one of six organizations in the Bronx providing the Right to Counsel in Housing Court. We also have a team of specialists dedicated to helping community members access to emergency and other public benefits and as well as an integrated civil social work team.

#### **Intake:**

##### *Civil Holistic Defense Team*

Our Civil Action Practice supports clients through referrals received from our Criminal Defense, Family Defense, and Immigration Practices and addresses the civil issues that arise because of court system involvement. In 2022, we fielded over 2,400 internal referrals which led to our advice, advocacy, or representation for enmeshed civil problems. Currently, we support clients facing evictions and housing issues, including eviction proceedings, emergency lockouts, emergency repairs as well as access to shelters for clients experiencing homelessness; property seizure including retrieving money, vehicles, and other vital property; job and employment license preservation, including aid for pandemic recovery and benefits applications, for those who need food assistance, unemployment insurance and other aid. Our attorneys, social workers, and advocates work together on holistic teams to meet these needs.

##### *Right To Counsel Housing Team*

In addition to internal referrals, we provide counsel in housing court in the Bronx and connect with tenants via virtual Housing Court intake. Every month, we perform intake with tenants at risk of eviction and interface with more than 1000 tenants a year. New York City and the Bronx, in particular, are facing an eviction crisis. Because of the high-volume calendars in the Bronx, only a fraction of individuals who qualify for and request representation receive counsel. Other organizations are in the same position. Thousands and thousands of tenants who should qualify for counsel are not receiving representation and hundreds, if not thousands of tenants are falling through the cracks and are facing eviction.

### *Benefits Access Team*

BxD's Benefits Team provides Bronx community members with wrap-around benefits services, and advocacy to access emergency and ongoing benefits. Our Benefits Team serves approximately two thousand community members each year, helping them submit applications, recertify, and obtain crucial public benefits. We offer walk-in intake to community members as well as a benefits hotline. Decades of successful outcomes have earned BxD a well-deserved reputation for providing high-quality benefits advocacy. The Bronx community turns to us to receive compassionate and personalized assistance navigating the confusing and opaque public benefits bureaucracies.

The Benefits Team also works directly with BxD's housing attorneys and advocates to help tenants secure emergency rental arrears, housing subsidies, housing benefits, and relocation resources. In addition, the team provides support for benefits-related referrals from other BxD legal practices and provides expertise to enable access to benefits for people who face barriers due to criminal, family, and immigration system contact.

### *Social Work Team*

Our Social Work currently consists of two social workers in our civil practice who, in 2022, assisted 131 people with their mental health resource needs, including access to treatment programs and other social services.

### *Serving the Bronx Community's Civil Legal Needs*

We have an ever-rising number of community members who need civil legal assistance. However, we have not received the funding necessary to support this rising need. In order to assist community members, we have established two telephone helplines: we have a bimonthly Housing Helpline for community members to call our team with housing questions and a Benefits Hotline for community members to call with their public benefits access questions and needs. Though we do our best to connect with people who reach out for help, we have a long waitlist and backlog of callers who are seeking representation, advice, and other resources.

**Pending Cases:** In 2022, BxD represented 1,232 people facing civil legal matters. Our staff have full, active caseloads and are engaged in all levels of advocacy, including full representation. They collaborate across practices and within the practice, across roles, to meet the civil needs of the people we represent. Our work is hybrid: Court appearances are increasingly in person, though some court and administrative appearances remain virtual.

**Looking Ahead:** Our embedded civil legal services have never been more critical. The community we serve, even before COVID-19, had significant civil legal and social service needs. The pandemic magnified these needs and created new ones with respect to access to jobs, benefits, and housing. As New York courts have transitioned back to in person appearances, we are now defending clients against the civil cases that have re-started against them along with new civil issues that have emerged.

### **Criminal Defense Practice**

Criminal defense attorneys at BxD work side-by-side with the other advocates on holistic teams to identify the causes of our clients’ criminal system involvement and to protect them from the enmeshed penalties associated with their cases. We spend time getting to know our clients and gaining a deeper understanding of their lives and needs. Armed with this understanding, we pursue justice for our clients by thoroughly investigating their cases, presenting context for their lives and actions, raising novel legal arguments, and using creative tools of persuasion to succeed at trial.

Because each client is unique, we advocate for individualized and comprehensive alternatives to incarceration rather than relying on a “one size fits all” solution to complex problems. Moreover, our support and advocacy are not confined to the courtroom and do not begin or end with the criminal case. Our social workers are integral members of the legal team who help to address our clients’ legal and non-legal needs. Providing seamless services that address all our clients’ needs is at the core of holistic defense and redefines what it means to be an effective public defender.

**Intake:** Arraignments returned to in person proceedings in July 2021. In-person arraignments allow our attorneys and social workers to meet our clients and immediately connect clients to services in the community and make meaningful arguments to avoid incarceration. While arrest numbers in Bronx County, and thus court intake numbers, have fluctuated over the past year, recent arrest patterns resemble pre-pandemic numbers.

#### *Increase in Felony Cases*

The City’s continued intense focus on gun-related arrests and prosecutions accounts for some, though not all, of the increases we see currently. Of even more significance than the number of cases overall is the breakdown in types of case. Now, nearly half of our pending cases are felony cases, and of those, the vast majority involve violent felony charges. This recent trend towards a nearly 50-50 split between misdemeanor and felony cases is significant. It requires more experienced attorneys to handle a caseload that now includes a significant number of violent felony cases, as well as additional resources – both in terms of personnel and technology – to address the challenges of more complex litigation and client needs.

#### *Early Defense*

In addition to our traditional intake through arraignments, we also meet and counsel clients through our Early Defense work. BxD provides a 24-hour hotline that is answered by members of our Early Defense Team, including criminal defense attorneys. Clients also come to us through community intake, both by visiting our office in person and calling the office directly. Some clients have legal questions that can be easily addressed in a single phone call or meeting; other clients need

immediate and ongoing representation. By working with clients before an arrest even occurs, we can provide legal advice and guidance, as well as early investigation and also begin establishing meaningful relationships with clients, their families, and support systems, all of which can provide a foundation for better advocacy and outcomes.

**Pending Cases:** With certain very limited exceptions, all Criminal Court and Supreme Court appearances are once again occurring in person. Attorneys, social workers, investigators, and other advocates regularly meet with clients and each other in person as well. We continue to hold video conferences with our clients in DOC custody and meet with clients at DOC facilities. The ongoing humanitarian crisis at DOC has, however, impaired our clients' meaningful access to counsel, as DOC often fails to bring our clients to video conferences and even to court appearances. (The City's own data reflects that 1 in 4 people held in DOC custody are not brought to court on time. <https://gothamist.com/news/1-in-4-people-jailed-in-nyc-are-not-being-brought-to-court-on-time>)

Hearings and jury trials are taking place in the Bronx courthouse. But the number of cases awaiting trial – including cases for clients who have been incarcerated for lengthy periods of time – is significant. And the number of misdemeanor cases pending in Bronx County for over two years continues to rise, jeopardizing the tremendous success of our concerted efforts to curb court delay in the Bronx over the past several years. BxD has demonstrated its ability not only to pinpoint systemic issues ripe for reform but also to effect widespread change, such as the efforts to reduce court delay through ongoing and collaborative work. We will continue to problem-solve and innovate as we work to reduce the negative effects that delays – including those brought by the pandemic – have had on so many of our clients and the system as a whole.

Attorneys in our Forensic Practice Group (FPG), which includes attorneys with expertise in ballistics, identification, false statements and confessions, digital forensics, and DNA, also work to ensure that we are bringing the latest knowledge and legal approaches when navigating the many types of forensic evidence in cases. Such evidence – including the ever-increasing use of DNA and digital data, such as evidence retrieved from cell phones, cell site data, facial recognition technology, is especially prevalent violent felony cases, which represent an increasing proportion of our caseload.

### *Homicide Practice*

Our homicide caseload continues to grow exponentially. We are contracted to represent 28% of the homicides in Bronx County, originally estimated to be approximately 30-35 cases per year. Thus far in FY23, we have arraigned 31 new homicide cases. While we also resolved 21 homicide cases during that same time period, we still have over 90 pending homicides as of March 2023. (We similarly took on representation in nearly 60 new homicide cases in FY22 and resolved close to 30.) In short, despite resolving working tirelessly – and to great effect – to resolve a significant number of homicide cases, our pending homicide caseload remains incredibly high, especially given the insufficient funding currently allocated to support it. The fact remains that while many homicide cases will proceed to trial, they are but are part of the hundreds of cases currently awaiting trial in the Bronx.

We have expanded our homicide practice group this year, adding attorneys, social workers, and investigators to meet the growing need for representation. But the need for additional resources – both personnel as well as funding to ensure our ability to consult and work with outside experts and necessary technology – is significant, and the stakes for our clients cannot be overstated.

With pending caseloads increasing and anticipated new cases for FY24 exceeding contract expectations, additional funding is needed to ensure adequate staffing of attorneys, social workers, legal assistants, and investigators on each homicide case and to guarantee quality expert consultation when needed to zealously and effectively represent our clients. While our understanding at the start of the homicide contract had been that MOCJ would review funding needs at the end of the first two-year period, our funding has remained flat despite the dire need for additional resources.

#### *Prisoner's Rights Project (PRP)*

We provide advice and counsel to clients incarcerated in the New York City Department of Corrections (DOC) through our social work practice and PRP. PRP advocates to improve conditions of confinement for people in jail and prison, preserving the rights of incarcerated people, medical and mental health advocacy, advising clients facing disciplinary proceedings, filing article 78's, engaging in city and state coalitions, supporting grassroots efforts, lobbying, and engaging in policy reform. This work includes advocating for clients on conditions related issues, such as access to medical care, as well as advice and counsel on grievances and disciplinary processes and the filing of notices of claims. With conditions within DOC facilities in a state of complete and utter crisis – with even DOC recognizing its inability to adequately provide and meet medical and mental health needs of those in its custody – our incarcerated clients are in dire need of additional support and intense advocacy, beyond the work being done in their court cases. Our social work and PRP teams advocate with DOC, the Board of Corrections, and the Mayor's Office of Criminal Justice. We anticipate PRP's work intensifying once access to counsel at DOC disciplinary hearings – originally slated to begin in November 2021 and continuously delayed – comes into effect.

**Looking Ahead:** Discovery reform has brought critical and long overdue change to New York's discovery practice. The volume of discovery material including digital discovery, such as body worn camera videos and other video surveillance, is tremendous. Attorneys, advocates, and investigators must thoroughly review and digest this material to prepare motions, challenge certificates of compliance, respond to motions for protective orders, develop case theories and defenses, counsel clients, and prepare mitigation and negotiation strategies. The resources needed to support this work – from the technology necessary to share and store data, to software programs necessary to download and convert digital files, to personnel necessary to assist with discovery processing and compilation, to the time necessary to review and digest materials -- surpasses what was originally anticipated. We need more staff, including additional IT and administrative personnel and at least one forensic analyst/investigator to fully and effectively implement discovery reform. We hired two Legal Advocates this year to assist in organizing and digesting discovery. But that is far from what is required to support the work. With an ever-growing appreciation now for the depth and breadth of the work involved, we see the incredible benefits of

discovery reform but also the need for sufficient resources to ensure that we are fully using this material to zealously represent and defend our clients.

Beyond discovery, without additional funding for technology, we are unable to make investments in systems and that are essential to the safe and effective delivery of services to our clients. While our clients and staff have become more reliant on technology for the delivery of services, especially as a result of the pandemic, our City contracts have not sufficiently increased to meet the costs of replacement and enhancement of outdated IT equipment and systems, including meeting current cybersecurity standards, and new systems to meet emerging needs.

### **Education Project**

BxD launched our Education Project in 2016 to bring a holistic defense approach to the educational needs of young people involved in the criminal, family, and immigration legal systems. Our Education Project advocates for young people who need support accessing education. The stakes around education are incredibly high for our clients: engaging in the right educational program can help keep young people out of jail, in their communities, and with their families. Our interdisciplinary expertise addresses the complex relationship between the education system and the criminal, family, and immigration legal systems and helps secure better outcomes for the young people we serve.

The Project is currently staffed by one attorney and one social worker who represent clients referred to the program from other BxD practices. When our education team connects with a new client, they conduct an in-depth assessment to understand their strengths, needs, and the connection between their educational goals and legal case. In keeping with our client-centered approach, they listen to each student to understand their experiences in the school system and work with them to develop an educational plan. They collaborate with clients to implement those plans, including by connecting them with appropriate educational resources, navigating complicated systems such as transfers, advocating at suspension and expulsion hearings, and obtaining special education services. They support students and families by helping them obtain Individualized Education Plans and troubleshooting educational barriers that could be as complex as an unsafe school environment or as simple as a lack of technological resources to engage in education. The team has developed deep expertise in the range of educational options available to students in the Bronx, particularly those best suited to students involved in the legal system.

This work is crucial to clients' education and the outcomes of their legal cases. In a borough that is under-resourced and over-policed, stark educational disparities can compound issues of legal system involvement. With an in-depth understanding of each student's strengths, needs, and academic engagement, our education attorney and social worker advocates for students in their legal cases and uses their educational progress to push for better outcomes.

As with all of the work of BxD, this project is specifically geared to help those in the Bronx. While our education advocacy team focuses primarily on our direct service clients needing support navigating and defending their rights in the education system, our work extends to the

community through our Know Your Rights work and our policy work. They are also involved in the larger education reform and policy work to reduce the school-to-prison pipeline and make educational settings and the processes around discipline more equitable. They support organizations that work to educate youth about their rights within legal systems, including their right to a secondary education with the Department of Education. Our education work directly engages the Bronx community by advocating for more equitable access to education such as our campaign to fight for the rights of incarcerated youth at Rikers who have been systemically denied access to educational opportunities.

### **Family Defense Practice**

The dedicated attorneys, social workers, and parent advocates in BxD's Family Defense Practice zealously defend parents against the painful and unnecessary removal of their children and the dissolution of their families. Despite many studies showing that children are better off with their own parents and that they suffer short- and long-term consequences when separated from their parents, low-income parents are often targeted in child neglect and abuse investigations and lose custody of their children because they have limited resources, are unemployed, have unstable housing, suffer from mental illness or addiction, or are victims of abuse themselves. Each year, these issues drive thousands of children into the family regulation system, of which the vast majority are Black and brown. The Bronx has the highest family regulation caseload in the City and the most children in the foster system.

Once in the system, children often languish in foster homes as their parents and caretakers attempt to meet the court's lengthy and onerous requirements to secure their return. COVID-19 and the cascade of negative impacts on physical health, mental health, economic security and well-being has made it even more difficult for parents to regain custody of their children. Without a strong legal defense and the resources and support to address and resolve the problems that brought them there, many families will continue to cycle in and out of the foster system for years on end, sometimes generation after generation, destabilizing lives, families, and communities in the process.

We have created a model of interdisciplinary representation for parents charged with neglect or abuse and at risk of family separation. Our model, which provides comprehensive representation to low-income parents through teams of attorneys, social workers, and parent advocates, is nationally recognized as the most effective model of representation of its kind. Together, with the other family defense offices in New York City, we have prevented thousands of children from needlessly entering and languishing in the foster system and have reduced the foster system census in New York City by almost 50%. This translates to nearly \$40 million in annual savings in foster system expenditures for New York City and the preservation of family bonds that are priceless to our clients, their children, and society at large.

**Caseload Standards for Parent Representation.** The underfunding of our contract is clear from the caseload standards announced by The Office of Indigent Legal Services (ILS) over two years ago. Following the recommendation of the Commission on Parental Legal Representation in June 2021, ILS developed *Caseload Standards for Parents' Attorneys in New York State Family Court*

*Mandated Representation Cases (ILS Caseload Standards).* ILS is a state agency with a legislative mandate to analyze and set standards for indigent representation. They developed the standards in collaboration with the Office of Court Administration and Welfare Research Inc. The standards are based on a multi-prong statewide study that articulates the minimum attorney hours required to provide effective representation. Based on our average intake over the last four years, our budget covers roughly only half the staff required to meet the ILS standards. The ILS standards have confirmed what we have said in prior years' testimony: the current contract budget for mandated family defense is woefully insufficient.

**Historical Underfunding of Parent Representation.** Despite over fifteen years of excellent interdisciplinary representation that has saved New York City millions of dollars in foster system costs and the vast improvements our model has made to parent representation, the City has never adequately funded and supported parent defense. Years of underfunding have resulted in unmanageable caseloads and attrition in our offices. Last year, our offices worked with the Mayor's Office of Criminal Justice (MOCJ) to advocate for the Office of Management and Budget (OMB) to add revenue to our budgets which finally resulted in some additional funds, but nowhere near the amount needed to correct years of underfunding. It is imperative that the City Council work with OMB and the Mayor to appropriately fund our contracts in the FY24 budget and ensure that the RFP issued for FY25 and beyond accounts for annual increases in salaries, health care, occupancy and OTPS and allows us to meet statewide caseload standards.

**Intake:** The Family Defense Practice has continued to represent new clients charged with abuse or neglect under Article 10 of the New York Family Court Act. Before the pandemic, our initial contact with our clients was face-to-face in family court when ACS told a parent to come to court because they had filed a case. Now, even though the family court has returned intake to in person appearances, most parents do not appear in person for intake or their first appearance. We hear from our clients that ACS rarely informs them of the option to appear in family court and instead, they are given a video conference link to appear remotely. This means that we are responsible for reaching clients, counseling them about their appearance, interviewing clients and establishing trust over the phone, and facilitating their appearance in court when possible. Every case involves a request by ACS for family separation either through an order of protection excluding a parent from their home or by placement of the children in the foster system. Throughout the intake day, we litigate hearings virtually and in person so that children are not separated from their parents and needlessly placed in the foster system. Our social work staff reach out to ACS staff who rarely appear in court to help resolve issues including placement of the children, services, and visitation.

**Pending Cases:** Even though family court filings have decreased compared to before the pandemic, we carry a large pending caseload of complex cases that is staggering in scale and our overall workload has not decreased. ACS has stopped filing cases seeking only court supervision but continues to file cases in which they request family separation, which are the most challenging to resolve. These cases require intense social work advocacy because they involve more serious allegations, serious mental health issues, history of substance use, intimate partner violence, or homelessness. These cases also involve litigation of emergency hearings, motions, orders to show

cause, trials and dispositions, many of which include complex medical evidence and require the testimony of experts.

In addition, the backlog of cases caused by the pandemic has created a large and complicated pending caseload that takes much longer to resolve. At the end of FY18, just 17% of our cases had been pending for over two years, with only 9% pending for over three years. Presently, 27% of our cases have been pending for over two years and 17% of our cases have been pending for three years or more. When it takes longer to resolve child neglect or abuse proceedings, it is more likely that clients will face related proceedings including custody cases, termination of parental rights petitions, and new allegations of neglect. These cases create additional need and more work for our attorneys, social workers, and parent advocates.

Compounding the backlog is that family court continues to lack the judges, court clerks, and court officers to resume full in-person proceedings. This requires our attorneys to toggle back and forth between virtual and in-person proceedings throughout the day in their representation of clients. The work today is harder and more challenging than ever before.

**Right to Family Initiative:** Since fiscal year 2020, our Family Defense advocates offer two critical additional services to low-income parents, made possible only with City Council funding for the Right to Family Advocacy Project through the Family Advocacy and Guardianship Support Initiative. First, we provide desperately needed legal representation and advocacy to parents during pre-court investigations by ACS. Through early advocacy and identification of appropriate services and resources, our office avoids unnecessary and traumatic family separations and, often, keeps family court cases from ever being filed against families, resulting in tremendous fiscal savings for the City and greatly reducing trauma to children and parents.

Second, we provide legal representation to parents in administrative proceedings to clear or modify their State Central Register (SCR) records that result after ACS investigations, thereby expanding their employment opportunities. Our representation in SCR hearings has enabled parents to access employment and support their families. This work is more urgent than ever in light of the high unemployment rate and economic devastation brought by the pandemic. Funding this initiative is also a matter of racial justice. Black and Brown New Yorkers are disproportionately impacted by the loss of employment opportunities because of their record on the SCR: For every SCR report made regarding a white child, 6.6 are made for Black children and 4.8 are made for Latine children.

In FY22, 80% of the cases in which we represented parents during a pre-court ACS investigation were never filed in court. For the cases that were ultimately filed, children stayed home with their families or were placed with other family members, rather than with strangers in the foster system. Additionally, we were successful in amending and sealing the SCR records of parents in the administration hearing process 82% of the time. The Right to Family Advocacy Project saves families and money.

**Looking Ahead:** We are now seeing the long-term impacts of the pandemic on New York City's most vulnerable families. Economic insecurity, homelessness, the stressors of poverty, and mental health issues are the circumstances most often confused with child neglect that drive thousands of

families into the family regulation system. Despite the decrease in court filings, data shows that family separation and placements of children in the foster system are increasing. Adequate funding for family defense is more critical than ever before. This funding will enable us to recruit and train attorneys, social workers, and advocates to meet the needs of our clients and ensure that no children experience the trauma of entering the foster system unnecessarily.

As the family court expands its in-person proceedings, we will meet the challenge of mandated parent representation. With funding that supports manageable caseloads, we will ensure that families do not remain apart a day longer than necessary, reducing the trauma of family separation, curbing the short- and long-term effects of family separation, and saving the City millions of dollars in foster system costs.

### **Immigration Practice**

BxD's Immigration Practice serves clients through three related but distinct programs. We represent detained and non-detained people in deportation proceedings through the City Council funded New York Immigrant Family Unity Project (NYIFUP). We provide advice and guidance to our non-citizen clients facing criminal and family courts cases to avoid or mitigate negative immigration consequences via our *Padilla* practice. Finally, our Community Intake team provides early intervention to prevent deportation and full representation in immigration matters to Bronx residents.

**Intake:** NYIFUP providers monitor the Varick Street Immigration Court calendars and ensure that one of the providers is available to observe the court's detained docket every day. Through this process, we identify detained *pro se* non-citizens in need of immigration representation so that we can offer our services. Most of our detained clients are incarcerated at the Orange County Jail (OCJ) in Goshen, New York, where access to counsel challenges persist.

Our *Padilla* practice receives cases through referrals from our Criminal Defense and Family Defense colleagues seeking advice about the immigration consequences of pending cases. We not only provide advice but also conduct a full intake so that we can identify potential defenses against deportation as well as opportunities to affirmatively or proactively seek immigration status to reduce the risk of future contacts with the deportation system.

Finally, our Community Intake practice serves community members who contact our office seeking advice or assistance on immigration matters or through referrals from community or partner organizations.

### **Pending Cases**

#### *Deportation Defense for Detained People*

ICE's enforcement and surveillance mechanisms are cruel, constantly evolving, and unpredictable. On July 25, 2022, ICE abruptly transferred dozens of New Yorkers from OCJ to remote locations, such as Natchez, Mississippi. This occurred after New Yorkers detained at OCJ raised the alarm about the tortuous conditions at the jail, including racist and xenophobic harassment by guards,

medical neglect, lack of COVID-19 mitigation measures, use of solitary confinement instead of medical quarantine, spoiled food, and excessive costs of commissary. Despite receiving no notice from ICE about these transfers, NYIFUP immediately sprang into action, fighting for New Yorkers to be released and reunited with their families and communities.

Since these transfers, ICE has continued to detain New Yorkers at OCJ. Unfortunately, conditions remain abysmal with clients still experiencing abuse and medical neglect. BxD continues to call for the release of every person in immigration detention as the only way to ensure the health and safety of our communities, as well as meaningful access to representation. We continue to use every legal strategy available, including habeas corpus petitions, release requests directly with ICE, and bond hearings before Immigration Judges to fight for the release of New Yorkers so that they can return home. Continued support for NYIFUP is critical so that we can remain vigilant and prepared to respond to the needs of detained New Yorkers.

### *Inefficient and Unresponsive Immigration Courts*

Our detained clients' ability to present evidence and testimony to defend themselves from permanent exile and family separation is hampered by a court system that prioritizes expediency over peoples' rights. The detained docket continues to move at an unreasonable and unmanageable pace, and despite the complex nature of these removal defense cases, our clients and staff are regularly forced to trial within weeks.

Moreover, the inefficiency and lack of transparency of the immigration courts lead to an overextension of our resources and injustice for the people we represent. While the Executive Office of Immigration Review (EOIR) has instructed immigration judges to facilitate pro bono representation and to be mindful of the challenges to providing such representation, in practice, judges often ignore our scheduling and resource limitations. Immigration Judges' legal assistants are often unresponsive even about simple administrative matters like scheduling or confirming whether a judge has received a motion. This lack of communication leads to uncertainty about how a case might resolve and forces advocates to spend unnecessary time preparing for trial, even though pending motions may render further litigation moot.

We have also seen the immigration courts continue to schedule cases that were canceled during the past three years due to the pandemic. Scheduling of those cases occurs without consultation with our attorneys about their availability. While we seek adjournments in cases where we have insufficient time to prepare, those requests for adjournments are frequently not adjudicated until the eve of trial, or even until the day of trial. Because of this, we must prepare cases as if they are going forward on an abruptly scheduled date, only to learn when we appear on the trial date that the judge has granted an adjournment.

When pursuing applications for immigration relief, the non-citizen, rather than the government, generally bears the burden of proof, and most forms of relief require lengthy evidentiary submissions. The evidentiary filings must contain current information. The unpredictability of adjournments leads to additional costs because we need to re-engage expert witnesses and repeatedly request updated records.

The net effect of the courts' unresponsive and inefficient scheduling and communication is an increase in workload since attorneys must prepare for trial multiple times, often with supplemental evidentiary filings each time. In addition, clients are harmed because they must prepare testimony over and over. This process is re-traumatizing as their testimony often involves past harm, including physical or sexual abuse.

#### *Bureaucratic barriers to accessing immigration benefits*

USCIS is the immigration agency that adjudicates affirmative immigration applications. Bureaucratic opacity and processing delays have obstructed clients' abilities to access immigration benefits for which they qualify. Work permit applications take several months for adjudication, leaving clients unable to provide for their families. USCIS has also issued arbitrary denials of applications or have rejected applications altogether on baseless grounds, requiring our advocacy and intervention. While USCIS has estimated wait times for adjudication of various applications, we frequently have applications pending past those estimated times without any explanation. The uncertainty and lack of transparency creates fear, anxiety, and economic instability for clients and their families.

#### *Months-long waitlists for community members seeking help*

Through our open-door practice, BxD provides early intervention, legal representation, and assistance to Bronx residents navigating the immigration legal system. Our program is unique in that it prioritizes providing early intervention and removal defense to Bronx residents with prior contact with the criminal legal or family regulation systems. This is a segment of the community that has a particularly challenging time accessing legal services due to the complexity of their cases and the limited resources available. Unfortunately, we consistently have a waitlist of many months because demand for our services far exceeds our capacity.

#### *Padilla practice*

Our *Padilla* team provides immigration advice and representation to non-citizens with criminal or family court cases. This team has experienced a noticeable uptick in the number of recently arrived asylum seekers targeted by the criminal legal and family regulations systems and requiring immigration advice and representation. The complex and intersecting legal needs of this population demonstrate the strength of an interdisciplinary model and the continuing need for the city to support organizations providing full representation on complex immigration matters.

**Looking Ahead:** Adequate funding for high-quality, full representation in complex immigration matters is as critical as ever for immigrant New Yorkers. ICE detention and enforcement decisions are arbitrary and unpredictable, and we need sufficient funding so that we can remain vigilant and prepared to meet the needs of New Yorkers targeted by ICE for detention and deportation.

Furthermore, immigration courts are rescheduling cases postponed during the last three years of the pandemic and are implementing confusing and misguided scheduling and docket management policies. This has led to high workloads for our advocates and injustice for our clients.

Despite the challenges, BxD's Immigration Practice is eager and ready to continue to defend detained New Yorkers and New Yorkers with complex legal issues at the intersection of immigration and criminal law. The challenges demonstrate that our work is vital to addressing the emergent needs of immigrant New Yorkers. Robust funding will ensure that we can hire, hire, and retain staff members so that we can continue to fight back against the deportation machine and so that immigrant New Yorkers can remain here with their families and communities where they belong.

## **Community Engagement**

Our deep experience working with Bronx residents means that we are ready to provide the legal services they need. But we also understand and believe that we must do more for the larger Bronx community and that our work must extend to others that do not have cases requiring immediate legal attention. Because of this, BxD has a committed Community Engagement team that works to develop local leadership, engage the Bronx community, and build collective power.

## **Community Events**

Our community engagement team provides legal resources to the community and holds events throughout the year.

### *Know Your Rights Trainings*

Once community members have access to information and resources, people can work collectively for social change. Engagement looks different for different communities, and it is the reason we offer Know Your Rights Trainings and engagement opportunities at many levels. In the last year, we hosted or attended more than two dozen community Know Your Rights events. With the City Council's help, we anticipate being able to double our outreach in 2023.

### *Annual Block Party and Resource Fair*

For nearly two decades, BxD has hosted an annual block party holding up to 500 community members and local organizations and providing information to local residents about resources, services, and opportunities in the Bronx. Local artists and businesses come together with advocates and residents of the South Bronx to celebrate the vitality of this community.

## **Bronx Cannabis Hub**

The Bronx Cannabis Hub (the "Hub") is a groundbreaking, first-of-its-kind initiative aimed at ensuring equitable inclusion of New Yorkers who have been directly impacted by New York's marijuana laws.

The Hub has the potential to help transform people's lives, create generational wealth, reinvest in underserved and neglected communities, and create a model for the country.

There is currently no organized support for system-impacted individuals besides the Hub. The Hub fills this critical gap by providing legal support for those seeking licensing applications and serves as a clearinghouse for the resources related to the cannabis industry. To support impacted individuals and low-income communities, the Hub serves as a clearinghouse for information and

provides resources and information to community members interested in becoming part of the new cannabis economy by offering public education and training, legal assistance, and other resources to help people apply for social equity cannabis licenses and creating spaces for community conversations and organizing. This type of intervention is crucial given the current state of affairs: across the United States, less than 2% of all cannabis enterprises are Black-owned.

### **Robert P. Patterson Jr. Mentoring Program**

For seven years, BxD has committed to supporting Bronx youth as they learn about holistic defense values and the ways their social justice advocacy can improve quality of life for their neighbors, their families, and themselves. BxD's Mentoring Program provides disrupts the school-to-prison pipeline and places in their hands the opportunity and the power to form their own futures.

The program aims to provide Bronx youth with growth and development opportunities, specifically in the areas of public defense. Our holistic, team-based mentoring model allows youth to broaden their positive social and professional networks and work directly with BxD advocates to learn more about law, community organizing, and related educational and career paths.

Each year, BxD selects 20 participants ages 15-18 who have been recommended by the community to participate. Mentees shadow two BxD law professionals throughout the program year to gain first-hand knowledge of the practice of holistic public defense. Participants then use their knowledge for the betterment of their communities, partnering with schools to conduct Know Your Rights trainings for their peers, to advance understanding of young people's civil rights as well as de-escalation skills in police interactions. Unique to a program of this kind, we also engage families and supportive adults by inviting them to participate in programs, activities, and organizational services.



**UNITED  
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HOUSES**

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**Testimony of United Neighborhood Houses  
Before the New York City Council Committee on Contracts  
Council Member Julie Won, Chair**

**Submitted by J.T. Falcone, Deputy Director, Policy & Advocacy  
March 21st, 2023**

Thank you, Chair Won and members of the New York City Council, for the opportunity to testify. My name is J.T. Falcone, and I am the Deputy Director at United Neighborhood Houses (UNH). UNH is a policy and social change organization representing 45 neighborhood settlement houses, 40 in New York City, that reach 765,000 New Yorkers from all walks of life.

A progressive leader for more than 100 years, UNH is stewarding a new era for New York's settlement house movement. We mobilize our members and their communities to advocate for good public policies and promote strong organizations and practices that keep neighborhoods resilient and thriving for all New Yorkers. UNH leads advocacy and partners with our members on a broad range of issues including civic and community engagement, neighborhood affordability, healthy aging, early childhood education, adult literacy, and youth development. We also provide customized professional development and peer learning to build the skills and leadership capabilities of settlement house staff at all levels.

### **Background**

New York City relies on nonprofit human service providers to serve New Yorkers in need. From prenatal care for expecting parents, to early childhood education, to afterschool programs and in-school support, to summer camp, to youth workforce development programs like the Summer Youth Employment Program (SYEP), to college preparedness and college retention, to adult literacy and adult education programming, to adult workforce development, to aging services like Older Adult Centers (OACs) and services that allow older adults to age in place like Naturally Occurring Retirement Communities (NORCs). Further, New York City relies on these same nonprofits to help New Yorkers meet their basic needs, including housing supports, mental health programming, benefit and entitlement navigation services, legal assistance, food access, home delivered meals, transportation—the list goes on and on.

In theory, a partnership between New York City and the human services sector is symbiotic: New York City gains the community ties and issue-area expertise of nonprofit organizations while the nonprofit organizations are able to further their mission, leveraging stable public dollars to expand their programming and meet the needs of more New Yorkers. Unfortunately, in practice, the symbiotic relationship between New York City and human services contractors has broken down as government has failed to adjust the budgets for these essential services, allowed contracts to renew year-over-year without cost escalators or Cost of Living Adjustments (COLAs) for hardworking staff, and failed to pay providers in a timely fashion for their important work.

As a result of the City's unreliable contracting behavior, nonprofits have been forced to pull attention away from their critical missions, instead devoting countless hours to navigating bureaucracy—re-submitting forms over and over through PASSPort, responding to Corrective Action Plans (CAPs) issued by their contracting agency, and working to find emergency funding to account for delinquent payments. Even worse: Nonprofit providers find themselves in a staffing crisis, meaning that all of this bureaucracy has an even heavier impact on their ability to deliver high-quality programming to as many New Yorkers as possible, especially with a bare bones staff comprised of overworked and underpaid staff who have been trapped in a vicious cycle of austerity.

In uncertain economic times, human services become all the more essential. New Yorkers rely on settlement houses and other community-based organizations to keep their households afloat, and we have seen demand for services spike over the last two years despite other indicators that our economy may be stabilizing. **In the FY24 budget, New York City should strive to reinvigorate the symbiotic relationship it has shared with human service providers for the benefit of all New Yorkers, but Mayor Adams' Preliminary Budget Proposal falls short.** Rather than invest in a COLA, budget adjustments to accommodate for rising costs, or a prevailing wage, the preliminary budget proposes a Program to Eliminate the Gap (PEG) that results in cuts that directly and indirectly impact settlement houses and other human services providers.

### **Invest in the Human Services Workforce**

Low wages for human services workers have contributed to a staffing crisis, and without increased budgets in government contracts to cover wage increases, nonprofits will be unable to recruit and train the next generation of nonprofit leaders, setting future New Yorkers up for significant barriers to accessing services that grow over time.

Human service workers as a sector are grossly underpaid. A recent analysis by UNH found that human service workers face similar economic insecurity as the participants in their programs; in our report, [The Need to Strengthen the Economic Security of the Settlement House Workforce](#), we note that government funding decisions and chronic underinvestment in human services have led to poverty-level wages for essential frontline workers at settlement houses. Low wages,

exacerbated by burnout from the COVID-19 pandemic, have led to chronically low staffing levels at human services organizations. Our settlement house members report more, longer vacancies, higher turnover, and significant challenges recruiting in a competitive labor market. Insufficient staffing has made it increasingly difficult for nonprofits to serve New Yorkers, leading to under-enrollment and program closures – such as the recent announcement of the closure of Sheltering Arms – which then leads to budget reductions and a vicious cycle that harms New Yorkers seeking services.

For years, the human services sector has warned of a staffing crisis citing low wage levels. Over the last two years, the City ignored a COLA request and instead issued a one-time bonus for our workforce that was equivalent to less than 1%, and a “contract enhancement” that led to contract-by-contract increases of between 1.5 and 2.5%. This investment is wholly insufficient to have a meaningful impact on the nonprofit workforce. Even with an annual 5% COLA, for most frontline workers starting at or around minimum wage, five years of raises would still mean an hourly wage of under \$20. Coupled with inflation and the City’s tendency to extend contracts without any cost escalators or budget modifications, this salary problem will only be solved by a significant investment in the workforce.

#### *Create a Prevailing Wage Schedule for Human Services Workers*

For these reasons, UNH supports Introduction 510 (Stevens), which would establish prevailing wage schedules for human service workers, require agencies to include sufficient funding to cover those wages in contracts, and track implementation of those wages by human service contractors; and we know that this legislation would need to pass through the budget process to be effective. While prevailing wage schedules are an imperfect tool to address the current conditions faced by human service workers, it is a significant improvement from the status quo. This process to design a true prevailing wage system is arduous and will require careful analysis, but we cannot afford to continue ignoring the need. For years, the government at every level has asked nonprofit partners to do “more with less.” This dynamic has pushed our sector to a real breaking point, and our workforce has suffered the consequences.

**UNH urges Council to pass Introduction 510 and fully fund it in the FY24 Budget to limit impacts to programs.**

#### *Include a 6.5% COLA for Human Services Workers*

Given the gravity of the human services staffing crisis, we are also supportive of a 6.5% Cost of Living Adjustment (COLA) for this workforce in FY 2024, in alignment with the JustPay campaign. We also ask the Council to ensure it is included in the budget as a “cost of living adjustment” and not some other named initiative so providers can rely on these funds being stable and recurring.

**UNH urges the Council and Administration to include a 6.5% COLA for human service workers in the FY24 Adopted Budget to immediately relieve the economic pressures faced by our workforce.**

Taken together, these two measures will provide immediate relief and a long-term solution to an ongoing problem that has limited New York City's human services sector. While the Mayor expressed concerns regarding economic uncertainty in the leadup to the release of his proposal, there have been reliable analyses since showing that those concerns were premature. With an anticipated surplus in excess of \$2 billion, now is the time for New York City to do right by the human services workforce and ensure wages reflect the quality of the services they have provided to New Yorkers.

Thank you for your time. For any follow up questions, I can be contacted at [jfalcone@unhny.org](mailto:jfalcone@unhny.org).



**Testimony  
New York City Council  
Committee on Contracts  
Preliminary Budget Hearing  
Tuesday, March 21st, 2023**

Good morning, Chair Won and members of the Committee. My name is Dash Yeatts-Lonske, and I am the Advocacy Associate at Urban Pathways. Thank you for the opportunity to testify at today's Preliminary Budget hearing on the importance of a COLA for the human services workforce.

Urban Pathways is a nonprofit homeless services and supportive housing provider serving approximately 3,900 single adults annually through a full continuum of services. We hold city contracts with DHS, DOHMH, and HRA for our drop-in center, four Safe Havens, and congregate and scattered site supportive housing. We also offer a wide range of additional programming, including Street Outreach, Total Wellness, Employment, and Consumer Advocacy Programs.

We thank the Council for supporting the sector with a \$60M workforce investment and for being vocal champions of the #JustPay campaign last year. Unfortunately, the investment fell short of the 4% COLA the Council had included in budget negotiations, and was much delayed, with providers waiting 6 months or longer for guidance. After fringe benefits and taxes, less than 2% was able to be applied to workers' direct salaries.

This year we are asking for a 6.5% COLA. As we do so, we also ask the Council to ensure it is included in the budget as a "cost-of-living adjustment" and not some other named initiative. Providers have to be able to rely on the budget documents and percentage to enact wage changes, while waiting for money to flow from the City. We believe a 6.5% COLA would cost an estimated \$200 million and would help workers just keep pace with inflation.

The underpayment of our workforce on government contracts is the biggest challenge facing our organization. Low wages impact both our staff and those we serve by making

it difficult to hire and retain qualified staff. While there are staff vacancies, the dedicated staff we do have are taking on greater workloads that lead to burnout and ultimately add to turnover, and the constant recruitment and hiring necessary to fill positions overwhelm HR and administrative staff.

Those we serve work closely with staff to meet their goals, including maintaining their mental health, managing their chronic illnesses, getting back into the workforce, and obtaining permanent housing, among so many others. The quality of this work is heavily reliant on relationships, which are difficult to build when you have multiple case managers in a short span of time.

What's worse is that many members of our workforce qualify for the same benefits they are helping their clients to obtain. 15% of the workforce qualifies for food stamps, and many of our staff work two or three jobs to make ends meet. Moreover, we have staff members who have been forced to move into shelters while they work to help others exit the system. The City must address the contracted wages that keeps the critical human services workforce living in poverty. This is also an issue of broader equity: 75% of the 80,000 human services contract workforce identifies as people of color and 70% as women.

The COLA is a short-term fix, but will not fix the wage gap in the long-term. We implore the City to also examine the base pay of the human services workforce in its contracts.

Thank you for the opportunity to testify today and for your continued support of the human services sector.

**For questions or more information, please contact:**

Nicole McVinua, Director of Policy  
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212-736-7385, Ext: 233



**Testimony  
New York City Council  
Committee on Contracts  
Preliminary Budget Hearing  
Tuesday, March 21st, 2023**

Good morning, Chair Won and members of the Committee. My name is Lorenzo Brooks and I am a Case Manager at Urban Pathways, a nonprofit that helps New Yorkers experiencing homelessness get the services and housing they need. Thank you for the opportunity to testify at today's Preliminary Budget hearing on the importance of a COLA for the human services workforce.

**I'm here today to speak in favor of a 6.5% COLA for human service workers.**

I have worked in the human services sector for over 6 years. Essential human services workers, like me, earn one of the lowest wages in New York's economy due to chronic underfunding from New York City government contracts. As the predominant funder of human service contracts, government is the main driver of our wages.

Mayor Adams has highlighted Safe Havens, like the one I work at, as an effective model for addressing street homelessness, and I couldn't agree more. But without funding for our workforce these programs cannot be effectively staffed. The high turnover rate is the primary complaint of our clients, who are negatively impacted when they build a relationship with a staff member only to see them leave.

At the beginning of this past fall, every Case Manager at my site besides myself left for different jobs with better pay. We were only able to re-hire a second Case Manager this past week, so I was the only Case Manager at my site for several months. This impacted my work as my caseload increased multifold, it impacted the quality of services we could provide, and it impacted the ability of our clients to take the steps they need to get their lives back on track.

Despite the challenges, I am passionate about this work. With a full-time job, I recently completed my master's degree in social work so that I can work more effectively with my clients. While I furthered my education, I am concerned that this field will not be sustainable without a wage increase, as I accumulated over \$50,000 in student loan debt.

And let's be clear: a 6.5% COLA is not actually a wage increase, it's simply the bare minimum for keeping up with inflation. Without this adjustment, many human service workers like myself simply will not be able to keep up with the rising cost of living.

**I implore the committee to pass the 6.5% COLA as a step towards human service workers like me being justly paid for our work.**

Thank you for the opportunity to testify today and for your continued support of the human services sector.

## TESTIMONY

New York City Council Committee on Contracts  
Fiscal Year 2024 Preliminary Budget Hearing  
March 21, 2023

My name is Adam Blackman, and I am a human services worker here in New York City.

As a human services worker, I, along with my social worker colleagues, provide essential services in our community and health and wellness to youth, seniors, and the neurodiverse. Despite the fact that social workers and other human services providers help connect New Yorkers with lifesaving resources, employees at human services agencies receive low wages that barely cover the cost-of-living in a City like New York. Our work is necessary to New York City's economy and safety, and we deserve to be paid fairly under City contracts for my labor.

My nonprofit, like so many, is funded by City contracts, and these contracts set the salaries for myself and my colleagues. A 6.5% COLA would raise the salaries of City-contracted human services workers to better align with inflation and allow us to better support ourselves as we support New Yorkers in your district.

Because of the lack of a COLA, human service workers are not paid a living wage. NYC has always been expensive, and prices on household staples have risen dramatically due to inflation. I have concerns about my workplace conditions and the outcome of programs with high staff turnover and vacancy rates which have resulted in heavy and unsustainable workloads.

Supporting a 6.5% COLA will help human services like me stay in the jobs we love, the jobs that are essential support systems for New Yorkers who depend on us to provide child care and mental health care, aging and housing support, after school and older adults programs.

Thank you for your attention to this matter.

Regards,  
Adam Blackman

## TESTIMONY

New York City Council Committee on Contracts  
Fiscal Year 2024 Preliminary Budget Hearing  
March 21, 2023

My name is Amy Cheng, and I am a human services worker here in New York City.

As a human services worker, I, along with my social worker colleagues, provide essential services in our community and assist in the operations of our Center to ensure it can keep its doors open to the public. Despite the fact that social workers and other human services providers help connect New Yorkers with lifesaving resources, employees at human services agencies receive low wages that barely cover the cost-of-living in a City like New York. Our work is necessary to New York City's economy and safety, and we deserve to be paid fairly under City contracts for my labor.

My nonprofit, like so many, is funded by City contracts, and these contracts set the salaries for myself and my colleagues. A 6.5% COLA would raise the salaries of City-contracted human services workers to better align with inflation and allow us to better support ourselves as we support New Yorkers in your district.

Because of the lack of a COLA, human service workers are not paid a living wage. NYC has always been expensive, and prices on household staples have risen dramatically due to inflation.

Supporting a 6.5% COLA will help human services like me stay in the jobs we love, the jobs that are essential support systems for New Yorkers who depend on us to provide child care and mental health care, aging and housing support, after school and older adults programs.

My name is Carl Aylman. I am a lifelong resident of NYC and I retired from The City University of New York in 2017, after 46 years of service to Bronx Community College, The City College and Baruch College, the latter of which is where I spent the last 39 years of my career.

My wife is a two-time cancer survivor and additionally suffers from a number of neurological issues. I myself suffer from a number of medical issues including diabetes and chronic kidney disease among others. Our health is being managed by a team of physicians in various specialties who communicate with one another as well as to our primary care physician as to the best care for our illnesses. I do not want an insurance company to dictate to any of them as to what treatment options they are willing to cover and what they will not. That is a decision best left to medical professionals and not health insurance clerks with the goal of maximizing profits for private health insurance companies. For that reason, for me, my wife, and for many similarly situated senior citizens, Medicare and Senior Care is the best option.

I want to express my opposition to retirees being forced into a one plan fits all Medicare Advantage plan. There are better alternatives than the low hanging fruit

of throwing retirees and future retirees and active employees under the bus. The Mayor, the City Council, the MLC and OMB can (a) Redirect funds that the City holds in reserve to keep the MLC Health Care Insurance Stabilization Fund solvent for the next three years. It can prohibit the MLC from looting these funds to provide salary increases for active employees as it permitted in UFT negotiations in 2014; (b) Create a Commission charged with finding a path to control health care spending for both active and retirees, with hospital pricing as a priority or even consider that perhaps the City should self-insure and cut out the profit making insurance companies.; and (c) Develop a sustainable mechanism for funding and reducing health care costs for both active employees and retirees.

Thank you,

Carl Aylman

Retiree, The City University of New York, 46 years of Service.

## TESTIMONY

New York City Council Committee on Contracts  
Fiscal Year 2024 Preliminary Budget Hearing  
March 21, 2023

My name is Chelsi Armstrong, and I am a human services worker here in New York City.

As a human services worker, I, along with my social worker colleagues, provide essential services in our community. My role as a Family Child Specialist is vital in supporting parents from low-income communities who desire to better teach, and support their children. And also desire to be better for themselves. Despite the fact that social workers and other human services providers help connect New Yorkers with lifesaving resources, employees at human services agencies receive low wages that barely cover the cost-of-living in a City like New York. Our work is necessary to New York City's economy and safety, and we deserve to be paid fairly under City contracts for my labor.

My nonprofit, like so many, is funded by City contracts, and these contracts set the salaries for myself and my colleagues. A 6.5% COLA would raise the salaries of City-contracted human services workers to better align with inflation and allow us to better support ourselves as we support New Yorkers in your district.

Because of the lack of a COLA, human service workers are not paid a living wage. NYC has always been expensive, and prices on household staples have risen dramatically due to inflation.

The COLA would greatly impact me and my husband. He is currently a full time student with a part-time job. So while I am supporting us while he chases his dream of being in Architecture/Real Estate Development, it has been tough. Like many families I serve, I am living paycheck to paycheck. Except I make "too much" to receive any support like SNAP benefits. We are barely getting by. I have even considered leaving the job I love to make more money, knowing that I would be unsatisfied but at least have more money to live. I feel that I shouldn't have to make that choice, but that is my reality.

Supporting a 6.5% COLA will help human services like me stay in the jobs we love, the jobs that are essential support systems for New Yorkers who depend on us to provide child care and mental health care, aging and housing support, after school and older adults programs.

Thank you for your time,

Chelsi Armstrong

## TESTIMONY

New York City Council Committee on Contracts  
Fiscal Year 2024 Preliminary Budget Hearing  
March 21, 2023

My name is Christine, and I am a human services worker here in New York City.

As a human services worker, I, along with my social worker colleagues, provide essential crisis intervention services in our community for children and adolescents with Mental Health Diagnoses. Despite the fact that social workers and other human services providers help connect New Yorkers with lifesaving resources, employees at human services agencies receive low wages that barely cover the cost-of-living in a City like New York. Our work is necessary to New York City's economy and safety, and we deserve to be paid fairly under City contracts for my labor.

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Because of the lack of a COLA, human service workers are not paid a living wage. NYC has always been expensive, and prices on household staples have risen dramatically due to inflation.

I am concerned about my ability to work within the public sector due to the low wages. I might have to work in private practice. I would much rather work with the population I am most passionate about, yet I might have to choose to work in a private institution so I will be able to support myself and my children financially.

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## TESTIMONY

New York City Council Committee on Contracts  
Fiscal Year 2024 Preliminary Budget Hearing  
March 21, 2023

My name is Eileen Kuah, and I am a human services worker here in New York City.

As a human services worker, I, along with my social worker colleagues, provide essential services in our community. I lead the birth to three programs whereby we provide childcare and wraparound support to low income or high-risk families. Despite the fact that social workers and other human services providers help connect New Yorkers with lifesaving resources, employees at human services agencies receive low wages that barely cover the cost-of-living in a City like New York. Our work is necessary to New York City's economy and safety, and we deserve to be paid fairly under City contracts for my labor.

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## TESTIMONY

New York City Council Committee on Contracts  
Fiscal Year 2024 Preliminary Budget Hearing  
March 21, 2023

My name is Elizabeth Hollingsworth, and I am a human services worker here in New York City.

As a human services worker, I, along with my social worker colleagues, provide essential services in our community. Despite the fact that social workers and other human services providers help connect New Yorkers with lifesaving resources, employees at human services agencies receive low wages that barely cover the cost-of-living in a City like New York. Our work is necessary to New York City's economy and safety, and we deserve to be paid fairly under City contracts for my labor.

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My name is Gloria Brandman. I worked for 32 years as a NYC Public School Special Ed Teacher and have been retired for 7 years. I was guaranteed full, not-for-profit, Medicare-based healthcare coverage when I retired. The City is about to break that promise with the Aetna/CVS contract that is being considered. I strongly am opposed to this contract and the privatized Healthcare that NYC wants to put all city municipal retirees into.

Medicare Advantage is not Medicare. Aetna's primary responsibility is to make a profit for its shareholders. And it makes a profit by restricting access to medical care.

My understanding of the proposed Aetna contract, now available on the City's OLR website, is that it has three options:

Option A: no plan other than Aetna would be offered, with an opt out to HIP VIP,

Option B: Aetna would be the default plan, and retirees and their dependents could retain supplemental coverage by paying the full cost;

Option C: allows retirees, past, present, and future to opt out and retain the coverage they currently have cost-free. anticipated savings would be somewhat reduced. But if Aetna is as wonderful as the City and the MLC negotiators claim, then many retirees would still choose it, and the City would still save money. And as we know, there are additional ways for the city to save money if need be. the PSC, has made proposals; other groups have made other compelling proposals.

We, city retirees, have been protesting this change for 2 years. As a result, this is probably a better plan than the first plan offered us BUT it is still Medicare Advantage and that remains a bad deal for many of us. Medicare Advantage plans make money by limiting retirees' access to health care. I will not go through why Medicare Advantage Plans are inferior to Medicare because it has been documented widely these past few months.

Even though Aetna has committed to provide reports to the City about its performance and retirees' experience, the public won't see these reports. confidentiality.

Option C honors the compact the City made with its workers. But my understanding is that the City gets to decide if they want to accept Option C and make that available to us if and when the contract is accepted. And based on the past two years, it is doubtful that the OLR and the Mayor will allow Option C. Therefore, I hope this contract is not accepted. Let us keep our traditional Medicare and free supplemental coverage. Let us retain protection by a program that is about health, not profits.

Respectfully submitted

Gloria Brandman

519 5th Street, Brooklyn NY

Member of the UFT

CROC (Cross-union Retirees Organizing Committee)

I

## TESTIMONY

New York City Council Committee on Contracts  
Fiscal Year 2024 Preliminary Budget Hearing  
March 21, 2023

My name is Jiatong Ma, and I am a human services worker here in New York City.

As a human services worker, I, along with my social worker colleagues, provide essential services in our community and supports to our families and children. Despite the fact that social workers and other human services providers help connect New Yorkers with lifesaving resources, employees at human services agencies receive low wages that barely cover the cost-of-living in a City like New York. Our work is necessary to New York City's economy and safety, and we deserve to be paid fairly under City contracts for my labor.

My nonprofit, like so many, is funded by City contracts, and these contracts set the salaries for myself and my colleagues. A 6.5% COLA would raise the salaries of City-contracted human services workers to better align with inflation and allow us to better support ourselves as we support New Yorkers in your district.

Because of the lack of a COLA, human service workers are not paid a living wage. NYC has always been expensive, and prices on household staples have risen dramatically due to inflation.

Supporting a 6.5% COLA will help human services like me stay in the jobs we love, the jobs that are essential support systems for New Yorkers who depend on us to provide child care and mental health care, aging and housing support, after school and older adults programs.

## TESTIMONY

New York City Council Committee on Contracts  
Fiscal Year 2024 Preliminary Budget Hearing  
March 21, 2023

My name is Juliet Liren Wang. I am a human services worker here in New York City.

As a human services worker, I, along with my social worker colleagues, provide essential services in our community and provide mental health counseling and crisis intervention services for kids and teenagers in need. Despite the fact that social workers and other human services providers help connect New Yorkers with lifesaving resources, employees at human services agencies receive low wages that barely cover the cost-of-living in a City like New York. Our work is necessary to New York City's economy and safety, and we deserve to be paid fairly under City contracts for my labor.

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Because of the lack of a COLA, human service workers are not paid a living wage. NYC has always been expensive, and prices on household staples have risen dramatically due to inflation.

I am concerned about my ability to work within the public sector due to the low wages. Due to the low wages I have difficulty finding affordable housing that is comfortable and address my health concerns. I might have to work in private practice. I would much rather work with the population I am most passionate about, yet I might have to choose to work in a private institution so I will be able to support myself financially.

Supporting a 6.5% COLA will help human services like me stay in the jobs we love, the jobs that are essential support systems for New Yorkers who depend on us to provide child care and mental health care, aging and housing support, after school and older adults programs.

## TESTIMONY

New York City Council Committee on Contracts  
Fiscal Year 2024 Preliminary Budget Hearing  
March 21, 2023

My name is Leanna Perez, and I am a human services worker here in New York City.

As a human services worker, I, along with my social worker colleagues, provide essential services in our community and preventive services to children and families in need. Despite the fact that social workers and other human services providers help connect New Yorkers with lifesaving resources, employees at human services agencies receive low wages that barely cover the cost-of-living in a City like New York. Our work is necessary to New York City's economy and safety, and we deserve to be paid fairly under City contracts for my labor.

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Because of the lack of a COLA, human service workers are not paid a living wage. NYC has always been expensive, and prices on household staples have risen dramatically due to inflation.

I am concerned that due to the low wages, I will not be able to remain in a field I am passionate about because I will need to seek higher wages elsewhere. The cost of living continues to rise but my pay does not and this leaves me in a difficult position. For example, my rent has increased but my wage remains the same, so I need to either consider moving or limit other areas of my life in order to remain in my apartment.

Supporting a 6.5% COLA will help human services like me stay in the jobs we love, the jobs that are essential support systems for New Yorkers who depend on us to provide child care and mental health care, aging and housing support, after school and older adults programs.

## Office of Labor Relations Hearing on the Aetna Contract

Tuesday, March 21, 2023 10:00am

Contact info: Rockledge Avenue, Ossining, New York 10562, [co.rachelx@gmail.com](mailto:co.rachelx@gmail.com)

My name is Rachel Cohn and I have been retired since 2013. I worked for the City of New York for 34 years. I, along with so many others, strongly oppose the City of New York and the Municipal Labor Committee's decision to involuntarily transfer retirees and their dependents from Traditional Medicare and Medigap insurance plans to Aetna Insurance Company's for-profit and inferior Medicare Advantage plan. This amoral and reprehensible change will result in a catastrophic diminishment of the healthcare coverage that the NYC municipal retirees currently receive, despite the repeated and misleading tales of the heads of the UFT and DC37, Claire Levitt and Renee Campion.

In October 2018 I inadvertently learned about the plan to switch retirees to a Medicare Advantage plan. I called the UFT retiree health benefits division and Joe Wohl, now a retired executive of the UFT, returned my call. Mr. Wohl said that he is on the OLR committee. He stated that there will absolutely not be a Medicare Advantage plan or any changes to health care other than requiring new hires to go on HIP for 365 days and some medical procedures would become ambulatory. The UFT on payroll union representatives have misrepresented the facts about the Aetna CONY Plan just as they did for the previous plan. The lying had already begun as early as October 2018, when Joe Wohl did not answer my questions honestly. The UFT Retired Teacher facebook page administrator, Susan Pulice, consistently removes posts or comments that pose anything contrary to the official Michael Mulgrew line. Why has the UFT position demand that the truth be hidden about the Medicare Advantage plan?

I object to the Mayor wanting to make budget cuts on the backs of the elderly. I object to the MLC wanting to make save money on the backs of the elderly. As former employees, we do not have the power to sit at the table with unions and negotiate our fate. Retirees in their 60s, 70s, 80s, 90s and beyond should not be forced into a for profit Medicare Advantage Plan that exists solely to make money for the insurance company.

We worked, often without a contract, to make settlements, even keeping NYC from bankruptcy in the 1970's. We should be accorded the dignity and respect that previous union leaders and administrations sought to provide to those who gave decades of their lives to make NYC function.

The Aetna contract provides the option to offer NYC municipal Medicare eligible retirees a Medigap/ Traditional Medicare Supplemental plan at no cost to retirees. This option is one of three outlined and priced in the Aetna agreement. Do not break with more than half a century of commitment to free, publicly funded municipal retiree health insurance. I ask that you rethink your rush to profit driven privatized health insurance on the backs of the municipal retirees.

Respect the most vulnerable, the elderly, who have been given no say in the matter, by continuing to provide the free Traditional Medicare based coverage that we worked for, paid into, and were promised by people with integrity and ethics.

January 30, 2023

## **Testimony of Rosemarie Pinks, Finance Director at Encore Community Services**

*New York City Council Committees on Youth Services, Aging, and Contracts*

Good afternoon council members. My name is Rosemarie Pinks, I am the Finance Director at Encore Community Services, a nonprofit organization serving older adults on Manhattan's West Side. We run older adult centers and supportive and affordable housing in Midtown, as well as serve half a million home-delivered meals to local residents every year.

Our staff is a literal life-line for aging New Yorkers who are in critical need of food, resources, and community. But we, like our entire sector, are struggling because the wages afforded by our city contracts are not competitive. We have extreme difficulty hiring and filling crucial positions like delivery drivers and case workers, and have had to turn to using temp agencies as a solution. Retention is a challenge, which is a problem because we are asking people to trust us, and turn to us for help, yet we can't offer consistency.

Pay for human service workers is an equity issue. Why does our [workforce, primarily made up of women and people of color](#), make [25-30% less](#) than our counterparts in the government and private sectors? Our teams carry out essential functions for the city, which was celebrated when COVID sent so many workforces home. Our people showed up, and kept services available to everyone who needed us during that incredibly difficult time. Now instead of relief, we find inflation has made our already stagnant wages seem even more dismal.

Poverty wages mean that a significant portion of employees of human service organizations rely on benefits including rental assistance and medicaid. They are often not able to work beyond half-time without risking those benefits—impacting the organization as well as their capacity to improve their position. This should not be the case for government contracted jobs.

We were glad to see the city commit to a 4% pay bump in last year's budget, even though it's just a starting place, and does not even match inflation. But we are disappointed that we are here today to talk about next year's budget, while our staff has yet to see a cent of that money. It's just one of many examples of how the city's slow pace when it comes to nonprofit hurts us all.

We appreciate the effort to create prevailing wage requirements for city-contracted human services workers, though we ask that there is funding attached to the proposed bill so that it does not become an unfunded mandate for human services organizations. We applaud efforts to address the contract procurement timeframe, and support increased transparency in a way that does not add to administrative burden.

Our nonprofit workforce deserves better than what the city currently provides, and we thank members of the committees for coming together to address this issue today.

## TESTIMONY

New York City Council Committee on Contracts  
Fiscal Year 2024 Preliminary Budget Hearing  
March 21, 2023

My name is San-Fan Hong, and I am a human services worker here in New York City.

As a human services worker, I, along with my social worker colleagues, provide essential services in our community and early educational support to low-income families. Despite the fact that social workers and other human services providers help connect New Yorkers with lifesaving resources, employees at human services agencies receive low wages that barely cover the cost-of-living in a City like New York. Our work is necessary to New York City's economy and safety, and we deserve to be paid fairly under City contracts for my labor.

My nonprofit, like so many, is funded by City contracts, and these contracts set the salaries for myself and my colleagues. A 6.5% COLA would raise the salaries of City-contracted human services workers to better align with inflation and allow us to better support ourselves as we support New Yorkers in your district.

Because of the lack of a COLA, human service workers are not paid a living wage. NYC has always been expensive, and prices on household staples have risen dramatically due to inflation.

I have concerns about my workplace conditions and the outcome of programs with high staff turnover and vacancy rates which have resulted in heavy and unsustainable workloads.

Supporting a 6.5% COLA will help human services like me stay in the jobs we love, the jobs that are essential support systems for New Yorkers who depend on us to provide child care and mental health care, aging and housing support, after school and older adults programs.

## TESTIMONY

New York City Council Committee on Contracts  
Fiscal Year 2024 Preliminary Budget Hearing  
March 21, 2023

My name is Tsz Yan So and I am a human services worker here in New York City.

As a human services worker, I, along with my social worker colleagues, provide essential services in our community and providing support to low-income families in NYC. Despite the fact that social workers and other human services providers help connect New Yorkers with lifesaving resources, employees at human services agencies receive low wages that barely cover the cost-of-living in a City like New York. Our work is necessary to New York City's economy and safety, and we deserve to be paid fairly under City contracts for my labor.

My nonprofit, like so many, is funded by City contracts, and these contracts set the salaries for myself and my colleagues. A 6.5% COLA would raise the salaries of City-contracted human services workers to better align with inflation and allow us to better support ourselves as we support New Yorkers in your district.

Because of the lack of a COLA, human service workers are not paid a living wage. NYC has always been expensive, and prices on household staples have risen dramatically due to inflation. I am concerned that due to the low wages, I will not be able to pay for my rent while supporting my family financially. This may result in choosing to work in another profession that I may not be most passionate about. I am always passionate about helping people in our community, seeing them to thrive in our community is the reason why I have chosen to work as a human services worker.

Supporting a 6.5% COLA will help human services like me stay in the jobs we love, the jobs that are essential support systems for New Yorkers who depend on us to provide child care and mental health care, aging and housing support, after school and older adults programs.

## TESTIMONY

New York City Council Committee on Contracts  
Fiscal Year 2024 Preliminary Budget Hearing  
March 21, 2023

My name is Xing Hui Zheng and I am a human services worker here in New York City.

As a human services worker, I, along with my social worker colleagues, provide essential services in our community and serving New Yorkers from all five boroughs. Despite the fact that social workers and other human services providers help connect New Yorkers with lifesaving resources, employees at human services agencies receive low wages that barely cover the cost-of-living in a City like New York. Our work is necessary to New York City's economy and safety, and we deserve to be paid fairly under City contracts for my labor.

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Because of the lack of a COLA, human service workers are not paid a living wage. NYC has always been expensive, and prices on household staples have risen dramatically due to inflation.

- I have concerns about my workplace conditions and the outcome of programs with high staff turnover and vacancy rates which have resulted in heavy and unsustainable workloads.
- I am concerned that due to the low wages, I will not be able to pay off my student loans and be in debt for most of my life.
- I am concerned about my ability to work within the public sector due to the low wages. I might have to work in private practice. I would much rather work with the population I am most passionate about, yet I might have to choose to work in a private institution so I will be able to support myself financially.

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## TESTIMONY

New York City Council Committee on Contracts  
Fiscal Year 2024 Preliminary Budget Hearing  
March 21, 2023

My name is Yiqian Zhong and I am a human services worker here in New York City.

As a human services worker, I, along with my social worker colleagues, provide essential services in our community and support my program staff with the admin services. Despite the fact that social workers and other human services providers help connect New Yorkers with lifesaving resources, employees at human services agencies receive low wages that barely cover the cost-of-living in a City like New York. Our work is necessary to New York City's economy and safety, and we deserve to be paid fairly under City contracts for my labor.

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Because of the lack of a COLA, human service workers are not paid a living wage. NYC has always been expensive, and prices on household staples have risen dramatically due to inflation.

- I have concerns about my workplace conditions and the outcome of programs with high staff turnover and vacancy rates which have resulted in heavy and unsustainable workloads.
- I am concerned that due to the low wages, I will not be able to pay off my kids college and my retirement. I am concerned about my ability to work within the public sector due to the low wages. I might have to work in private practice. I would much rather work with the population I am most passionate about, yet I might have to choose to work in a private institution so I will be able to support myself financially.

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Michelle Sullivan

Address: 255 Greenwich

I represent: MOC5

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

Contracts  in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Lisa Rivera } \* Please call on same

Address: \_\_\_\_\_ } panel as Lauren

I represent: NYLAG } Siciliano (Legal Aid)

Address: \_\_\_\_\_ } and Justin Olderman  
(By Defenders)

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3/21/23

(PLEASE PRINT)

Name: Lauren Siciliano

Address: Somerset St. Harrison NJ

I represent: Legal Aid Society

Address: 199 Water Street, NJ, NJ



Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Don Sunderland

Address: W. 152nd St

I represent: Mayors Office of Central Sec.

Address: 255 Greenwich, NY, NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Jackie Del Valle

Address: Take Root Justice

I represent: \_\_\_\_\_

Address: \*Contract Delays\*

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3/21/23

(PLEASE PRINT)

Name: Dash Yeatts-Lonskie

Address: S. 3rd St. Brooklyn NY 11211.

I represent: Urban Pathways

Address: 575 8th Avenue, New York NY

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor     in opposition

Date: \_\_\_\_\_

**(PLEASE PRINT)**

Name: Lisa Rivera  
Address: 100 Pearl Street  
I represent: NYTAG  
Address: 100 Pearl Street

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor     in opposition

Date: \_\_\_\_\_

**(PLEASE PRINT)**

Name: Justine Olderman  
Address: E. 101st St. Bronx NY  
I represent: Bronx Defendants  
Address: PANEL 2 / LISA RIVERA AND  
LAUREN SICILIANO

▶ Please complete this card and return to the Sergeant-at-Arms ◀