

Assemblyman
JEFFRION L. AUBRY
Reports to the People

**35TH A.D. • QUEENS COUNTY
SPEAKER PRO TEMPORE**



WHAT TO EXPECT FROM THE 2016 LEGISLATIVE SESSION



Dear Constituents,

As the new legislative session commences, the challenges—and opportunities—are clear. The focus must be on making New York stronger and helping families get ahead by increasing opportunities and fairness. Last year, the Assembly Majority was able to accomplish much of our Families First agenda. Now, we must build on that success and deliver more for the people we represent.

This year, we renew our commitment to spur on a growing economy, enhance our education system, and seek a more just society. People at all levels of our state must be able to enjoy the benefits of this growing economy. Our State Constitution requires us to provide assistance to those who cannot care for themselves and we must do so by putting effective measures in place that will encourage growth and achievement in all of our citizens and residents.

We accomplished great things for our state last year, but there is much more work to be done. Hardworking men and women across the state have been calling for a meaningful State minimum wage, an affordable place to live, and a fair chance to climb the ladder of economic opportunity—and we in the Assembly are poised to answer these calls. Through passage of these measures, we will once again prove the strength of the democratic process and we will continue to work to improve the conditions of our communities, cities, and state.

Our District is home to people from all over the world. We are America’s future and I am committed to making that future bright.

Sincerely,

Jeffrion L. Aubry
Member of Assembly
35th A.D. Queens County

PUTTING FAMILIES FIRST

• Raising New York’s Minimum Wage to \$15 An Hour

The Assembly has long led the fight to raise the minimum wage and ensure that all New Yorkers earn a living wage. In fact, the New York State Assembly is the first and only state house to pass legislation to increase the wage to \$15.

It is now time for the Senate to act to implement a meaningful minimum wage. New Yorkers who work 40 hours per week should not be struggling to feed themselves or their families. Being able to afford the most basic necessities—a roof over your head and food on the table—shouldn’t require a second job. The Assembly has always fought for minimum wage increases and a more level playing field. We have not stood idly by while so many struggle and we will continue fighting for a fair shot for each and every New Yorker.

Each day that goes by without a stronger wage floor means that some will continue to thrive on low costs of labor while many more will slip into poverty. No one who works a full time job should have to live in poverty. A significant increase in the state minimum wage will help our families grow and enable neighborhoods to thrive. The Assembly has long led the fight for a substantial minimum wage increase and it’s time for the Senate to finally act so that all workers can climb the ladder of economic opportunity.

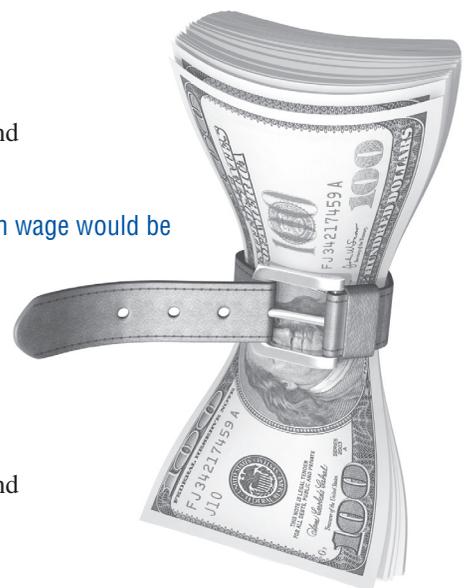
The Governor’s proposed all-industry minimum wage increase would be phased in to take effect by December 31, 2018, for New York City, and by July 1, 2021 for the rest of the state on the following schedules:

For New York City, the minimum wage would be increased to:

- \$10.50 on December 31, 2015
- \$12.00 on December 31, 2016
- \$13.50 on December 31, 2017, and
- \$15.00 on December 31, 2018

For the rest of the State, the minimum wage would be increased to:

- \$9.75 on December 31, 2015
- \$10.75 on December 31, 2016
- \$11.75 on December 31, 2017
- \$12.75 on December 31, 2018
- \$13.75 on December 31, 2019
- \$14.50 on December 31, 2020, and
- \$15.00 on July 1, 2021



• Women’s Equality Act

For too many years, we have heard testimony from women across the state struggling to secure the full and equal rights they deserve. Last year, despite our best efforts, the women of this state were denied their right to full equality under the law. We in the Assembly, led by the women of the Assembly majority, lived up to our promise to shield women from the scourge of domestic violence, to protect and defend a woman’s right to choose, and to erase gender inequality in our state

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• Women's Equality Act (cont'd)

by passing the entire Women's Equality Act. The Assembly Majority has time and again demonstrated its resolve to pass all 10 points of the Women's Equality Act and is poised to do so once again.

Here in New York State, women make up approximately half the workforce and are an integral part of our communities. That is why the fight for women's rights is not just a women's issue: discrimination in the workplace, domestic violence, and unfair pay practices are problems that hurt our economy and affect us all. Rest assured that my Assembly colleagues and I will not relent in our fight for the passage of the full Women's Equality Act.

• The Ten Points of the Women's Equality Act Aim to:

1. **Protect a woman's right to make decisions about her own body.**
2. **Achieve pay equity.**
3. **Stop sexual harassment in the workplace.**
4. **Strengthen human trafficking laws.**
5. **Give domestic violence victims greater access to secure an order of protection.**
6. **End housing discrimination for domestic violence victims.**
7. **End family status discrimination.**
8. **Stop pregnancy discrimination once and for all.**
9. **Remove barriers to remedying discrimination.**
10. **Stop source-of-income discrimination.**

• Paid Family Leave Act

Last year, my Assembly colleagues and I passed the Paid Family Leave Act. The Act would have enabled all workers to maintain employment and still receive some income while on leave to care for an elderly relative, manage an unexpected medical emergency, or bond with a newborn or adopted child (A.3870, Nolan). Unfortunately, this important common sense legislation did not become law last year.

Currently, the federal Family Medical Leave Act provides for up to 12 weeks of unpaid leave to care for a sick relative. With people living longer and requiring care in their later years, and assisted

living and nursing home options growing fewer and more expensive, options for hard working families are limited.

New Yorkers should not have to choose between keeping their jobs and taking care of a sick family member or spending time with a new one. Medical bills and other expenses continue to grow while people are out of work caring for their relatives, despite the lack of income. Allowing employees to earn a portion of their salary during family leave would strengthen the workforce and promote financial stability.

The Assembly understands that family comes first; which is why we will continue to push for the passage of this legislation into law. Through passage of this bill, we will uphold our commitment to give families the critical support they need to live healthy, fulfilling lives. When we invest in the health and safety of our families, we invest in the future of New York.

• Expanding Access to Child Care for Working Families

Last year, the Assembly passed a series of bills to expand access to child care for working families, including a measure that would require local social services districts to provide a child care subsidy for parents who work overnight and have children that are not yet in school, so that children can be cared for during the day (A.775, Jaffee).

For countless families, access to child care is out of reach. This makes it all the more difficult to find and keep employment. Quality, affordable child care is essential for working parents whose children have not begun school.

Assemblymember Ellen Jaffee said "Child care is a basic need for many families. For a large number of working parents, not having access to child care often means they cannot work and cannot put food on the table. Providing these families with child care assistance allows struggling parents who work overnight to keep their jobs while knowing their children are being cared for."



The series of bills also includes measures that would:

- codify child care as a compelling family reason to separate from employment, allowing otherwise eligible parents to apply for unemployment benefits (A.7004, Lupardo);
- allow a 12-month work exemption for households receiving public assistance with a child under the age of one, provided that the commissioner of a social services district is unable to provide all eligible working families with child care assistance (A.1805, Titus); and
- require the state Department of Labor to take child care needs into account when considering unemployment work search requirements (A.4780, Solages).

CRIMINAL JUSTICE

• Historic Settlement Overhauls Solitary Confinement in New York

Last year, the New York Civil Liberties Union and New York State announced a settlement agreement that comprehensively overhauled solitary confinement in New York State. The agreement will result in the end of traditional solitary confinement for more than 1,100 people—one-quarter of the current solitary population—who will either be placed in alternative units or provided with less isolating, more rehabilitative conditions. The settlement is expected to reduce the solitary population even further by eliminating solitary confinement as punishment for all minor violations and limiting the duration of most solitary sentences, and it will abolish several of solitary's most dehumanizing features altogether.

Under the agreement, the state commits itself to (1) reducing solitary, (2) limiting the length of solitary sentences, and (3) increasing rehabilitative features in solitary and abolishing its most dehumanizing aspects. The legal settlement imposes a maximum sentence of three months for almost all violations (with exceptions

for things like assault and attempted escape) and sets a maximum sentence of 30 days for almost all first-time nonviolent violations. Inmates in confinement will receive decent food, as opposed to the rations they often get now. The agreement must still be approved by Judge Shira Scheindlin of Federal District Court in Manhattan.

The agreement, which is expected to cost \$62 million and is subject to court approval, contains the following major provisions, which must be implemented within the next three years and will be followed by a two-year monitoring period:

- Removes more than 1,100 people from traditional solitary conditions and either moves them into rehabilitative units with common spaces and group programming or moves them to into other less isolating disciplinary units. These changes are designed to impact people trapped in solitary with the longest sentences, people with developmental disabilities, people in need of drug therapy or more comprehensive behavioral therapy, juveniles, and people

• Historic Settlement Overhauls Solitary Confinement in New York (cont'd)

- who would otherwise be released directly from solitary to the street.
- Restricts the circumstances that solitary can be imposed as punishment. Nearly half (42) of the 87 rule violations punishable by solitary—including drug use and drug possession—no longer allow solitary sentences for one-time violations. Petty violations—23 out of the 87 violations—are no longer eligible for solitary confinement sanctions at all.
 - Requires de-escalation training of over 20,000 of Department of Corrections and Community Supervision personnel on how to diffuse situations before solitary becomes a consideration.
 - Imposes a maximum sentence for solitary confinement of three months for all but a handful of first-time violations such as assault and escape, and a maximum sentence of 30 days for almost all first-time non-violent violations.
 - Grants all people in solitary automatic early release for good behavior and participation in rehabilitative programming.
 - Provides for basic human needs for people in solitary, including access to telephone calls, reading materials, and a shower curtain in shared cells, and abolishes the use of serving inedible food (the “loaf”) as a form of starvation punishment.
 - Commits the state to spend approximately \$62 million on implementing terms of the settlement, including the conversion of traditional solitary blocks into more rehabilitative spaces with group dayrooms and outdoor space.
 - Establishes a robust monitoring regime to ensure compliance with the terms of the settlement, including quarterly reporting to the public.

While this agreement is a significant milestone in the fight for solitary confinement reform, it is not a permanent solution. Many of these measures should be codified into law to ensure their longevity. This is why I will continue to push the [HALT Solitary Confinement Act A.4401](#), legislation that I introduced in 2014 to make these measures permanent. This bill, known as the “Humane Alternatives to Long-Term Solitary Confinement” Act (HALT Solitary Confinement Act) would limit the time an inmate can spend in segregated confinement. This bill would end the segregated confinement of vulnerable people, restrict the criteria that determines who is put in solitary housing units, improve conditions of confinement, and create more humane and effective alternatives to solitary confinement.

• Gov. Cuomo: Pardon Ex-Cons for Minor Crimes As Teens

Late last year, Governor Cuomo announced an initiative that would pardon ex-cons for minor crimes they committed as teens. As many as 10,000 New Yorkers who have been convicted of minor crimes in their youth could qualify for an executive pardon under a state clemency program. Ex-cons convicted of misdemeanors or non-violent felonies when they were 16 or 17-years-old, and who have been crime-free for 10 years are eligible to apply for the program, according to the governor’s office.

The youth-focused clemency program is part of a larger initiative by Cuomo’s administration to grant pardons to all individuals who have made positive strides in their life since their criminal convictions. The plan is meant to assist those who have been shut out of jobs and otherwise marginalized because of minor offenses committed when they were still young.

The plan will not erase a person’s criminal record. Applicants would still answer in the affirmative when asked about criminal convictions on, say, job applications, but will be able to produce a document from the governor’s office affirming their pardon. This may make it easier for youthful offenders to find jobs, attend college, buy or rent a house, and work in occupations that require licenses.

Governor Cuomo is offering Executive Pardons to applicants who committed a non-violent crime at age 16 or 17. To be eligible, you must meet the following requirements:

- You have been conviction-free since that time.
- You were convicted of a misdemeanor or a non-violent felony.
- You were not convicted of a sex offense.
- You are currently a New York State resident.
- You have paid taxes on any income.
- You are a productive member of your community, meaning that you are working, looking for work, in school, or legitimately unable to work.

If you meet all seven requirements, you are eligible to be **recommended** for a pardon.

• Raise the Age

Last year, we did not reach an agreement on Raise the Age, but the Assembly has not lost its resolve on making this proposal a reality.

New York is the only state other than North Carolina that prosecutes ALL youth as adults when they’ve reached 16 years of age. New York fails to recognize adolescents as children, and continues to prosecute and place them in the adult criminal justice system which is not in their best interest nor does it improve public safety. Last session, both the Assembly and the Governor pushed for a comprehensive approach to raising the age of juvenile jurisdiction to 18—an approach that was established by the Commission on Youth, Public Safety and Justice. However, because of the Senate’s failure to act, a Bipartisan agreement on Raising the Age remains elusive.

Being processed as an adult can permanently damage the futures of thousands of young New Yorkers, whether they are found guilty or not. And until our Senate colleagues decide to move in the direction of progress, the futures of thousands of teenagers being churned through the criminal justice system will be adversely affected. New York will continue to be one of two states in the country to prosecute 16 and 17-year-olds as adults.

EDUCATION

• Education and Common Core

The Assembly Majority has always been an outspoken advocate for education policies that put the needs of our students first. There is no question that we have a duty to educate our children and ensure their ability to compete in their future collegiate and professional pursuits. Last year, the decision of thousands of parents across the state to “opt out” of standardized testing for their children shows that an increasing number of New Yorkers are not satisfied with the current implementation of the new education standards and related standardized tests.

Raising education standards will give our students the skills they need to succeed alongside their peers not just here in New York, but across the country and the globe. While there have been challenges,



any transition in education will require collaboration among parents, teachers, and policy makers and we know there is still much work to do. Governor Cuomo’s decision to draw on the expertise of a broad spectrum of stakeholders to recommend policy changes and the legislative reforms passed last year are steps in the right direction and shows our parents, teachers, and students that we are serious about strengthening

public education in New York.

We must continue to work with the Governor and our Senate colleagues, as well as all of our partners in education including new SED Commissioner MaryEllen Elia, the Board of Regents, teachers, and parents to improve the implementation of these standards.

HOUSING

Last session, the legislature and the executive reached an agreement on rent laws, and while the Assembly successfully fought to extend and strengthen rent laws for another four years, there is much more work to be done—and we intend to get it done this year. My Assembly colleagues and I have demonstrated time and again that we are committed to protecting tenants and keeping housing affordable. Last session, the Assembly passed a package of rent laws to strengthen current regulations and protect tenants. Unfortunately, the Senate failed to consider these sensible proposals, thus jeopardizing the safety and security of more than two million people.

Sponsored by Housing Chair Keith Wright, the Assembly's legislation is supported by tenant advocates and New Yorkers who depend on these laws in order to afford their homes and remain in their communities. The Assembly Majority will not compromise its principles and agree to a package that does not provide critical rent protections for the millions of New Yorkers who depend on these laws.

- **Emergency Declaration Regarding Homelessness During Inclement Winter Weather**

We are all too familiar with the homelessness problem in our great state. Last year, Governor Andrew M. Cuomo issued an Executive Order to protect homeless individuals from inclement winter weather where temperatures decline to 32 degrees or below. The order will ensure that homeless individuals are directed to shelter during inclement winter weather which can cause hypothermia, serious injury, and death. It also requires homeless shelters to extend their hours of operations so that those without shelter can remain indoors. The State will assist local social services districts if they are lacking facilities, resources, or expertise.

- **421-A**

The 421-A Property Tax Exemption Program encourages the new construction of affordable housing in New York City. Last year, the final agreement between the legislature and the governor extended the program for four years, under the condition that a prevailing wage requirement for construction workers be negotiated within six months of last year's agreement. It has been six months and there is currently no deal on the table between developers and laborers and as such, the program will be sus-

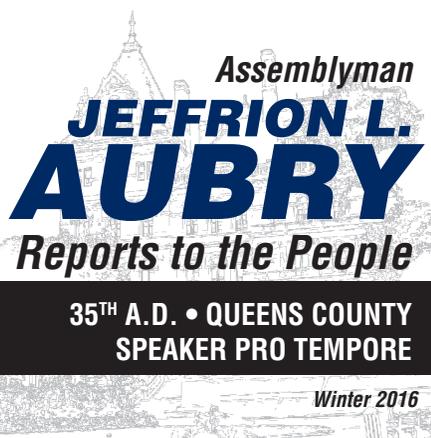
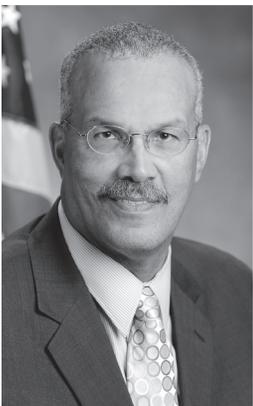
pending until an agreement is reached. My Assembly colleagues and I will work diligently to ensure negotiations continue and that both sides come to a satisfactory agreement.

- **Assembly Leads Fight for Increased Supportive Housing**

In New York City alone, 60,000 New Yorkers—including 25,000 children—sleep in homeless shelters each night. Thousands more sleep on the streets.

Supportive housing has been shown to dramatically reduce homelessness. It is especially helpful for people living with disabilities and chronic health conditions and for those leaving foster care, shelters, psychiatric facilities, and addiction treatment programs. Within the first year, detoxification visits decreased by 82 percent, emergency room use decreased by 58 percent, and hospitalizations decreased by 57 percent.

Days spent incarcerated decreased by as much as a week. Not only does supportive housing help fight chronic homelessness, it also lowers public costs and helps neighborhoods. Public costs for each homeless individual moving into supportive housing dropped by \$10,100 on average, after taking into account housing and service costs. When homeless patients were transferred from hospitals to supportive housing, taxpayers' costs were reduced by near \$47,000 per patient.



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JEFFRION L. AUBRY

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