

UNEMPLOYMENT BRIDGE PROGRAM

Ending Unjust Gaps in Our
Safety Net That Leave
Workers Behind

The fight for the Excluded Workers Fund showed us that our safety net system is filled with gaps that unjustly shut out many of New York's most vulnerable workers, especially Black, brown, and immigrant workers in precarious low-wage industries.

The goal of the Unemployment Bridge Program is to provide unemployment compensation to workers who are excluded from regular unemployment insurance because of their immigration status or because of the kind of work they do.

WHO WILL BE COVERED?

- Anyone who loses their job and can't access unemployment insurance because of their immigration status.
 - Applicants must have earned under the state's median individual earnings (currently \$56,000), and worked at least 18 weeks in the 12 months before they lost work.
- Certain cash economy workers: Documented or undocumented day laborers, domestic workers employed by private households, and construction and landscaping workers employed by a home improvement contractor, homeowner, or a construction labor provider, who are paid in cash or personal or other non-payroll check, without any tax reporting.
 - Applicants must have net earnings under the state's median (currently \$56,000).
- Truly self-employed workers who have their own trade or business like street vendors and face an adverse event like losing multiple clients or a major personal issue. Applicants must have earned under the state's median (currently \$56,000).
 - Special consideration is given to including particular industries, such as street vendors, professional service workers like writers and photographers, and also to making sure not to cover people who should get unemployment insurance, such as gig economy workers and misclassified workers.
- People in re-entry: Although many people work while incarcerated or in immigration detention, this labor is not recognized as employment and cannot be used to establish the necessary earnings history required for traditional unemployment insurance. This program will provide benefits to some New Yorkers after release from incarceration or immigration detention while they seek employment.

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HOW WILL IT WORK?

- Eligibility requirements take the best practices of regular unemployment and the best lessons of implementing the Excluded Worker Fund. Individuals will apply in the month following their unemployment. They can reapply each month, and can qualify for up to six months per year.
- In order to qualify, a worker must be unemployed through no fault of their own (i.e. lay off, lack of work) and be available for work. Workers who were fired for misconduct or voluntarily quit their jobs are disqualified.
- Workers must have worked at least 3 calendar months in the 12 months directly before the month of their unemployment. At minimum, they must have earned \$4,050 in earnings during those months (similar to UI). Because people in re-entry do not have sufficient earnings due to working for pennies on the dollar, earnings and income requirements are waived for those serving over 1 year.
- Eligible workers would receive \$1,200 per month, on par with the average rate paid to NYS UI recipients, or just below it. For workers losing partial hours, they will receive up to \$800 per month. Benefits would increase each year at a rate equal to the annual percentage change in the state's average weekly wage.
- Documentation requirements would build on the Excluded Workers Fund: including correspondence from employers, direct deposits, and self-attestation, as well as W-2, 1099, or income tax filings. They must provide proof of identity and residency requirements that are similar to the original Excluded Workers Fund points system. All documents establishing NYS residency must be dated no more than 12 months before the date of application.
- Community-based groups and other agencies will direct applicants who could be eligible to the program and help those who qualify through the application process and navigators will steer those eligible to regular unemployment insurance to that program.

HOW MUCH WILL IT COST?

Cost: \$500 million

The funding will be enough to cover a \$1,200 monthly payment for 30,000 people at any given time for six months in a given year. The funding also allocates 15% to administration costs for DOI, and a community navigator program. Based on estimates, this will cover up to 750,000 undocumented workers, cash earners, self-employed workers, and recently released individuals set at an unemployment rate of 6 percent and an assumption that 50% of eligible workers, or 30,000 New Yorkers, will collect benefits at any given time.

Source: Immigration Research Initiative (Jan. 2023)

HOW WILL WE AFFORD IT?

To ensure the Unemployment Bridge Program is revenue-neutral, the reintroduced bill adds a digital ad tax that is expected to raise up to \$1 billion for NYS. This tax would collect a small portion of annual revenues of digital advertising services from companies whose gross annual revenues from these services is \$100 million or more (i.e. tech giants like Google, Facebook, Amazon, Microsoft, etc. who currently don't pay any digital ad taxes).

TAKE ACTION NOW
SIGN THE PETITION



Fact Sheet

STATEWIDE RIGHT TO COUNSEL (A1493/S2721)

A campaign to guarantee Right to Counsel to every tenant in New York State



WHAT IS STATEWIDE RIGHT TO COUNSEL?

Statewide Right to Counsel (A1493/S2721), introduced by Assembly Member Latoya Joyner and Senator Rachel May, guarantees all tenants across New York State the right to a lawyer when facing an eviction. The legislation would establish Right to Counsel as a right and:

- Cover every tenant across the state, regardless of income.
- Cover any legal proceeding that could result in a tenant losing their home.
- Require that tenants be represented throughout their entire case, not just when they show up in court. This includes legal advice, advocacy, and assistance.
- Require the State to contract with non-profit legal services organizations to provide Right to Counsel and with non-profit community based organizations to provide tenants' rights education and tenant organizing.

WHY DO WE NEED IT?

The COVID-19 pandemic has only worsened New York State's eviction crisis. Our communities need long-term solutions that will keep them safe and securely housed.

- New York State has the highest rate of homelessness in the country, with nearly 92,000 New Yorkers currently experiencing homelessness.
National Alliance to End Homelessness
- As of September 2023, landlords were actively trying to evict more than 175,000 tenants statewide.
RTC's Eviction Crisis Monitor: <https://www.righttocounselnyc.org/evictioncrisismonitor>
- Across NYS, an overwhelming majority of landlords are represented during eviction proceedings, whereas most tenants are not. In Albany, between 2016-2021, fewer than 3% of Albany renters had counsel, compared to 90% of property owners.
Research conducted by the City of Albany
- Nationwide, Right to Counsel has proven to be immensely successful at stopping evictions and protecting tenants' rights.
National Coalition for a Civil Right to Counsel, [The Fight to Counsel For Tenants Facing Eviction: Enacted Legislation](#)
- Eviction proceedings are complex and violent processes that are nearly impossible to navigate alone.
- Evictions disrupt children's education, tear apart entire communities, and have other traumatic consequences. They disproportionately impact Black and brown tenants, with women facing the greatest burdens.
- The State spends billions of dollars on shelters and homeless services and studies have shown that Right to Counsel saves public money that would be otherwise spent on shelter and emergency room costs, homelessness services, and more.
Stout Risks Ross, LLC, [The Estimated Cost of an Eviction Right to Counsel Outside of New York City](#)

We already know Right to Counsel works!

- In 2017, New York City became the first city in the country to pass Right to Counsel. Since then, landlords are suing tenants less and 86 percent of tenants who had a right to counsel lawyer won their case and were able to remain in their homes.
NYC Office of Civil Justice, 2020 Annual Report
- Across the country, movements for statewide Right to Counsel are gaining traction! As of 2023, over 20 cities, states and counties around the country had passed Right to Counsel legislation.
- Data from across the country demonstrates that Right to Counsel keeps people in their homes, and deters landlords from suing for eviction. After San Francisco passed Right to Counsel, the city's eviction filing rate dropped 10% in the first year. In Connecticut, of the 80% of people that sought to avoid an eviction on their record, 76% achieved that goal. The estimated cost savings to the state were \$5.8 - \$6.3 million.
National Coalition for a Civil Right to Counsel, Tenant Right to Counsel
- Right to Counsel enforces and upholds tenants rights, giving tenants the power to organize and fight back, making it harder for landlords to skirt tenant protections.

HOW WOULD IT WORK?

Statewide Right to Counsel would create a New York State Office of Civil Representation that would administer and manage the implementation of Right to Counsel statewide, which includes:

- Contracting with non-profit legal services organizations to provide counsel to tenants.
- Contracting with non-profit community based organizations to provide tenants' rights education and tenant organizing, such as hosting Know Your Rights Trainings, supporting tenant associations, and referring tenants to legal services.
- Holding public hearings and producing annual reports on implementation and financial auditing.

Statewide Right to Counsel will require that:

- Courts notify tenants of their Right to Counsel by mail upon the filing of a petition and give tenants information (e.g. phone number or website) in order to contact a Right to Counsel lawyer.
- Judges verbally inform tenants of their Right to Counsel if they appear in court without a lawyer.
- Cases are adjourned until the tenant is able to retain and consult with their lawyer.
- Failure of the court to comply with the tenant's Right to Counsel results in vacating any eviction judgements and warrants.

WHO WE ARE

*The Statewide Right to Counsel legislation is a part of the Right to Counsel NYC Coalition's **Housing Courts Must Change! (HCMC) Campaign**, a statewide campaign launched in 2020 to transform the courts from an "eviction machine" to a place that holds landlords accountable, upholds tenants' rights, and enables tenants to remain in their homes. Our demands, during the COVID-19 pandemic and beyond, include slowing down eviction cases and expanding Right to Counsel across the state, so ALL tenants have and know about their rights and are emboldened to organize and fight to stop evictions.*



Scan to see the list of our
RtC endorsers across NYSS

Ending State Support for Deportation, Detention and Mass Incarceration



Ending State Support for Deportation, Detention and Mass Incarceration:

[Access to Representation Act \(S.81/A.01961\)](#)

Unlike in criminal proceedings, where defendants will be given a lawyer if they cannot afford one, immigrants do not have a right to a government-paid attorney in immigration court. Those who cannot afford to hire a private attorney must find a nonprofit able to help or represent themselves. But immigrant New Yorkers face a paucity of affordable legal services, especially outside of New York City. The continued uncertainty around funding for immigration legal service providers has made it hard for organizations to hire and retain staff, and to guarantee clients they will have lawyers for the duration of their cases. Having a lawyer represent someone in deportation proceedings makes an enormous difference. 78% of immigrants with lawyers win their cases, versus 15% who don't have legal help. For immigrants who are detained, only 3% win their cases without a lawyer. Representation also increases the likelihood that people will be released from detention and that they will appear in court.

New York State has the opportunity to be on the cutting edge of creating a right to counsel in immigration proceedings. New York can make sure that no immigrant falls to access the defenses and protections available to them under the law solely for lack of an attorney to make their case. The State should do its part to provide due process, fairness, and access to justice for immigrants facing deportation proceedings. By becoming the first state to enact a right to counsel for immigrants and, in the meantime, by renewing and adding to its initial investment, New York can once again show itself to be a leader in enacting commonsense policies that uplift all New Yorkers.

Recommendation:

[Pass the first-in-the-nation Access to Representation Act to ensure a right to counsel for all immigrants facing deportation in New York \(S.81/A.01961\)](#) and guarantee that no one must defend themselves against a trained government lawyer alone to protect themselves and their families from deportation. The Access to Representation Act will mandate that:

- The state appoint a lawyer to anyone in New York who has a case before an immigration judge or who has a basis to appeal or request to reopen an old deportation order, and meets income requirements.
- Stable funding streams for immigration legal services, easing uncertainty on both the legal representatives and their clients.