

2023 State of the State Summary

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Introduction

Governor Kathy Hochul, serving as the 57th Governor of New York and 1st female governor, today presented the 2023 State of the State. The address laid out the administration's agenda for the year.

NYSAC has reviewed the Governor's various proposals and presents the following summary. We will continue to analyze these proposals and look anticipate that many of the details associated with them will be included in the Governor's proposed State Budget, which will be released on February 1st. We will provide more analysis as information is available.

Aging

To expand coverage and care options for New York seniors the Governor is proposing to:

- Invest in care teams to provide care for low-income adults in their homes, helping to ensure New Yorkers can age in place.
- Provide respite care for high-need family caregivers, granting relief to those who oversee the care of their loved ones.
- Establish quality reporting and accreditation for assisted living residences, and
- Implement quality improvement initiatives in nursing homes to promote transparency and make it easier for New Yorkers to make informed choices.

Agriculture

To grow New York's agricultural sector, the Governor is proposing to:

- Issue an Executive Order (EO) directing New York State agencies and related institutional entities to increase the percentage of the food they source from New York producers, with a target of 30 percent.
- Direct the Department of Agriculture and Markets to address the food supply workforce shortage by engaging with agricultural producers and processors to train and recruit new entrants in the food and agricultural fields.
- Modify the 20 percent Investment Tax Credit (ITC) for farmers to make it a refundable tax credit for a period of five years.
- Provide \$50 million over five years to support "scratch" cooking facilities that will facilitate the use of fresh New York State farm products in meal preparation for K-12 school children.
- Launch three initiatives to encourage the creation of new community gardens and increase the productivity of those already operating.
- Provide \$10 million in grant funding to support the establishment of farm markets, supermarkets, food cooperatives, and other similar retail food stores, along with supporting infrastructure in underserved communities and regions of the state.

- Direct Empire State Development and the Department of Agriculture and Markets to assemble an interagency team tasked with ensuring New York’s food manufacturing sector continues to grow and expand.

Civil Service Reforms

Amend the Civil Service Law to grant continuous recruitment for a variety of titles. Continuous recruitment exams offered on an ongoing basis will be held via a hybrid of online training and experience exams, multiple choice exams via remote proctoring (online), and in-state-operated computer-based testing centers.

Cybersecurity

In 2022, the State’s Division of Homeland Security and Emergency Services (DHSES) responded to 57 cyber incidents across New York in support of counties, local governments, state entities, and others. To protect the state’s critical infrastructure facilities, Governor Hochul is directing DHSES’ Office of Counterterrorism to create New York’s first-ever Industrial Control Systems (ICS) assessment team to help these facilities improve their overall cybersecurity posture so they are more resilient to cyberattacks.

Economic Development

Childcare

Governor Hochul will propose raising the income limit to the maximum allowed by federal law to cover families earning up to 85 percent of New York’s median income. In real terms, this will increase the income limit for a family of three from just under \$70,000 to nearly \$80,000.

Governor Hochul will also standardize eligibility across local districts by ensuring that our most vulnerable families—families experiencing homelessness and families caring for a child in foster care or kinship care—are provided childcare assistance as long as funds are available.

Additionally, the Governor is directing HCR to incentivize housing developments to include dedicated childcare space. HCR will expressly favor applications for its Low-Income Housing Tax Credit that incorporate childcare facility space.

Automatic Minimum Wage Inflation Adjustment

The Governor will propose legislation to index the minimum wage to inflation. After reaching \$15 per hour, each region’s minimum wage will increase consistent with the year-over-year Consumer Price Index-W for the Northeast Region. To ensure that no single-year increase would threaten employment, annual increases would be capped, and an “off-ramp” would be available in the event of certain economic conditions.

Seventeen other states either currently tie their minimum wage to inflation, or some other economic formula, or are slated to do so.

Modernize and Streamline the State’s Training and Employment Infrastructure

Governor Hochul is proposing to convert DOL Career Centers into “Community Training and Career Centers,” with additional professional skills trainers that provide unemployed and underemployed New Yorkers with no-cost training in high-need areas, such as digital and financial literacy and entrepreneurship. This will be paired with a new, large-scale, on-the-job training program administered by the DOL to upskill 3,000 workers each year, focusing on high-demand industries and hard-to-fill job titles.

New York State will also retool the outdated CareerZone platform to specifically help youth, young adults, and digital literacy learners explore career paths and develop baseline professional skills required by employers from all sectors.

Environment

Make Buildings More Sustainable

The Governor is calling for all new construction to be fully sustainable, with no on-site fossil fuel combustion by 2025 for smaller buildings and by 2028 for larger buildings. She is also proposing to prohibit the sale of any new fossil fuel heating equipment by no later than 2030 for smaller buildings, and no later than 2035 for larger buildings, along with related fossil fuel systems for all buildings.

Launch A Cap-and-Invest Program and Provide Climate Action Rebates

As recommended by the Climate Action Council, Governor Hochul is directing the Department of Environmental Conservation (DEC) and the NYS Energy Research and Development Authority (NYSERDA) to advance an economy-wide Cap-and-Invest Program that establishes a gradually declining cap on greenhouse gas (GHG) emissions. The program will set an annual cap on the amount of GHG pollution in New York State. Every year, the pollution cap will be reduced with the aim of setting the state on a trajectory to meet our greenhouse gas reduction goals of 40 percent by 2030 and at least 85 percent below 1990 levels by 2050.

Large-scale emitters of greenhouse gases and distributors of heating and transportation fuels in the state will be required to purchase allowances — via auctions hosted by the State — for the emissions associated with their activities. By applying a price to the amount of pollution associated with certain fuels, the program will incentivize consumers and businesses to transition to lower-carbon alternatives, such as electric vehicles or electric heating systems.

The Governor will also propose legislation to offer universal Climate Action Rebates to families across the state to defray their costs. The rebate is expected to provide \$1 billion to help cover utility bills, transportation costs, and de-carbonization efforts. Proceeds from allowance auctions will support the State’s investments in climate mitigation, energy efficiency, clean transportation, and other projects, in addition to funding a Climate Action Rebate distributed to all New York families.

Launch the EmPower Plus Program

Governor Hochul is proposing to launch the EmPower Plus low-income home retrofits program, which will help 20,000 low-income families retrofit their homes by adding insulation, installing energy-efficient appliances, and, where eligible, switching to electric heating systems. Homes that qualify to be electrified through the EmPower Plus program will be eligible for the Energy Affordability Guarantee once they are fully electrified.

Create An “Energy Affordability Guarantee” Pilot Program

The Governor is proposing to create a first-in-the-nation pilot program called the Energy Affordability Guarantee that will ensure participating low-income New Yorkers never pay more than six percent of their income on electricity. The State will extend \$200 million in relief to provide a monthly discount to the more than 800,000 electric utility customers who are making under \$75,000 a year and have not been eligible for the State’s current utility discount program.

Advance Transportation Electrification

Governor Hochul will direct the Department of Public Service (DPS) to launch a proceeding that will identify and remove the barriers to the efficient and timely deployment of the charging infrastructure needed to electrify medium- and heavy-duty vehicles.

Reduce Waste and Invest in Local Recycling Programs

Governor Hochul will introduce the Waste Reduction and Recycling Infrastructure Act to transfer the onus of recycling from taxpayers and local governments to producers. The product stewardship program that this legislation would create will include requirements to meet specific recycling rates, create binding post-consumer recycled content rates, and ensure recycling is convenient for consumers.

Invest in Water Quality Infrastructure

Governor Hochul will invest an additional \$500 million in clean water funding in her upcoming budget, bringing New York’s total clean water infrastructure investment to \$5 billion.

To leverage these investments and ensure ongoing coordination with local governments, Governor Hochul will also develop Community Assistance Teams, which will provide proactive outreach to small, rural, and disadvantaged communities and assist with accessing financial assistance to address their clean water infrastructure needs. Financial resources will be used to establish and implement apprenticeship programs to make sure localities have the technical staff necessary to operate water and wastewater treatment plants across the state.

Clean Up “Forever Chemicals”

Governor Hochul is proposing to establish a new program to offer financial assistance to municipalities to investigate sources of contamination and remediate contaminated sites over the next five years. This new program will provide the resources communities need to remove emerging contaminants like Perfluoroalkyl Substances (PFAS) from our environment and protect clean water.

Government Operations

Eliminate Technical Filing Requirements for Municipalities

Currently, municipalities must consecutively number local laws filed with the Department of State, an overly technical requirement that leads to the unnecessary rejection of numerous local laws. Governor Hochul proposes to eliminate these filing requirements.

Simplify Condominium Declarations Filing Requirements

Currently, NYS Real Property Law requires condominium declaration filings to go to the Department of State and with the County Clerk. Governor Hochul proposes to have the condominium board file only the designation of the Secretary of State as its agent for service of process.

Health Care

The Governor is proposing to establish a new Future of Health Care Commission to improve the efficiency of the current system with the goal to improve access and quality of care, health outcomes, root out waste in the system, and create long-term stability, including a plan for struggling hospitals. Proposals include:

- Establishing a new capital grant fund to support healthcare providers' technological investment upgrades that facilitate the State's healthcare transformation goals,
- Reforming traveling nurse agency staffing practices with initial steps that will require these agencies to report more data to the state on their operations and cost structure,
- Expanding health care providers' scope of practice by making permanent some of the emergency measures enacted during the pandemic and advancing legislation to allow New York to join the Interstate Licensure Compact and the Nurse Licensure Compact, which will make it easier for physicians and nurses licensed in other states to practice in New York, and
- Reforming the certificate of need (CON) process to reduce regulatory burdens and speed technology and approval times to modernize the statewide health system.

Addressing Medical Debt

Last year, the State took steps to reduce the burden of medical debt by announcing regulations to protect consumers facing surprise medical bills as well as prohibiting hospitals from placing liens on patients' homes or garnishing their wages to collect on medical debt. This year the Governor is proposing to:

- Amend the Consumer Credit Fairness Act to cover medical debt,
- Launch an industry and consumer education campaign that addresses medical debt and affordability,
- Reform hospital financial assistance applications to require hospitals to use a uniform application,

- Establish the strongest prescription drug price transparency program in the country by requiring drug manufacturers to report, in advance, changes in drug prices and make that information publicly available to consumers, and
- Explore the creation of a new Health Guaranty Fund to protect New Yorkers if a health insurer becomes financially impaired or insolvent, similar to what is in place for life and property insurers.

Higher Education

Directly Admit All New York Students to Their Local Community Colleges

SUNY will partner with school districts to ensure all graduating high schoolers are accepted automatically into their local community college.

Housing

Set Goals for New Construction Across the State

With a goal of building 800,000 new homes, Governor Hochul is proposing to set targets for new home creation on a three-year cycle that will apply to all municipalities (villages, towns, and cities). Municipalities located within the MTA region will have a 3% new housing growth target. Upstate municipalities will have a 1% new home target.

Communities that fail to meet these goals will be required to fast-track approvals for mixed-income, multifamily projects. A new appeals process will be established to provide approvals where localities do not.

Localities can choose to take zoning actions that substantially increase capacity for new housing and mixed-use developments, which will exempt them from the fast-track approval mechanisms for the subsequent three-year cycle even if they do not meet the new homes target.

Support Planning and Infrastructure Needs

To support local governments in achieving the State's housing goals, Governor Hochul will create a \$250 million fund to aid critical infrastructure projects triggered by plans for increased housing, such as sewer and water infrastructure and structured parking facilities that allow existing lots to be repurposed. An additional \$20 million fund will be established to support local governments as they pursue rezoning, collect critical housing data, and engage in other important planning activities tied to achieving the new home targets.

Transit-Oriented Development

Under the Governor's proposed Housing Compact, neighborhoods within half a mile of all rail stations run by the MTA — both subway and commuter trains — will locally rezone to allow for certain levels of housing density. Within three years, localities will rezone the areas immediately surrounding these transit stops for a minimum average density unless the existing density already meets that level. Mixed-use, walkable developments will be encouraged, and municipalities will have flexibility in how they distribute the density.

Establish A Statewide Database

The State will create a New York-wide database of housing permit data, zoning maps, and zoning requirements for all localities. The State will work with county or regional entities to provide support for localities collecting the initial data and setting up systems to submit the information on an ongoing basis.

Reclaim Vacant and Abandoned Homes

Governor Hochul will propose legislation to update the law that enables localities to put certain abandoned properties to good use. Her proposal will make it easier for cities and towns to take ownership of dangerous multifamily properties, including for the purpose of rebuilding safe and habitable homes.

Offer Incentives to Build and Rehabilitate Housing

To support the development of mixed-income housing outside of New York City, Governor Hochul will direct Homes and Community Renewal (HCR) to make \$5 million in State Low Income Housing Tax Credits (SLIHC) available to mixed-income projects. The Governor will also propose a new property tax exemption in New York City to incentivize the inclusion of affordable housing in commercial buildings that are converted to residential use.

To support homeowners who build out Accessory Dwelling Units (ADUs), Governor Hochul will propose to expand an existing property tax exemption that localities can opt into to explicitly cover these units, increasing the size of the exemption to better support the creation of ADUs and extending the time frame to incentivize their development. She will also propose a new property tax exemption that localities can opt into to encourage mixed income housing development near train stations.

Governor Hochul will make the necessary changes to ensure that localities where new housing developments utilize Payment in Lieu of Taxes (PILOT) agreements are not penalized in tax cap calculations. The status quo accounting methodology can discourage the use of PILOT agreements by putting more downward pressure on a locality's overall tax levy.

Finally, Governor Hochul will work with the Legislature to fashion and enact a replacement for the 421a property tax exemption program that expired last year.

Create Greater Opportunities to Convert Office Spaces into Residential Housing

Governor Hochul will propose legislation to expand the universe of commercial buildings eligible for conversion to residential use and provide necessary regulatory relief for such conversions.

Authorize New York City to Legalize Basement Apartments

Governor Hochul will propose providing the City of New York with the local authority to provide amnesty by local law for existing basement units that meet health and safety standards to be determined by the City.

Medicaid

The Governor is proposing to increase preventive care services under the Medicaid program, as well as access to preventive care by:

- Increasing supportive housing funding,
- Expanding Adverse Childhood Experiences screening,
- Expanding coverage for nutritionist services,
- Expanding coverage for therapy,
- Increasing dental care rates,
- Increasing rates for children’s vaccine administration,
- Expanding coverage of spinal muscular atrophy prenatal screening,
- Expanding screening for social determinants of health,
- Expanding coverage for Doula services,
- Increasing overall Medicaid reimbursement rates for all primary care, and specifically for nurse practitioners, who are critical providers of primary care,
- Ensuring Medicaid coverage of primary and urgent care within the shelter system, which is expected to help tens of thousands of New Yorkers facing housing insecurity to access care,
- Expanding Medicaid coverage of community health workers to help hundreds of thousands of New Yorkers navigate health and social services,
- Increasing Medicaid reimbursement rates for school-based health centers, which increase access to primary care and other health services for children and their families, and
- Supporting the integration of primary and mental health care through several initiatives, including:
 - Providing Medicaid reimbursement for additional types of licensed mental health providers in community health centers,
 - Establishing a working group on integrated care, and
 - Relaxing licensure restrictions for Article 28, 31, and 32 facilities — such as hospitals, outpatient clinics, and behavioral health clinics.

Long-Term Care Access

The Governor is proposing to seek a federal Medicaid waiver to expand the Medicaid Buy-In program so more New Yorkers with disabilities can work and still qualify for Medicaid coverage.

Essential Health Plan Reforms

Increase coverage and access of the largely federally funded Essential Health Plan benefit under the Affordable Care Act, which offers health coverage to individuals not eligible for Medicaid but earning under 200 percent of the FPL by:

- Reducing cost sharing for patients,
- Ensuring access by increasing reimbursement rates for healthcare providers,
- Expanding funding for health plans to broaden coverage of mental health and social services, and
- Requiring health plans to spend more on patient care

Mental Health

Expand Insurance Coverage for Mental Health Services

The Governor will advance legislation to prohibit insurance companies from denying access to medically necessary, high-need, acute, and crisis mental health services for both adults and children.

She will also advance legislation to close gaps in coverage for behavioral health services to improve the well-being and success of individuals once they leave hospitals or emergency departments.

Additionally, the Governor is proposing to adopt appointment availability and geographic accessibility standards for behavioral health services and ensure payment parity for behavioral health telehealth services.

Expand Mental Health Services for School-Aged Children

Governor Hochul is proposing to broaden mental health services in schools by:

- Ensuring school-based mental health services are more accessible for youth with private insurance by requiring reimbursement equivalent to Medicaid,
- Increasing Medicaid rates for Article 31 school-based satellite clinics,
- Increasing Medicaid rates for school-based wraparound services, and
- Investing in annual school-based partnership and capacity grants.

Increase Operational Capacity for Inpatient Psychiatric Treatment By 1,000 Beds

Governor Hochul will direct Article 28 community hospitals to immediately bring 850 inpatient psychiatric beds online. To ensure this goal is met, she will propose legislation to allow OMH to fine hospitals for non-compliance with their operating certificate at a rate of up to \$2,000 per violation, per day.

Simultaneously, Governor Hochul will open 150 new adult beds in State-run psychiatric hospitals. One hundred of these beds will open in New York City, and 50 will open outside of New York City. This will build on the 50 new beds that the Governor announced in November.

Improve Admissions and Discharge Planning and Establish Systemic Accountability

The Governor is proposing a combination of policy changes and investments to create systemic accountability for admissions and discharges, including:

- Requiring that hospitals responsibly admit patients in need of care, with new, comprehensive standards for evaluation and increased state-level oversight to ensure that new protocols are being used effectively,
- Creating 50 new Critical Time Intervention (CTI) Care Coordination Teams to provide wrap-around services for discharged patients, from housing to job supports,
- Requiring that emergency departments and inpatient providers discharge high-risk, high-need individuals into immediately available wrap-around services, including CTI Care Coordination, and
- Requiring that outpatient programs provide immediate and ongoing appointments for high-risk individuals during the discharge process, ensuring a “warm handoff” of care.

Expand Outpatient Services

Governor Hochul will expand a wide range of outpatient services, including:

- Comprehensive psychiatric emergency programs providing hospital-level crisis care, with 12 new sites across the state.
- Assertive Community Treatment teams providing mobile, high intensity services to the most at-risk New Yorkers, with 22 new teams in New York City and 20 in the rest of the state.
- Certified Community Behavioral Health Clinics (CCBHCs), providing walk-in, immediate integrated behavioral health care, and both mental health and substance use disorder services for New Yorkers of all ages and insurance status, expanding from 13 to 39 clinics statewide, supplemented by an Indigent Care Pool (ICP) to ensure access.
- Safe Options Support teams, providing outreach and connection to services for homeless populations with mental illness and substance use disorders, with five new teams in New York City and three in the rest of the state.
- Article 31 Clinics that provide core mental health services serving the most vulnerable New Yorkers, with expanded capacity at 20 sites.
- Health Home Plus care management, to provide assistance as patients seek to access the services they need, hiring dozens of new care managers to serve individuals with serious mental illness.

Create 3,500 New Housing Units for Individuals with Mental Illness

Specifically, the Governor's plan will create:

- 500 Community Residence-Single Room Occupancy (CR-SRO) units, which provide housing and intensive services to individuals with serious mental illness who are at the highest risk of homelessness.
- 900 transitional step down units — a new, medium-length stay model — which help individuals transition from various levels of care to community-based living.
- 600 Licensed Apartment units, which serve individuals who require an intermediate level of services to be able to live in the community, but do not require 24/7 staffing and support.
- 1,500 Supportive Housing units, which serve individuals with a serious mental illness who have less acute needs but still require support to live in the community. Half of these would be scattered-site, rental units which can be opened quickly, while the other half would be new construction or renovated facilities completed over the next five years.

Public Health

Address Childhood Lead Poisoning in High-Risk Areas Outside of New York City

The Governor is proposing to apply an inspection requirement in the 24 highest-risk zip codes for lead poisoning outside of New York City. Rental units built before 1980 will be required to be assessed on a three-year cycle to try and identify any hazards that may pose an imminent risk to children. Homes that fail the inspections will be required to remediate the lead hazards to keep their certificate of occupancy.

To help assist landlords, State funding will be provided to defray the costs of inspections as well as to support renovations when dangerous conditions are identified.

Discourage Tobacco Use Among Youth

Governor Hochul will introduce legislation to expand the State's ban on the sale of flavored vaping products by prohibiting the sale of all flavored tobacco products. In addition, Governor Hochul will propose to increase the cigarette tax from \$4.35 to \$5.35 per pack.

Expand Access to Treatment for Opioid Addiction

Governor Hochul will launch an interagency task force to consider all options related to opioid use disorder treatment and harm reduction strategies. She will also make enhanced drug-checking technology available at Drug User Health Hubs so that individuals can test their drugs to prevent overdose before use. Additionally, drug-checking technology will be made available to engagement service and street-level outreach providers who work with individuals not currently receiving addiction services and who are at significant risk of a fatal overdose.

Make It Easier for Physicians and Nurses to Practice in New York

Governor Hochul will advance legislation to allow New York to join the Interstate Licensure Compact and the Nurse Licensure Compact, which will make it easier for physicians and nurses licensed in other states to practice in New York, either physically or virtually, and allow New York providers to provide virtual care more easily for their patients who travel to other states.

Strengthen New York's Public Health Emergency Readiness Capacity

The Governor will direct Department of Health to commit additional staff resources to work with other state agencies, as well as key local and national partners, to build more robust emergency response plans, conduct emergency response training, and ensure appropriate stockpiling of medical equipment and supplies.

Address the EMS Crisis

- Ensure emergency transportation providers are appropriately reimbursed for trips, increasing payments for more complex patients.
- Establish a working group to recommend ways to expand access to non-emergency medical transportation.
- Establish nine regional EMS organizations that can better coordinate all the EMS agencies and providers operating within their region and a statewide EMS disaster response system that can rapidly deploy personnel and equipment when and where it is needed during an emergency.
- Allow EMS providers to perform expanded clinical care in the community.
- Permit ambulances to treat patients in place or take patients to urgent care clinics without sacrificing payment for the trip, decreasing the number of unnecessary emergency room visits.

Public Safety

Expand the State’s Gun-Involved Violence Elimination (GIVE) Program

The Governor is proposing to double funding for the GIVE Initiative to \$36 million to expand this initiative beyond the current 17 counties served by the program. This funding would be used to hire approximately 150 police officers and prosecutors dedicated to combating gun violence within their communities, while also supporting police departments in their adoption of evidence-based strategies.

She also proposes to double funding for the Alternatives to Incarceration (AIC) program to \$30 million annually and provide \$36 million to allow District Attorneys to hire more prosecutors to meet the demands of the new discovery requirements.

Amend the State’s Bail Laws

Governor Hochul is proposing to work with the Legislature to make “thoughtful changes” to the bail law, consistent with the spirit behind its original passage, in order to restore confidence in our criminal justice system. For serious crimes (those that remain eligible for bail), Governor Hochul believes the “least restrictive” standard should be eliminated.

Fire Services Crisis

Governor Hochul will propose legislation to allow communities to pay modest compensation to eligible volunteer firefighters. She is also proposing to create a fund to pay a stipend to volunteer firefighters upon completion of certain foundational training or certification required for core responsibilities.

Transportation

Electric Vehicle Charging Stations

The Governor announced that New York’s utilities have been authorized to invest more than \$1 billion in support of vehicle electrification, primarily for the development of EV charging infrastructure for passenger vehicles. In addition, the state will receive \$175 million over five years in federal funds to establish an interconnected network of electric vehicle (EV) charging stations, which will support the increase in the number of electric vehicles on the state’s roads. New York will continue to work with stakeholders to determine the most efficient and effective way to provide incentives that support the installation, operation, and maintenance of an expanded EV charging station infrastructure with a goal to put charging stations no more than 50 miles apart.

Governor Hochul will also direct the Department of Public Service (DPS) to identify and remove the barriers to the efficient and timely deployment of the charging infrastructure needed to electrify New York’s medium and heavy-duty vehicles.

Public Transportation

The Governor announced a new proposal to expand public transportation with funding for a five-year pilot program that will allocate \$1 million to each of the seven largest non-MTA systems, while smaller systems throughout the state would jointly be eligible for a competitive fund of \$3 million. These funds can be used as a 20 percent match for federal funds; to purchase technology that enables local app-enabled trip requests for public transit; purchase smaller vehicles; and create a transit service that better suits local needs.