

Interim

SFY 21 Enacted State Budget

County Impact Report



NYSAC[®]

NEW YORK STATE
ASSOCIATION OF COUNTIES

April 10, 2020

Hon. John F. Marren, President
Stephen J. Acquario, Executive Director

**SFY 21 Enacted State Budget
County Impact Summary**

Table of Contents

Introduction.....	3
Changes in Taxation.....	4
Home Rule Changes and Extenders.....	5
State Spending by Functional Areas.....	6
Aid and Incentives to Municipalities (AIM)	6
Aging	6
Agriculture	6
Community Colleges	9
Early Childhood Development and Children with Special Needs	10
Economic Development	11
Regional Economic Development	12
Education.....	13
Elections.....	13
Environment.....	13
Regional Environmental Projects.....	17
Ethics.....	17
Gaming and VLT Revenue Sharing	18
Human Services.....	18
Judiciary and Court Related Matters	19
Legalize Adult-Use Recreational Marijuana	20
Medicaid.....	20
Mental Health.....	23
Public Health	23
Public Safety	24
Real Property Services	26
Shared Services.....	26
Transportation.....	27
Unemployment Insurance	29
Veterans	29

SFY 21 Enacted State Budget County Impact Summary

Introduction

This year's state budget was enacted in one of the most difficult periods in our lifetimes, given the public health, social, and economic uncertainties that are accompanying the COVID-19 pandemic and its impact on the state of New York and our counties.

The budget addresses the economic uncertainty through a combination of new authority to make mid-year cuts, expand the state's borrowing capacity, and accept federal stimulus funding.

While the continuity of county government operations is protected through the preservation of local Medicaid caps and the extension of local home rule revenue authority, there could be significant mid-year cuts associated with reductions in state reimbursement tied to the loss of state and local revenue. In addition, counties will contribute to a new fiscally distressed hospital and nursing home pool.

This interim county impact report details the areas of the state budget that will impact a range of county functions, departments, services, and programs. The report will be updated as we continue our analysis and receive additional information.

Executive Authority to Cut State Spending - Summary

The SFY 21 Enacted Budget allows the budget director to adjust all appropriations, including capital and operating aid, based on whether the Financial Plan is out of balance by more than one percent (about \$1 billion) during any measurement period. If this threshold is breached, the Executive will have authority to make spending cuts as necessary to bring the Financial Plan back into balance.

The reductions "...shall be done uniformly across-the-board to the extent practicable or by specific appropriations as needed." This appears to provide the budget director some discretion in applying spending cuts. If the budget is out of balance by 10 percent in a measurement period, then spending would be cut by 10 percent in that period. If the budget is out of balance by 20 percent in a period, then spending would be cut by 20 percent. The measurement periods are defined as follows:

- April 1, 2020 to April 30, 2020
- May 1, 2020 to June 30, 2020
- July 1, 2020 to December 31, 2020

Today, the Governor is projecting a revenue shortfall between \$10 billion and \$15 billion for the 2020-21 state fiscal year. If accurate, then state aid provided to counties, local governments and all others that receive reimbursements, aid or grants from the state could see a reduction of about 15 percent on a full annual basis. It is important to note that these discretionary Executive spending cuts could apply to any amount appropriated in the Aid to Localities or Capital Budget bills – even if they already show a cut compared to last year's appropriation.

To be prudent, counties should immediately begin planning for cuts in state aid and reimbursements in the 15 percent range identified by the Governor linked to his expected revenue shortfall for the remainder of the 2020-21 state fiscal year.

SFY 21 Enacted State Budget County Impact Summary

The following appropriations are protected from spending cuts:

- Public assistance payments for families and individuals and payments for eligible aged, blind and disabled persons related to supplemental social security;
- Any reductions that would violate federal law;
- Payments of debt service and related expenses for which the state is constitutionally obligated to pay debt service or is contractually obligated to pay debt service; and
- Payments the state is obligated to make pursuant to court orders or judgments.

When a cut is triggered the Executive must notify the Legislature 10 days in advance and allow the Legislature to offer their own plan, if no plan from the Legislature is provided, then the Executive's cut proposal will be implemented.

Possible Restorations

Spending cuts could be restored in whole or in part if one or both of the following happens:

1. Actual tax receipts in State Operating Funds is 98 percent of the budgeted amount through February 28, 2021; or
2. The federal government provides aid that the director of the budget deems sufficient to reduce or eliminate the imbalance in the General Fund for fiscal year 2020-2021 and does not adversely impact the budget gap in fiscal year 2021-2022. These full or partial restorations will only occur if the budget director also certifies that all required payments for state fiscal year 2020-21 will be made, including tax refunds, and state reserves are equal to what they were at the start of the state fiscal year.

Executive Authority to Borrow

The adopted budget also increases state authority to bond for additional expenses and to ensure debt service and other contractual payments are met. General obligation and revenue bond authority is increased by about \$14 billion across a variety of accounts and purposes.

Expanded Appropriations Authority to Receive Federal Assistance

The budget also includes large lump sum federal appropriations to draw down federal stimulus and emergency funding to address the COVID-19 pandemic. More than \$70 billion in lump sum appropriations are provided, including:

- \$25 billion - All Funds Special Emergency Appropriation Account
- \$4 billion - Special Public Health Emergency Appropriation Account
- \$40 billion – Unemployment Insurance Benefits

Changes in Taxation

Major Revenue Proposals

The original budget proposed 28 new revenue actions that were estimated to raise about \$78 million annually after full implementation by 2023. Some of the major provisions include:

- Making warrantless state tax debt collection permanent – increases receipts by \$40 million - **Included**
- Cap the tax credit and income threshold on long term care insurance – increases state revenue by \$28 million - **Included**
- Deny STAR benefits to homeowners who are delinquent in paying their property taxes – **Included**

SFY 21 Enacted State Budget County Impact Summary

- Reducing taxes on small business – would reduce state revenues by about \$40 million annually upon full implementation – **Not included**
- Enhance the Empire State Child Credit for families with children under 4 – reduces state revenues by \$157 million upon full implementation – **Not included**
- Eliminate Quick Draw minimum size restrictions – increases state revenue by \$30 million – **Not included**
- Shift the Basic STAR exemptions to a STAR tax credit by dropping income threshold from \$250k to \$200k – reduces general fund spending by \$74 million – **Not included**
- Enact a Cannabis Regulation and Taxation Act – increases 2021 revenue by \$20 million rising to \$188 million by 2025 – **Not included**

Home Rule Changes and Extenders

The Transportation, Economic Development and Environmental Conservation Article VII bill also included a variety of home rule bill updates and revenue extenders.

- Subpart C included all county **sales tax** extenders through 2023 – all counties except the three that are still at 3 percent;
- Subpart D included all **occupancy tax** legislation set to expire this year through 2023 – Albany, Chautauqua Nassau and Suffolk;
- Subpart E included all **mortgage recording tax** legislation set to expire at the end of this year through 2023 - Albany, Cortland, Fulton, Genesee, Greene, Hamilton, Herkimer, Schoharie, Steuben, Warren and Yates; and
- Subpart F included an extension all **real estate transfer tax** legislation set to expire at the end of this year through 2023 - Columbia County

Nassau Interim Finance Authority.ⁱ This Part doubles the bonding authority for the Nassau Interim Finance Authority from \$400 million to \$800 million. This increased bonding authority would be used to finance Nassau County’s tax certiorari settlements and judgments. The authority to issue bonds will be extended from December 31, 2007 to December 31, 2021 with such bonds maturing no later than January 31, 2051.

Westchester County Bonding Authority.ⁱⁱ The Enacted Budget removes the requirement that a bond act adopted by the Board of Legislators in Westchester County authorizing the issuance of bonds or bonds and capital notes in an amount in excess of \$10 million to finance any capital improvement, are not effective until submitted at a general or special election and approved by a majority of the votes. Westchester County was already exempt from this requirement for the issuance of bonds or capital for projects dealing with sewage, drinking water, solid waste collection or disposition and hospital construction projects. This would exempt Westchester County for all capital projects.

**SFY 21 Enacted State Budget
County Impact Summary**

State Spending by Functional Areas

Below is an interim analysis of the SFY 21 Enacted Budget provisions that impact counties. NYSAC will continue to review the specifics of the proposals.

Aid and Incentives to Municipalities (AIM)

The Enacted Budget maintains the existing law requiring counties to pay AIM costs to towns and villages.

Clarify Administration of AIM-Related Sales Tax Payments.ⁱⁱⁱ Legislation submitted with the Budget clarifies the administration of AIM-related sales tax payments for municipalities in counties with a control board (Erie and Nassau) to reflect the statutory intent of changes made in the SFY 2020 Enacted Budget. There is no change to associated funding levels. The SFY 21 Enacted Budget includes this provision.

Aging

Expanded EISEP Services.^{iv} The Executive Budget proposed to include a \$15 million for EISEP services through local Offices for the Aging. This funding was included in the SFY 20 Enacted Budget. Furthermore, the typical 25% local maintenance of effort match is exempt from this funding. The funds must be used to address the unmet needs of the elderly as reported to NYSOFA. The SFY 21 Enacted Budget includes this provision.

Agriculture

Provides Agriculture and Markets Local Assistance Funding.^v The final State Budget provides \$31.2 million in Ag & Markets local assistance appropriations.

Agriculture Grant Programs	2019/20 Enacted Budget	2020/21 Enacted Budget
Ag. Child Care (Migrant) (10913)	\$ 9,275,000	\$ 8,775,000
Core Diagnostic Lab (10920)	\$ 4,839,000	\$ 4,632,000
Quality Milk (Mastitis) (10921)	\$ 117,4000	\$ 1,174,000
NYS Cattle Health Assurance (10922)	\$ 360,000	\$ 360,000
Johnes Disease (10923)	\$ 480,000	\$ 480,000
Rabies Prevention (10925)	\$350, 000	\$ 200,000
Avian Disease (10924)	\$ 252,000	\$ 252,000
Farm Family Assistance (10926)	\$ 872,000	\$ 782,000
Golden Nematode (10932)	\$ 62,000	\$ 62,000
Future Farmers of America(10939)	\$ 842,000	\$ 842,000
Ag in Classroom (10938)	\$ 380,000	\$ 380,000

**SFY 21 Enacted State Budget
County Impact Summary**

Ass'n of Ag Educators (10940)	\$ 416,000	\$ 416,000
NYS Apple Growers Association (10943)	\$ 750,000	\$ 614,000
Wine / Grape Foundation (10915)	\$ 1,079,000	\$ 1,073,000
Farm Viability Institute (10916)	\$ 1,900,000	\$ 1,550,000
Dairy Profit Teams (11495)	\$ 370,000	\$ 370,000
Cornell - Pro Dairy (11470)	\$ 1,201,000	\$ 1,201,000
Agriculture Domestic Arts (10914)	\$ 500,000	\$ 420,000
TASTE NY Program	\$ 1,100,000	\$ 0
School Local Food Program Competitive Fund (11405)	\$ 750,000	\$ 750,000
Maple Producers Association (10945)	\$ 288,000	\$ 246,000
Tractor Rollover Program (11473)	\$ 250,000	\$-
NYS Apple Research and Development Program (11400)	\$ 500,000	\$ 500,000
Cornell Maple Research (11456)	\$ 125,000	\$ 75,000
FVI Berry Industry Programs(11462)	\$ 60,000	\$ 60,000
Cornell Berry Research (11416)	\$ 260,000	\$ 260,000
Christmas Tree Farmers Assn(11461)	\$ 125,000	\$ 125,000
NY Corn and Soybean Growers (11454)	\$ 75,000	\$ 75,000
Cornell Honeybee Research (11455)	\$ 150,000	\$ 150,000
Cornell Onion Research(10948)	\$ 70,000	\$ 70,000
Cornell Vegetable Research(11401)	\$ 100,000	\$ 100,000
Cornell Hard Cider Research(11441)	\$ 200,000	\$ 200,000
Cornell Concord Grape Research(11444)	\$ 250,000	\$ 250,000
Geneva Experiment Station – Hop Testing (11466)	\$ 400,000	\$ 350,000
Cornell Veterans to Farms(11417)	\$ 115,000	\$ 115,000

**SFY 21 Enacted State Budget
County Impact Summary**

Cornell Farm Labor Compliance(11425)	\$ 200,000	\$ 200,000
Northern NY Ag Development	\$ 300,000	\$ 300,000
NYS Turfgrass Assn.	\$ 150,000	\$ 125,000
Farmers Market Federation (11412)	\$ 138,000	\$ 138,000
State Brewers Association(11428)	\$ 75,000	\$ 75,000
NY Cider Association(11429)	\$ 75,000	\$ 75,000
State Distillers Guild (11430)	\$ 75,000	\$ 75,000
AFT - New Generation Resource Tools	\$ 400,000	\$ 400,000
Cornell - Salmonella Dublin Bacteria	\$ 200,000	\$ 50,000
NY State Fair - Wool Center	\$-	\$-
Teens for Food Justice	\$ 20,000	\$-
Red Hook Farms Initiative	\$ 40,000	\$-
Met Council Kosher Food Network	\$ 50,000	\$-
Harvest NY	\$ 600,000	\$ 300,000
Agricultural economic development (10902)	\$ 1,000,000	\$ 2,000,000
Mary Imogene Basset Hospital - Safety Program	\$-	\$ 250,500
NYC CCE - Urban Agriculture Education	\$-	\$ 250,000
Organic Farmers Assoc - Database	\$-	\$ 80,000
Total	\$33,243,000	\$ 31,227,500

Extending and Expanding the New York State Fair.^{vi} The Enacted Budget includes \$26.6 million for the State Fair, an increase of \$5.3 million over last year to support an additional 5 days of operation.

Expand the Definition of "Immediate Family Member" in Farm Labor Statute.^{vii} The Farm Laborer Fair Labor Practices Act exempted immediate family members from the provision requiring 24 consecutive hours of rest each calendar week. The Enacted Budget expands the definition of an immediate family member to include individuals who are related to the third degree of consanguinity (e.g. aunt/uncle, niece/nephew) or affinity (e.g. brothers/sisters-in-law), work on a farm out of familial obligations, and are not paid wages or other compensation based on their hours or days of work.

**SFY 21 Enacted State Budget
County Impact Summary**

Community Colleges^{viii}

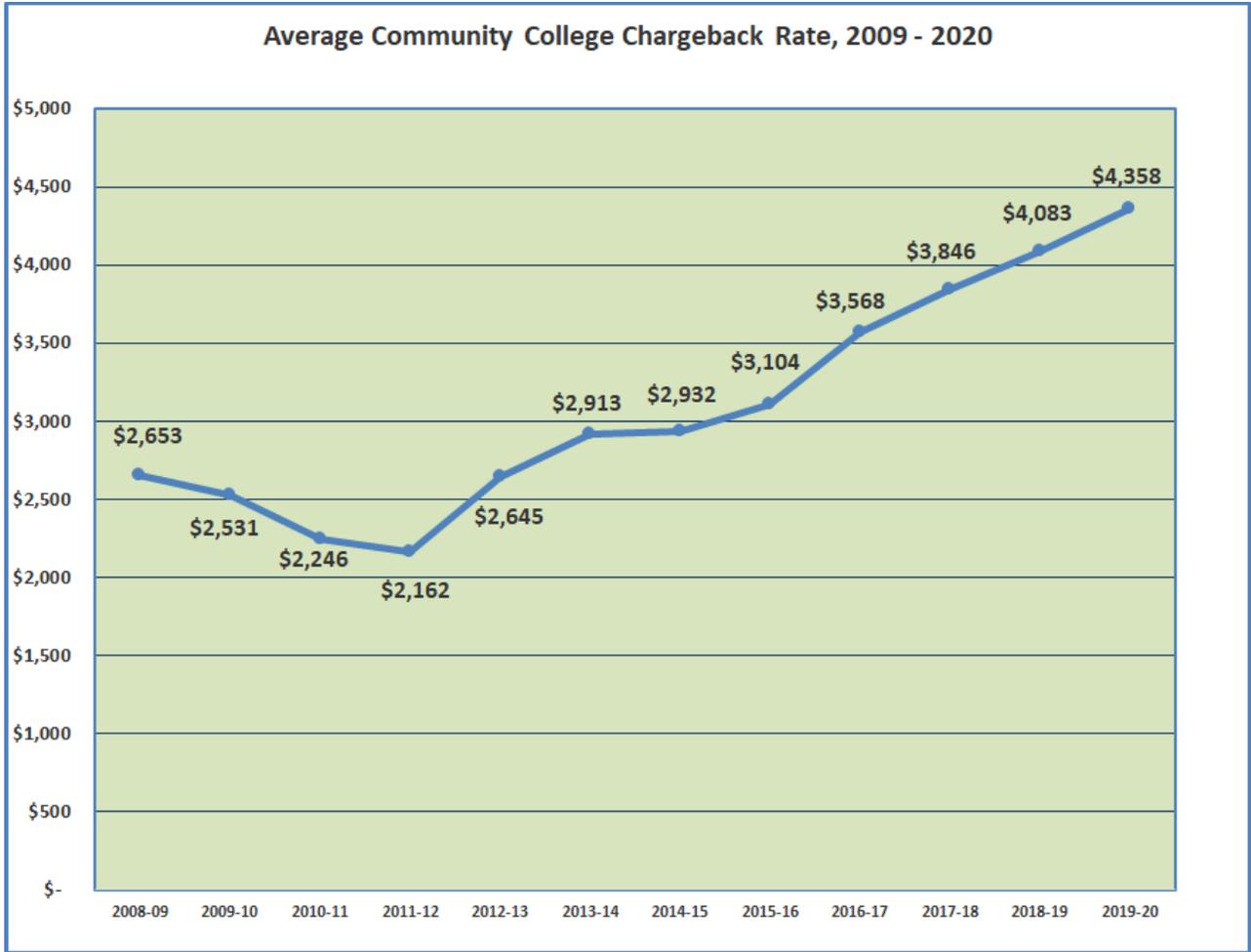
The SFY 21 Enacted Budget reduces aid for community colleges by \$31 million. The budget continues funding Community College Base Aid at \$2,947 per full-time equivalent (FTE) student, maintaining the same level of FTE support as AY 2019-20.

Community College State FTE Rates			
Year	State FTE \$	% Change	\$ Change
2008-09	\$2,675	0.0%	\$0
2009-10	\$2,675	0.0%	\$0
2010-11	\$2,260	-15.5%	(\$415)
2011-12	\$2,122	-6.1%	(\$138)
2012-13	\$2,272	7.1%	\$150
2013-14	\$2,422	6.6%	\$150
2014-15	\$2,497	3.1%	\$75
2015-16	\$2,597	4.0%	\$100
2016-17	\$2,697	3.9%	\$100
2017-18	\$2,747	1.8%	\$50
2018-19	\$2,847	3.6%	\$100
2019-20	\$2,947	3.5%	\$100
2020-21	\$2,947	0.0%	\$0

However, the budget eliminates the 98 percent funding floor that was instituted for AY 2019-20. The budget includes \$431.2 million to support Base Aid, which is a decrease of \$22.7 million from AY 2019-20, due to enrollment decreases and the elimination of the 98 percent save-harmless. Funding of \$3 million for the Next Generation NY Job Linkage Program is continued, as well as \$3 million for the SUNY Apprenticeship Program.

Changes in state support and student census levels will impact chargeback rates when they are released in the coming year. The chargeback rates for academic year 2020-21 will come out in the Fall of 2020. Below is the recent history of the average chargeback rates community colleges charge each year. The chart below represents an average. Individual community college chargeback rates vary from \$2,000 to \$9,450, not including the Fashion Institute of Technology (FIT) located in New York City.

**SFY 21 Enacted State Budget
County Impact Summary**



Source: Data form SUNY, calculations by NYSAC.

Early Childhood Development and Children with Special Needs

***Align Fiscal Responsibility for Committee on Special Education Placements.*^{ix}**

The room and board costs for children with severe disabilities placed by Committees on Special Education are shared between local social services districts, school districts and, for placements made by committees outside of New York City, by the State. This proposal would eliminate the 18.424% State share for placement by districts outside of New York City, and increase the school district’s share by an equal amount from 38.424% to 56.848%. This amounts to a \$22 million cost shift from the state to school districts.

Early Intervention and Pre-School Special Education Programs. The SFY 21 Enacted Budget includes a reduction of \$8,200,00 or 4.73% of the state contribution to the program. This could be a partially due to reduced volume into the system. The Enacted Budget did not include an increase to providers. It also omitted the governor’s proposed pay and pursue language and covered lives assessment.

Funding for 4410 schools (pre-school special education) was held flat from the prior year.

**SFY 21 Enacted State Budget
County Impact Summary**

Economic Development

Regional Economic Development Councils.^x The Enacted Budget includes \$150 million to support a 10th round of REDC awards.

Downtown Revitalization.^{xi} The SFY 21 Enacted Budget provides \$100 million for a fifth round of the Downtown Revitalization Initiative.

Removing Unnecessary Barriers to Obtaining Occupational Licensing.^{xii} The SFY 21 Enacted Budget amends General Business Law, Executive Law and Real Property Law to remove the requirement that prospective occupational licensees – including licensing for jobs such as security guards, notaries, and real estate brokers be either U.S. citizens or green card holders.

Establish Internet Neutrality Principles, Enforcement and Compliance Provisions in Public Service Law and Incorporate Internet Neutrality Principles into the State's Procurement Process.^{xiii} Net neutrality is the principle that Internet service providers should enable access to all content and applications regardless of the source and without favoring or blocking particular products or websites. The Executive Budget would establish internet neutrality principles for all broadband, fixed and mobile service providers in Public Service Law and would require all state entities to contract only with internet service providers (ISPs) that adhere to net neutrality principles. **The SFY 21 Enacted Budget excludes this proposal.**

Small Wireless Facilities Deployment.^{xiv} The Executive Budget would establish a uniform process for the statewide siting of small cell wireless facilities by authorizing municipal corporations to impose fees on wireless providers for the use of municipally-owned rights of way and for the installation of small cell wireless facilities on municipally-owned utility poles. **The SFY 21 Enacted Budget excludes this proposal.**

Extend and Expand the Infrastructure Investment Act.^{xv} The SFY 21 Enacted Budget expands the provisions of the Act to enable DASNY, UDC, OGS, the State University Construction Fund, the Battery Park City Authority, and ORDA to be added to the list of entities that are currently authorized to use design-build in order to optimize quality, cost and efficiency. The legislation also extends the Act's authorization until December 31, 2022.

Amend Economic Transformation Program Eligibility.^{xvi} Chapter 61 of the Laws of 2011 established that communities affected by prison closure between April 1, 2011 and March 31, 2012 would qualify for economic development assistance funding under the Economic Transformation Program. The SFY 21 Enacted Budget would eliminate the March 31, 2012 deadline to allow all communities affected by prison closures between April 1, 2011 and March 31, 2021 to qualify for the program.

Make Permanent the New York Buy American Act.^{xvii} The New York Buy American Act requires that certain surface roads and bridges be constructed with American made iron and steel. This proposal makes the Act permanent by removing the expiration date.

SFY 21 Enacted State Budget County Impact Summary

Require Prevailing Wage to be Paid on Certain Private Construction Projects.^{xviii}

This Enacted Budget adds a new section of the Labor Law, §224-a, to require prevailing wage to be paid on certain construction projects that are funded with public funds. This includes projects that are paid for with at least 30 percent public funds with project costs that exceed \$5 million (with exemptions). A stop work order may be issued for failure to comply with or intentionally evade the provisions of the prevailing wage requirements. A 13-member public subsidy board is empowered to examine and make any necessary adjustments to thresholds included in the bill, as well as determinations related to applicability of this section to projects undertaken with benefits stemming from certain programs. This bill is effective January 1, 2022. It does not pre-exempt any existing contracts, nor apply to any appropriations of public funds first appropriated prior to January 1, 2022.

Establish the New York Digital Marketplace Worker Classification Task Force.^{xix}

This Executive Budget would establish the New York Digital Marketplace Worker Classification Task Force to issue recommendations related to wages, classification, employment criteria, safety and health regulations, collective bargaining, and anti-discrimination protections for on-demand workers. The Commissioner of Labor is authorized to promulgate regulations related to the classification of workers in the on-demand economy. ***The SFY 21 Enacted Budget excludes this proposal.***

Expand Free College Tuition to More Middle-Class Families.^{xx}

The Executive Budget would expand free college tuition to more middle-class families by raising the Excelsior eligibility threshold from \$125,000 to \$150,000. The income eligibility threshold will increase to \$135,000 in academic year 2021 and fully phase in to \$150,000 in academic year 2022. By increasing this threshold, more than 230,000 New York residents can attend SUNY or CUNY tuition free. ***The SFY 21 Enacted Budget excludes this proposal.***

Expand the Enhanced Tuition Awards Program.^{xxi}

The Executive Budget would expand college financial aid to more middle-class families by raising the Enhanced Tuition Awards eligibility threshold from \$125,000 to \$150,000. In academic year 2021, the income eligibility threshold will increase to \$135,000 and fully phase in to \$150,000 in academic year 2022. The program provides recipients \$6,000 in annual tuition assistance through a combination of their Enhanced Tuition Award and a match from their private college. ***The SFY 21 Enacted Budget excludes this proposal.***

Regional Economic Development

Syracuse Comprehensive Education and Workforce Training Center.^{xxii}

The SFY 21 Enacted Budget establishes the Syracuse Comprehensive Education and Workforce Training Center to focus on science, technology, engineering, arts, and math. The intent of the school is to provide instruction for students in grades 9-12 that reside within the Onondaga, Cortland, and Madison county Boards of Cooperative Educational Services (“BOCES”) region and central New York, as well as provide workforce training for residents of the area.

SFY 21 Enacted State Budget County Impact Summary

Education

The budget cuts state general fund support for k-12 education by \$400 million compared to the Executive Budget Recommendation. However, the adopted budget increases federal education stimulus funding by \$1.2 billion from \$4.6 billion to \$5.8 billion. This results in an overall increase in support for k-12 education of \$850 million over the Executive Recommendation.

Elections

Early Voting.^{xxiii} The SFY 21 Enacted Budget does not include funding for early voting implementation.

Time off to Vote.^{xxiv} This is a new Part included in the Enacted Budget, which would reduce the amount of paid time off that an employer must provide to their employees to vote on Election Day. Currently, employers are required to give their employees up to 3 hours of paid time off either at the beginning or end of the employee's shift to vote on Election Day. This part would reduce the paid time off from 3 hours to 2 hours. If an employee has 4 consecutive hours either between the opening of the polls and the beginning of their working shift, or between the end of their working shift and the closing of the polls, they shall be deemed to have sufficient time outside of working hours to vote. If an employee has less than 4 consecutive hours, they may take off so much working time as necessary to vote, but not more than 2 hours of which shall be paid. Lastly, employees would be required to provide notice at least 2 days, but not more than 10 days, prior to Election Day of their intention to take time off.

Public Financing of Campaigns.^{xxv} This Part contains the recommendations proposed by the Public Campaign Financing and Elections Commission established in the 2019-20 Enacted Budget. The Commission was tasked to examine, evaluate and make recommendations for new laws with respect to how the State should implement a system of voluntary public campaign financing for Statewide and State Legislative public offices, as well as the program's parameters. The Commission was required to issue its report by December 1, 2019, the recommendations of which would carry the force of law unless modified or abrogated by the Legislature by December 22, 2019. On March 13, 2020 a State Supreme Court Judge struck down these recommendations on the basis that the Legislature could not give the Commission the authority to make binding change to State Law. Specifically, this Part would establish contribution and expenditure limits, eligibility criteria and thresholds, define what is considered a Matchable contribution and make several changes to ballot placement for parties to increase the thresholds to secure automatic placement on the ballot.

Environment

\$3 Billion Restore Mother Nature Bond Act.^{xxvi} This legislation would authorize the issuance of \$3 billion of bonds to finance environmental improvements that preserve, enhance, and restore New York's natural resources and reduce the impact of climate change. The bill does not take effect until it is approved by voters at the November 2020 general election. If approved, it would pay for various capital projects, including but not limited to:

- Not less than \$1 billion for restoration and flood risk reduction; and
- Up to \$550 million for open space land conservation and recreation; and
- Up to \$700 million for climate change mitigation; and

SFY 21 Enacted State Budget County Impact Summary

- Not less than \$550 million for water quality improvement and resilient infrastructure.

Under the legislation, municipalities have the power to apply for and receive moneys from the state to undertake projects.

N^{xxvii} Through the Clean Water Infrastructure Act of 2017, New York State committed to invest \$2.5 billion in drinking water infrastructure, wastewater infrastructure, and water quality protection over five years. Last year, the State doubled this investment. The SFY 21 Enacted Budget includes the additional \$500 million appropriation from last year's financial plan, bringing the total investment to \$3.5 billion.

Ban Single-Use and Packaging Styrofoam Products.^{xxviii} The SFY 21 Enacted Budget bans food service providers, stores and manufacturers from selling and using Styrofoam containers and loose-fill packaging (packing peanuts) beginning January 1, 2022. Exemptions include containers for sealed/prepackaged food and containers for raw meat or raw fish. Food service providers, stores and manufacturers which violate the ban would be subject to a civil penalty of \$250 (1st offense), \$500 (2nd offense), and \$1,000 (3rd offense and subsequent). Fines collected by the State would be paid into the EPF, while fines collected by counties would be retained by those counties.

Expand Extended Producer Responsibility Programs.^{xxix} The Executive Budget would create a new Product Stewardship Program for the recycling of carpets and mattresses, as well as develop the framework for future stewardship programs. Currently, NYS administers EPR programs for e-waste, mercury thermostats, and rechargeable batteries. ***The SFY 21 Enacted Budget excludes this proposal.***

Renew Funding for the Environmental Protection Fund.^{xxx} The SFY 21 Enacted Budget continues Environmental Protection Fund (EPF) funding at \$300 million. This investment will provide funding for land acquisition, farmland protection, invasive species prevention and eradication, enhanced recreational access, water quality improvement, an environmental justice agenda, and other environmental programs.

Creates Tax Credits for Green Jobs and Investment.^{xxxi} This legislation amends the Excelsior Jobs Program to extend and enhance the program and to add tax credits for economic development projects aimed at reducing greenhouse gas emissions and supporting the use of clean energy. It creates a new green jobs tax credit, totaling up to 7.5% of wages for each new green project job. It also creates a green investment tax credit, totaling up to 5% of qualifying new capital investments in connection with qualifying green economy projects and increasing to up to 8% of eligible investment for research and development in qualifying green economy projects.

Allow Alcohol in Movie Theatres.^{xxxii} The Executive Budget proposed to make alcoholic beverages available for consumption at all theatres for movies with ratings of PG-13, R, or NC-

**SFY 21 Enacted State Budget
County Impact Summary**

17, removing the full restaurant facilities requirements under current Alcoholic Beverage Control Law. ***The SFY 21 Enacted Budget excludes this provision.***

Allow Craft Beverage Brewers and Distillers to Sell Their Products on Their Premises Without Needing Legislative Approval for Each License.^{xxxiii} The Executive Budget proposed to amend Alcoholic Beverage Control Law to remove barriers that restrict growth in the craft beverage industry. Current laws do not allow a manufacturer or wholesaler to have any interest in a retail establishment where the party has either direct or indirect control in any other licensed alcohol-related business in or outside the state.

The SFY 21 Enacted Budget excludes this provision.

Authorize a Special Assessment on Gas and Electric Corporations.^{xxxiv} The Executive Budget would have authorized NYSERDA to finance its energy research, development and demonstration program, its energy policy and planning program, climate change related expenses of the Department of Environmental Conservation (DEC) and the Department of Agriculture and Markets' (AGM) Fuel NY program, from a special assessment on gas and electric corporations. Without this authorization, NYSERDA, DEC and AGM would not be able to continue to implement necessary programs in the 2021 State Fiscal Year.

The SFY 21 Enacted Budget excludes this provision.

Assist Low-Income Communities with Financing Water Infrastructure Improvements.^{xxxv} The Executive Budget would have allowed the Environmental Facilities Corporation (EFC) to offer municipalities 40-year financing through the Clean Water State Revolving Fund and/or Drinking Water State Revolving Fund for projects that qualify for zero-percent interest rates due to financial hardship. This would lower the annual debt service costs to municipalities and make infrastructure projects more affordable for local governments and their ratepayers. ***The SFY 21 Enacted Budget excluded this provision.***

Improvements to the Freshwater Wetlands Regulatory Program.^{xxxvi} The Executive Budget proposes to facilitate implementation of the Governor's Restore Mother Nature initiative by updating and improving New York's Freshwater Wetlands Act. A central piece of this proposal is to reform wetland maps, which would allow for greater and more efficient protection of wetlands. ***The SFY 21 Enacted Budget excluded this provision.***

Permanently Ban Fracking in New York.^{xxxvii} The SFY 21 Enacted Budget permanently bans fracking by amending environmental conservation law to restrict the Department of Environmental Conservation (DEC) from approving permits that would authorize an applicant to drill, deepen, plug back, or convert wells that use high-volume hydraulic fracturing to complete or recomplete natural gas resources. The legislation is effective immediately.

Accelerated Renewable Energy Growth and Community Benefit Act.^{xxxviii} This legislation intends to ensure that renewable energy generation projects be sited in a timely and cost-effective manner that includes consideration of local laws regarding zoning, the environment, or public health and safety and avoids or minimizes adverse environmental

SFY 21 Enacted State Budget County Impact Summary

impacts. It also aims to ensure that renewable energy can be efficiently and cost effectively injected into the state's distribution and transmission system for delivery to the regions of the state where it is needed.

New Renewable Energy Siting Process

The legislation consolidates environmental review and permitting of major renewable facilities in the state and provides a single forum in which the new Office of Renewable Energy Siting (within the Department of State) may undertake a coordinated and timely review of proposed major renewable energy facilities to meet the state's renewable energy goals under the Climate Leadership and Community Protection Act (CLCPA). Major renewable energy facilities are defined as systems with a nameplate generating capacity of 25,000 kilowatts or more and any co-located system storing energy generated from such renewable energy project prior to delivering it to the bulk transmitting system. The Office is required to hold four public hearings in different regions of the state before establishing a set of uniform standards and conditions for the siting design, construction, and operation of each type of major renewable energy facility.

Within 60 days of an application to the Office being deemed complete, the Office must publish for public comment draft permit conditions and provide written notice to the host municipality. No application submitted to the Office may be complete without proof of consultation with the municipality or political subdivision where the project is proposed to be located prior to its submission.

The municipality must then submit a statement to the Office indicating whether the proposed facility is designed to be sited, constructed, and operated in compliance with applicable local laws and regulations, if any, concerning the environment or public health and safety. A fee paid by the applicant will be deposited into a local agency account to support this investigation. If the project is not in compliance with local laws and regulations, the Department of State is required to hold a non-adjudicatory public hearing in the affected municipality. A final siting permit can be issued if the Office makes a finding that the proposed project would comply with applicable laws and regulations. In making this determination, the Office may elect not to apply, in whole or in part, any local law or ordinance which would otherwise be applicable if it makes a finding that it is unreasonably burdensome in the view of the CLCPA targets and environmental benefits.

The Office must make a final decision on a siting permit for any major renewable energy project within one year from the date the application was deemed complete or within six months if the facility is proposed to be sited on an existing or abandoned commercial use site. If a decision has not been made within this time period and a 30-day extension is not agreed to, the siting permit is automatically granted.

The legislation stipulates that the permittee must provide a host community benefit. Except as described in the legislation, municipalities cannot require any approval, consent, permit, certificate, contract, agreement, or other condition for the development, design, construction, operation, or decommissioning of a major renewable energy facility for which an application has been filed with the state.

SFY 21 Enacted State Budget County Impact Summary

Clean Energy Resources and Development Incentives Program

The legislation authorizes and directs NYSERDA to foster and encourage the siting and development of build-ready sites throughout the state. NYSERDA is required to provide written notice at the earliest practicable time to a municipality in which a potential build-ready site has been identified. The Authority is also directed to establish one or more programs pursuant to which property owners and communities would receive incentives to host major renewable energy facilities.

Several state agencies are directed to assess the need for and availability of workforce training in the local area of build-ready sites to support green job development with special attention to environmental justice communities. The state may establish programs to make financial support available for the local workforce and under-employed populations.

State Power Grid Study and Program

The legislation includes a directive for the Department of Public Service to undertake a comprehensive study for the purpose of identifying distribution upgrades, local transmission upgrades, and bulk transmission investments that are necessary or appropriate to facilitate the timely achievement of CLCPA targets.

Endangered and Threatened Species Mitigation Fund

The state will also create a new fund for the purposes of implementing an endangered and threatened species mitigation plan. The fund will consist of contributions by applicants granted a siting permit for a majority renewable energy facility, where the applicant has been ordered to mitigate harm to a threatened or endangered species or its habitat.

Regional Environmental Projects

Establish the Hours During Which Alcoholic Beverages may be Sold on Certain International Airport Property.^{xxxix} The SFY 21 Enacted Budget changes the hours during which alcoholic beverages can be served at LaGuardia, JFK and Stewart International Airports to Monday-Saturday at all hours, except between 3 AM and 6 AM. This would make the hours of service consistent between airports owned or operated by the Port Authority of NY and NJ.

Statutory Changes Necessary to Complete the Bay Park Conveyance Project.^{xl}

The SFY 21 Enacted Budget would authorize the establishment of temporary and permanent easements to construct a sewer main beneath certain parklands owned by Nassau County, East Rockaway, and the Village of Rockville Centre.

Ethics

Disclosure of Taxes to JCOPE by Elected Officials^{xli}

The Governor's Budget proposed to require statewide elected officials, state commissioners, and elected local officials who make over \$100,000.00 annually in their local public office duties to file a copy of their tax return with the Joint Commission on Public Ethics. The Board

SFY 21 Enacted State Budget County Impact Summary

of Elections shall notify each person nominated or designated as a candidate for elective office, not later than ten days after such nomination or designation, that such office may be subject to certification requirements. ***The SFY 21 Enacted Budget excludes this provision.***

Gaming and VLT Revenue Sharing

Eliminate Video Lottery Terminal (VLT) Aid.^{xliv} The Executive Budget eliminated VLT Aid outside of Yonkers. In FY 2020, the State provided approximately \$28.9 million of annual aid to the municipalities that host VLT facilities across the State. Of this amount, \$19.6 million is distributed to the City of Yonkers. The other \$9.3 million is what is eliminated in this proposal which is split among 15 different municipalities including 8 counties.

The SFY 21 Enacted Budget excludes this provision. The VLT aid is restored.

Amend Sports Betting Lounge Restrictions.^{xliv} Under current law, a sports pool can only be operated in a sports wagering lounge at a casino. A sports pool is defined as the business of accepting wagers on any sports event by any system or method of wagering. The SFY 21 Enacted Budget amends current law by stating that a sports pool shall be primarily operated in a sports wagering lounge at a casino, which would allow wagers to be made from other locations inside the casino, pursuant to regulation.

Human Services

- The Budget adds \$200 million in federal stimulus funding for additional childcare needs.

Code Blue Investment.^{xliv} In 2016, Governor Cuomo issued an Executive Order to direct local social services districts, working in consultation with State and local law enforcement and community-based organizations, to protect individuals experiencing homelessness from inclement winter weather when temperatures, including wind chill, decline to 32 degrees or below. To support continued implementation of Code Blue efforts across the State, the SFY 21 Enacted Budget includes a \$13 million stand-alone appropriation.

Increase Funding for the Summer Youth Employment Program.^{xliv} The SFY 21 Enacted Budget increases funding for the Summer Youth Employment Program by \$1 million, to \$45 million. In 2019, approximately 19,000 youths were employed through the program.

Increase Use of Federal Grant for Child Welfare Services.^{xlvi} The State currently requires at least \$342 million of the \$964 million Federal Temporary Assistance for Needy Families (TANF) Flexible Fund for Family Services (FFFS) grant be spent on child welfare services. The Budget increases that threshold by \$40 million to \$382 million. NYSAC estimates this will reduce state reimbursements to counties by \$25 million.

Change Reimbursement of Family Assistance Programs for New York City.^{xlvi} The State provides open-ended 90 percent reimbursement to New York City for eligible spending on Family Assistance and Emergency Assistance for Needy Families benefits. Under the Executive Budget, the reimbursement would change to 85 percent. The state estimates this will cost New York City \$51 million in the first year. ***The enacted budget includes this provision, representing a \$51 million hit to NYC.***

SFY 21 Enacted State Budget County Impact Summary

Family First Prevention Services Act (FFPSA).^{xlvi} The SFY 21 Enacted Budget includes \$75 million in federal appropriations to assist with implementation of the federal Family First Prevention Services Act. Of this amount, \$25 million will assist with statewide FFPSA compliance, and \$50 million will provide temporary grants to New York City, which has an expired demonstration project.

Judiciary and Court Related Matters

Continue Phase-in of Hurrell-Harring Settlement (HHS) Statewide

Implementation.^{xlix} The SFY 21 Enacted Budget provides \$150M in Local Assistance funding for increased support for the Office of Indigent Legal Services. This funding provides for the continued expansion of the Hurrell-Harring Settlement reforms to every county in order to improve the quality of indigent criminal defense statewide through three initiatives: counsel at arraignment, caseload relief, and quality improvement.

State Operations (A.9500/S.7500)

- **Office Operations:**

- The SFY 21 Enacted Budget includes a \$6,463,000 State Operations appropriation (\$370,000 increase over FY 2019-20 funding): \$3,681,000 is allocated for general office operations; \$1,389,000 is allocated for implementation of the *Hurrell-Harring* settlement; and \$1,393,000 is allocated for implementation of the statewide extension of *Hurrell-Harring* reforms.

Aid to Localities (A.9503/S.7503):

- **ILS Distributions and Grants; Implementation of Hurrell-Harring Settlement; Extension of Hurrell-Harring Reforms statewide:**

- The Executive's proposed \$254.81 million in Local Aid appropriation would be allocated as follows:
 1. **Statewide Expansion of Hurrell-Harring Reforms.** \$150.0 million to finance the third year of the five-year statewide implementation of Hurrell-Harring reforms, pursuant to plans filed by ILS on December 1, 2017 (counsel at arraignment; caseload relief, and quality improvement). This funding amount represents an increase of \$50 million over FY 2019-20 funding levels. The budgetary language includes the same annual reporting requirement that was in last year's final budget.
 2. **ILS Distributions and Grants.** \$81.0 million is allocated for ILS distributions and grants. This funding amount continues current funding levels for ILS programs.
 3. **Hurrell-Harring Settlement.** \$23.8 million is allocated for implementation of the *Hurrell-Harring* settlement. This funding continues current funding levels for HHS programs (counsel at arraignment, caseload relief, and quality improvement)

Legislature and Judiciary (A.9501/S.7501)

SFY 21 Enacted State Budget County Impact Summary

1. \$47 million judiciary sub-allocation to ILS

\$47 million sub-allocation to ILS for payment to NYC for caseload standard implementation in accordance with 22 NYCRR §127.7

Continue Implementation of Raise the Age.ⁱ The age of criminal responsibility was increased from 16 to 17 on October 1, 2018 and from 17 to 18 on October 1, 2019. The Budget continues support for implementation, including comprehensive diversion, probation, and programming services for 16- and 17-year old youth in the juvenile justice system. The SFY 21 Enacted Budget includes \$250 million in appropriations along with \$221 million in re-appropriations to fully fund the implementation of raise the age.

Establish the District Attorney Discovery Compensation Fund.ⁱⁱ The SFY 21 Enacted Budget includes this provision and increases the discovery compensation fund to \$40 million. Funding shall be made available to counties, cities with populations less than one million, and law enforcement and prosecutorial entities within towns and villages. Eligible expenses include discovery reform implementation, including digital evidence transmission technology, administrative support, computers, hardware and operating software, data connectivity, development of training materials, staff training, overtime costs, litigation readiness, and pretrial services.

Provide a Market-Rate of Interest on Court Judgments.ⁱⁱⁱ The Executive Budget proposes a variable market-based interest rate on court judgments paid by public and private entities, which the state estimates will provide \$6 million in savings for local governments. The market-based interest would be the weekly average one-year constant maturity treasury yield, which is the same rate utilized by the Federal court system.

A prevailing market rate will help ensure that neither side in a lawsuit will be disadvantaged by an interest rate that is above or below what otherwise could be earned while cases are being adjudicated. **The SFY 21 Enacted Budget excludes this provision.**

Legalize Adult-Use Recreational Marijuana

Enact the Cannabis Regulation and Taxation Act.ⁱⁱⁱⁱ The Executive Budget establishes a regulatory framework (modeled after the Governor's proposal last year) that controls the production, distribution, transportation, and sale of cannabis, cannabis-related products, and medical cannabis within the state. **The SFY 21 Enacted Budget excludes this provision.**

Medicaid^{liv}

The adopted budget does not include the Executive's original Medicaid budget proposals to shift significant new costs to counties by:

1. Intercepting enhanced federal FMAP savings that counties receive under the Affordable Care Act. As originally proposed, the county federal fiscal benefit would be capped, and those savings would effectively be transferred to the benefit of the state financial plan. This proposal placed at risk hundreds of millions of dollars for the counties and New York City;

SFY 21 Enacted State Budget County Impact Summary

2. Requiring counties to stay under the 2 percent property tax cap in order to continue benefitting from the current local Medicaid growth caps that have effectively frozen the local share; and
3. Requiring counties to adhere to a local Medicaid share cost growth limit of three percent annually or pay any excess back to the state above that amount.

In total, the counties and New York City would have been at risk of new cost increases exceeding \$1 billion on an annual basis over time.

Federal Stimulus FMAP Increase

The Budget appears to accept the enhanced FMAP (Federal Medicaid Assistance) of 6.2 percent that was in the first federal stimulus package, based on comments from members of the legislature, combined with statements from the Budget Director regarding MRT II reforms included in the budget that can be adjusted in regard to their effective dates. According to Senator Charles Schumer's office, this could provide as much as \$6.7 billion in federal fiscal relief to New York state and its counties, including New York City, if the increase is in effect for an entire year. The federal legislation says that the enhanced federal Medicaid matching rate will be provided to states for each quarter the national public health emergency remains in place. Based on the full annual estimate this would equal about \$1.68 billion per quarter for New York State. Based on current federal sharing requirements we estimate that about 20% of the savings each quarter will be shared with counties and New York City. We are working with the state to see how this will be operationalized.

Creation of a Fiscally Distressed Hospital and Nursing Home Pool

The budget includes the creation of a new fund to help fiscally distressed health care facilities that will be partially funded through the diversion of county and New York City sales tax. The new law would divert \$50 million in county sales tax and \$200 million in New York City sales tax per year for two years at which time the law is scheduled to sunset. The funds would be diverted quarterly on January 15th, April 15th, July 15th and October 15th. The Comptroller shall defer any quarterly payments due in 2020 until January 2021, when the full \$50 million and \$200 million will be deferred.

The formula defined in the law would divert funds from each county based on their proportionate share of total sales tax collected outside of New York City multiplied by \$50 million. The chart below provides an initial estimate for the first year of diversion.

SFY 21 Enacted State Budget County Impact Summary

Fiscally Distressed Hospital & Nursing Home Pool		
Sales Tax Diversion Per Year - \$50 million		
County	First Year Cost	Proportionate Share All County Sales Tax
Albany	\$1,677,287	3.35%
Allegany	\$129,411	0.26%
Broome	\$831,003	1.66%
Cattaraugus	\$234,189	0.47%
Cayuga	\$223,431	0.45%
Chautauqua	\$415,114	0.83%
Chemung	\$369,395	0.74%
Chenango	\$143,813	0.29%
Clinton	\$346,640	0.69%
Columbia	\$266,185	0.53%
Cortland	\$182,541	0.37%
Delaware	\$130,096	0.26%
Dutchess	\$1,231,699	2.46%
Erie	\$4,848,971	9.70%
Essex	\$189,378	0.38%
Franklin	\$147,780	0.30%
Fulton	\$130,970	0.26%
Genesee	\$251,636	0.50%
Greene	\$202,050	0.40%
Hamilton	\$24,461	0.05%
Herkimer	\$200,750	0.40%
Jefferson	\$467,827	0.94%
Lewis	\$75,878	0.15%
Livingston	\$208,149	0.42%
Madison	\$179,258	0.36%
Monroe	\$3,061,862	6.12%
Montgomery	\$190,062	0.38%
Nassau	\$7,309,393	14.62%
Niagara	\$762,434	1.52%
Oneida	\$877,169	1.75%
Onondaga	\$2,164,975	4.33%
Ontario	\$520,144	1.04%
Orange	\$1,741,583	3.48%
Orleans	\$102,814	0.21%
Oswego	\$282,941	0.57%
Otsego	\$236,275	0.47%
Putnam	\$395,202	0.79%
Rensselaer	\$554,323	1.11%
Rockland	\$1,363,282	2.73%
St. Lawrence	\$356,994	0.71%
Saratoga	\$756,144	1.51%
Schenectady	\$629,900	1.26%
Schoharie	\$94,621	0.19%
Schuyler	\$69,470	0.14%
Seneca	\$162,703	0.33%
Steuben	\$351,825	0.70%
Suffolk	\$8,903,119	17.81%
Sullivan	\$281,783	0.56%
Tioga	\$150,862	0.30%
Tompkins	\$331,537	0.66%
Ulster	\$744,543	1.49%
Warren	\$331,967	0.66%
Washington	\$126,990	0.25%
Wayne	\$279,806	0.56%
Westchester	\$3,566,606	7.13%
Wyoming	\$110,398	0.22%
Yates	\$80,361	0.16%
Grand Total	\$50,000,000	100%

SFY 21 Enacted State Budget County Impact Summary

Medicaid Redesign Team II

The budget also includes numerous MRT II redesign proposals as recommended by the Team. The budget will stagger effective dates on these proposals as necessary to comply with federal and state requirements.

Mental Health

Competency Restoration and 730 Exams. The SFY 21 Enacted Budget shifts 100% of the cost of 730.20 CPL competency restoration exams to counties. Existing law allows the Governor to set the county's cost of 730.20 competency restorations. As such, the cost increase was put in place through an administrative action by OMH and included as a budget assumption in the Executive Budget. This cost shift represents a \$25 million cost shift to counties outside of NYC. Collectively with our partners at the Conference of Local Mental Hygiene Directors (CLMHD), we advocated for amendments to the Mental Hygiene Law (MHL) Sec. 43.03 to reverse the 100% cost shift, but those efforts were ultimately unsuccessful.

Public Health

Maintain Core Public Health Funding. The Enacted Budget made no changes to the reimbursement formula for Article Six general public health services. The 10% reduction in the total appropriation (compared to last year) reflects, in part, the 2019-20 statutory reduction in reimbursement to New York City from 36% to 20% for expenditures over their base grant. There were also no funding changes to support implementation of the lower Elevated Blood Lead Level (EBLL) statute.

Implement Various Tobacco Control Policies.^{lv} The Enacted Budget contains several tobacco control policies. Except for the ban on flavored vapor products, which is effective June 1, 2020, the following provisions are effective July 1, 2020. The budget:

- Prohibits the sale of flavored vapor products used in e-cigarettes.
- Prohibits the sale of tobacco products, herbal cigarettes, or vapor products in a pharmacy or in a retail establishment that contains a pharmacy.
- Authorizes NYSDOH to promulgate rules and regulations governing the sale and distribution of carrier oils suspected of causing acute illness and identified as a chemical of concern by the Centers for Disease Control.
- Prohibits the use of price reduction instruments in any transaction related to the sale of tobacco products, herbal cigarettes, or vapor products.
- Restricts the delivery of vapor products only to licensed manufacturers or retailers, ending online sales of vapor products delivered to private residences.
- Increases fines for selling tobacco products to underage purchasers.
- Requires manufacturers of vapor products to submit a list of ingredients to NYSDOH for publication.
- Requires NYSDOH, in consultation with the Department of Education, to develop an e-cigarette and vaping prevention, control, and awareness program to educate students, parents, and school personnel about the health risks associated with vapor product use and control measures to reduce the prevalence of vaping, particularly among people under 21.

SFY 21 Enacted State Budget County Impact Summary

- Prohibits advertisements for smoking paraphernalia, tobacco products, e-cigarettes, or vapor products in storefronts or windows within 1,500 feet of a school (500 feet in New York City).

Centralize Medical Cannabis Supervision.^{lvi} The Executive Budget proposed a comprehensive cannabis regulatory framework administered by the newly established Office of Cannabis Management (OCM) that centralizes all the licensing, enforcement and economic development functions in one entity. The OCM will administer all licensing, production, and distribution of cannabis products in the adult-use, industrial, and medical cannabis markets. In the medical cannabis market, the OCM will supervise the continued expansion of the current medical cannabis program and institute reforms that expand patient access and product affordability while also encouraging research opportunities among medical cannabis providers, health care providers, and medical insurers. **The SFY 21 Enacted Budget excludes this proposal.**

Regulate toxic chemicals in children's products.^{lvii} This legislation amends environmental conservation law relating to the regulation of toxic chemicals in children's products, as proposed in as proposed in S. 501B (Kaminsky)/A.6296-A (Englebright). The intent is to prevent the use of dangerous chemicals in children's products and ensure the use of safer chemical alternatives.

Public Safety

Authorize Shared County Jails.^{lviii} Legislation submitted with the Budget provides local flexibility to share jails and/or jail services. Existing approvals and oversight for local jails would not change, but the requirement that each county maintain a jail would be removed. This change allows counties to pursue shared services and capture savings for taxpayers made possible by declining jail populations. **The SFY 21 Enacted Budget excludes this provision.**

Bail Reform.^{lix}

The list of crimes that are now eligible for monetary bail have expanded to include:

- Burglary in the 2nd degree when "the defendant is charged with entering the living area of the dwelling."
- Criminal Sale of a Controlled Substance in the 1st degree, and Criminal Possession of a Controlled Substance in the 1st Degree
- Sex Trafficking (B felony) and Sex Trafficking of a Child
- Money Laundering in Support of Terrorism in the 3rd and 4th Degrees
- Promoting an Obscene Sexual Performance by a Child, or Promoting a Sexual Performance by a Child
- DV Criminal Obstruction of Breathing or Blood Circulation, Strangulation in the Second Degree, or Unlawful Imprisonment in the 1st Degree
- Any crime that is alleged to have caused the death of another person
- Aggravated Vehicular Assault and Vehicular Assault in the 1st Degree
- Assault 3rd or Arson 3rd when such offense is charged as a hate crime

SFY 21 Enacted State Budget County Impact Summary

- Aggravated Assault upon a person less than 11 years old
- Criminal Possession of a Weapon on School Grounds
- Grand Larceny 1st, Enterprise Corruption, or Money Laundering 1st
- Failure to register as a sex offender or endangering the welfare of a child, while designated a level three offender
- Bail Jumping 1st, 2nd and 3rd, and Escape 1st, 2nd and 3rd

Repeated Arrest

- Any felony offense committed while a defendant is serving a sentence of probation or post release supervision.
- Persistent felony offender facing a life sentence.

Electronic Monitor:

Counites may contract with private, for-profit entities to provide electronic monitoring services, provided that "any interaction with persons under electronic monitoring or the data produced by such monitoring shall be conducted solely by employees of the locality."

Appearance tickets may now be made returnable "at the next scheduled session of the appropriate local criminal justice court if such session is scheduled to occur more than twenty days from the date of issuance."

Judicial Discretion:

There was discussion of changing New York's judicial bail discretion to allow a judge to consider bail if they have a credible belief the defendant may be a danger to society. This was **not** adopted in the budget and instead NY remains a "risk of flight" standard State.

Discovery Reform.^{lx}

- Discovery material
 - When there is a large amount of discovery material, or the material (such as lab test) takes a long time to get back to the District Attorney's office, the prosecution can file a motion in court.
 - A written transcript of a 911 call may be submitted in lieu of the recording and satisfy discovery requirements.
- Traffic Tickets
 - Discoverable material now must be turned over to the defendant in a traffic ticket related matter within 15 days of trial as opposed to within 15 days of from time of the ticket. This change will allow for the traffic ticket prosecution system to flow in a similar manner to pre-2019 discovery changes as most tickets are plead or paid prior to a trial or even a set trial date.
- Criminal Charges
 - The time frame for automatic discovery is now dependent on if the defendant is detained pretrial.
 - When a defendant is detained pretrial awaiting the criminal case, the prosecution must meet its discovery obligations within 20 days of arraignment. When the defendant is not in custody during the pendency of the criminal case, the prosecution must meet its discovery obligations within 35 days of arraignment.

SFY 21 Enacted State Budget County Impact Summary

Jail-Based Restoration Programs for County Jails.^{lxi} The Executive Budget authorizes volunteering counties to develop residential mental health units within their local jails to house, treat and restore felony level defendants to competency as they await trial. OMH will work with counties on a voluntary basis to develop specialized residential treatment units within their jails, ultimately reducing the time individuals with mental illness spend in jail awaiting court proceedings. This program has been identified as a best practice by the National Judicial College and has been implemented successfully in nine other states including California, Colorado, and Virginia. ***The SFY 21 Enacted Budget excludes this provision.***

Suspend Subsidy to Revolving Loan Fund from Cell Surcharge Revenue.^{lxii} The Executive Budget extends the existing suspension of the annual transfer of \$1.5 million from the Public Safety Communications Account to the Emergency Services Revolving Loan Fund for two fiscal years. This proposal suspends an annual transfer of \$1.5 million from the Public Safety Communications Account to the Emergency Services Revolving Loan Fund for two fiscal years. This transfer was previously suspended for SFY 2019 and SFY 2020 by Section 1 of Part M of Chapter 55 of the laws of 2018. ***The SFY 21 Enacted Budget excludes this provision.***

Real Property Services

Allow for the Appointment of Acting County Directors of Real Property Tax Services.^{lxiii} This provision of the budget grants counties the authority to appoint an Acting County Director of Real Property Tax Services. In the event of a vacancy of a County Director of Real Property Tax Services, an authorized Acting County Director of Real Property Tax Services can provide the necessary service coverage until a new director is appointed. Current law allows for the appointment of an acting assessor when an assessor is unable to perform the duties of the office or the office becomes vacant.

Shared Services

Enhance Flexibility Within the County-Wide Shared Services Initiative.^{lxiv} The Executive Budget re-appropriates over \$200 million in funding for the state match of first-year savings from county-wide shared services plans. Counties that implemented shared services plans in 2019 are eligible to receive matching funds from the State in calendar year 2020.

Additionally, legislation submitted with the Budget will allow projects included in previous shared services plans that are not yet implemented to be eligible for State matching funds when they are implemented. While the Executive Budget maintains the requirement that all projects in a plan be implemented during the same 12-month period to receive matching funds, local governments may now decide whether to implement project beginning on either January 1st or July 1st.

The SFY 21 Enacted Budget excludes this provision. This Part would have allowed municipalities to include any previous year shared service savings that have not been

SFY 21 Enacted State Budget County Impact Summary

implemented in future plans. Further the Part would have allowed local governments the option to fully implement projects in different fiscal years.

Local Government Efficiency Grants.^{lxv} These competitive grants provide funding to help cover costs associated with local government efficiency projects, such as consolidation or shared services. The maximum implementation grant award is \$200,000 per municipality/\$1 million per grant consortium, and the maximum planning grant award is \$12,500 per municipality/\$100,000 per grant consortium. The SFY 21 Enacted Budget continues this grant program.

Transportation

Increase the Consolidated Local Street and Highway Improvement Program (CHIPS) Competitive-Bid Threshold.^{lxvi} The Budget would increase the CHIPS competitive-bid threshold from \$250,000 to \$350,000, allowing municipalities the option to perform any projects at or under the \$350,000 threshold with their own workforce rather than bidding out the contract competitively. Last adjusted in 2011, the increase in the threshold is intended to mitigate the inflationary impacts of materials, labor, equipment and other construction-related costs. This proposal would allow municipalities more flexibility and control in the way they complete local street, highway, and bridge projects.

Highways and Bridges.^{lxvii} The SFY 21 Enacted Budget continues Governor Cuomo's record commitment to funding local highway and bridge projects. Funding for the Consolidated Highway Improvement Program (CHIPS) and the Marchiselli program is maintained at last year's level of \$477.8 million. The Budget also continues \$100 million in highway aid through the PAVE NY program, and \$100 million to fund local bridge projects from the BRIDGE NY program. These programs are further improving conditions on State and local roads and bridges.

Extreme Winter Recovery:^{lxviii} \$65 million more than the Governor, and same as last year. Last year's funding was included for this program in a budget clean-up bill, A.8434.

Airports.^{lxix} The Enacted Budget provides up to \$100 million for a second round of funding for the Upstate Airport Economic Development and Revitalization. This funding supports enhancements to safety and economic development, improves airport operations and access, reduces environmental impact, and creates better passenger experiences.

Non-MTA Transit Systems.^{lxx} The Enacted Budget provides \$236 million in operating support for Upstate transit, for a 4 percent increase year over year, and \$405.2 million for downstate systems, representing a year over year increase of 16 percent. Other downstate transit aid includes \$11 million to continue to fund the Lower Hudson Transit Link serving the Mario M. Cuomo Bridge and parts of Rockland and Westchester counties.

The Enacted Budget also provides non-MTA transit systems with an additional \$20 million in capital assistance this year, the first year of a \$100 million five-year program to aid local transit agencies in the transition to electric buses. Under this program, five of the largest upstate and suburban transit authorities will electrify 25 percent of their fleets by 2025 and 100 percent by 2035. The MTA has already committed to purchase only electric buses after 2029 and to fully

SFY 21 Enacted State Budget County Impact Summary

electrify its fleet by 2040. Total non-MTA transit capital assistance is proposed at \$124.5 million.

Operating Aid for Downstate Non-MTA Transit Systems: \$405.2 million, same as the Executive Budget and \$55.2 million more than last year.

- **Nassau County/Long Island Bus:** \$86.5 million, same as the Executive Budget, \$12.1 million more than last year.
- **New York City Department of Transportation:** \$113.8 million, same as the Executive Budget, and \$16 million more than last year.
- **Rockland County:** \$4.4 million, same as the Executive Budget, and \$612,100 more than last year.
- **Staten Island Ferry:** \$42.6 million, same as the Executive Budget, and \$6 million more than last year.
- **Suffolk County:** \$33.6 million, same as the Executive Budget, and \$4.7 million more than last year.
- **Suffolk Shuttle:** \$500,000, same as the Executive Budget, and same as last year.
- **Unspecified formula driven aid:** \$41.3 million, same as the Executive Budget, and \$5.8 million more than last year.
- **Westchester County:** \$71.5 million, same as the Executive Budget, and \$10 million more than last year.
- **Lower Hudson Transit Link:** \$11 million, same as the Executive Budget, and same as last year.

Operating Aid for Upstate Non-MTA Transit Systems: \$236.1 million, same as the Executive Budget, and \$9.6 million more than last year.

- **Capital District Transportation Authority:** \$42.4 million, same as the Executive Budget, and \$1.7 million more than last year.
- **Central New York Regional Transportation Authority:** \$38.7 million, same as the Executive Budget, and \$1.6 million more than last year.
- **Niagara Frontier Transportation Authority:** \$61.1 million, same as the Executive Budget, and \$2.5 million more than last year.
- **Rochester-Genesee Regional Transportation Authority:** \$47million, same as the Executive Budget, and \$1.9 million more than last year.
- **Unspecified formula driven aid:** \$46.7 million, same as the Executive Budget, and \$1.9 million more than last year.

Rural and Small Urban Transit Aid

The adopted budget adds \$66 million in federal coronavirus stimulus funding for this account to help publicly-owned transit systems with capital, planning and operating aid.

Legalize E-Bikes and E-Scooters. ^{lxx[06]} The budget legalizes e-bikes and e-scooters for persons 16 years of age and older. Cities, towns, and villages may, by local law or ordinance, further regulate the time, place and manner of operations of e-bikes and e-scooters, including, but not limited to, maximum speed, helmet requirements, and reflective clothing requirements. They may also limit or prohibit entirely the use of e-bikes and e-scooters within the city, town, or village, provided that adequate signage is visibly posted outside the

SFY 21 Enacted State Budget County Impact Summary

boundaries of the prohibited areas. Cities, towns, and villages within Nassau and Suffolk counties, and villages and towns within Westchester County, can regulate time, place and manner only after the adoption of a local law or ordinance by the county.

Unemployment Insurance

The SFY 21 Enacted Budget adds \$40 billion in new federal stimulus funding to the state's unemployment insurance program.

Veterans

Expand Affordable Housing and Support Services for Homeless Veterans.^{lxxii} The SFY 21 Enacted Budget directs \$5 million to expanding permanent supportive housing for homeless veterans through the Homeless Housing Assistance Program (HHAP). Homes and Community Renewal (HCR) will also designate housing opportunities within their affordable housing developments so that homeless veterans in receipt of rental subsidies and Federal vouchers can more readily access affordable housing. Additionally, OTDA will work with DVS and localities to ensure temporary housing and services are provided to veterans experiencing homelessness and help provide them with permanent housing within 90 days of becoming homeless.

Extension of Hire-A-Vet Credit.^{lxxiii} The SFY 21 Enacted Budget extends for an additional year the Hire-A-Vet Tax Credit, through tax year 2021. The Executive Budget proposal had originally proposed to extend this tax credit for an additional two years. This is a refundable credit provided to employers that is equal to 10% of wages paid to a qualified veteran, up to \$5,000, and 15% of wages paid to a disabled veteran, up to \$15,000.

Joseph P. Dwyer Veteran Peer to Peer Program: \$2.487 million, \$1.8 million less than last year. All programs were decreased by half according to the following:

- **Broome County:** \$92,500;
- **Cattaraugus County:** \$67,500;
- **Chautauqua County:** \$92,500;
- **Columbia County:** \$50,000;
- **Dutchess County:** \$92,500;
- **Erie County:** \$92,500;
- **Genesee, Orleans and Wyoming Counties:** \$92,500;
- **Jefferson County:** \$92,500;
- **Monroe County:** \$92,500;
- **Nassau County:** \$92,500;
- **Niagara County:** \$92,500;
- **Onondaga County:** \$92,500;
- **Orange County:** \$92,500;
- **Putnam County:** \$92,500;
- **Rensselaer County:** \$72,500;
- **Rockland County:** \$92,500;
- **Saratoga County:** \$92,500;
- **Suffolk County:** \$92,500;

SFY 21 Enacted State Budget County Impact Summary

- **Sullivan County:** \$185,000
- **Ulster County:** \$185,000
- **Warren and Washington County:** \$92,500;
- **Westchester County:** \$92,500;
- **University at Albany School of Social Welfare:** \$105,000; and
- **New York City:** \$250,000.

Budget References

ⁱ PPGG, Part YY

ⁱⁱ PPGG, Part ZZ

ⁱⁱⁱ PPGG, Part NN

^{iv} Page 8, Aid to Localities

^v Aid to Localities, p. 28

State Ops, p. 19

^{vii} TED, Part II

^{viii} Page 734, Aid to Localities

^{ix} ELFA, Part N

^x CAP, p. 947

^{xi} Page 573, Capital Projects

^{xii} TED, Part V

^{xiii} TED, Part AA

^{xiv} TED, Part BB

^{xv} TED, Part DD

^{xvi} TED, Part GG

^{xvii} TED, Part EEE

^{xviii} TED, Part FFF

^{xix} TED, Part GGG

^{xx} ELFA, Part E

^{xxi} ELFA, Part F

^{xxii} ELFA, Part B

^{xxiii} Page 354, Aid to Localities

^{xxiv} PPGG, Part AAA

^{xxv} TED, Part ZZZ

^{xxvi} CAP, p. 139; TED Part QQ and RR

^{xxvii} Page 144, Capital Projects

^{xxviii} TED, Part PP

^{xxix} TED, Part SS

^{xxx} Page 120, Capital Projects

^{xxxi} REV, Part L

^{xxxii} PPGG, Part DD

^{xxxiii} PPGG, Part EE

^{xxxiv} TED, Part HH

^{xxxv} TED, Part KK

^{xxxvi} TED, Part TT

^{xxxvii} TED, Part WW

^{xxxviii}

TED, Part JJJ

SFY 21 Enacted State Budget County Impact Summary

xxxix PPGG, Part FF
xl TED, Part UU
xli PPGG, Part TT
xlii PPGG, Part KK
xliii Rev, Part X
xliv Page 606, Aid to Localities
xlv Page 590, Aid to Localities
xlvi Page 86, Governor’s Budget Briefing Book
xlvii Page 421, Aid to Localities
xlviii Page 293, Aid to Localities
xlix Page 643, Aid to Localities
l Page 977, Aid to Localities
li Page 56, Aid to Localities & PPGG, Part E
lii PPGG, Part T
liii REV, Part BB
liv HMH, Part R
lv ELFA, Part EE
lvi REV, Part BB
lvii PPGG, Part XX, Subpart AA
lviii PPGG, Part OO
lix ELFA, Part UU
lx ELFA, Part HHH
lxi HMH, Part W
lxii PPGG, Part I
lxiii REV, Part P
lxiv PPGG, Part LL
lxv Page 962, Aid to Localities
lxvi TED, Part A
lxvii Page 700, Capital Projects
lxviii Page 721, Capital Projects
lxix Page 709, Capital Projects
lxx Page 739-746, Aid to Localities
lxxi TED, Part XX
lxxii Page 353, Capital Projects
lxxiii REV, Part B