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Committee Assignment: Senate Liberty 4

Bill #:SL-25

1 **Sponsors:** Ethan Armstrong, Laia Galocha Badenas, Gavin Fifield

2  
3 **An Act To:** Amend the Executive Law § 170-C in relation to providing eligibility for  
4 state or local public benefits regardless of immigration status.

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6 *The People of the State of New York, represented in the Senate and Assembly do enact as*  
7 *follows:*  
8

9 **Purpose** Allows for state agencies, municipalities, and authorities to provide state  
10 or local public benefits regardless of immigration status.

11 **Summary of Provisions**

12 Section 1.

13 (a) Small business: shall mean a business which is resident in this state,  
14 independently owned and operated, not dominant in its field and employs one  
15 hundred or less persons.

16 (b) State agency: shall mean any department, bureau, commission, board,  
17 division, office, or agency of the state.

18 Section 2.

19 § 170-c. Regulatory penalties for small businesses. 1. Unless explicitly  
20 exempted or excluded by any other law, rule or regulation, upon a first time  
21 violation of a state agency's rules or regulations related to paperwork submitted  
22 to a state agency or actions or omissions that are de minimus, a small business  
23 shall be afforded a cure period or other opportunity for ameliorative action if  
24 the violation can be corrected, the successful completion of which will  
25 prevent the imposition of penalties on the party or parties subject to  
26 enforcement. However, no waiver of penalties or cure period or other  
27 opportunity for ameliorative action may be given if the agency determines  
28 that the violation resulted in a natural resource damage claim or serious actual  
29 harm, or may have presented an imminent and substantial endangerment to  
30 public safety, human health or the environment, is a violation of human or civil  
31 rights law, results in loss of employee wages or benefits, interferes with any  
32 remedy, review, or resolution related to harassment or discrimination claims, was  
33 a willful violation, involved tax fraud, violates requirements related to federal  
34 funding to the state, relates to state funding or procurement, is similar to prior  
35 violations, is a penal law violation, or relates to a material or substantive  
36 portion of the business. Upon such first violation, a state agency shall (a)  
37 provide the small business with a copy of any applicable small business  
38 regulation guides pursuant to section one hundred two-a of the state



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39 administrative procedure act and any other helpful compliance  
40 information detailing the agency's rules and regulations, or (b) provide an  
41 opportunity for an in-person meeting, teleconference or videoconference with  
42 the small business to help assist such small business with compliance with the  
43 agency's rules and regulations. The agency shall have the discretion to  
44 determine the appropriate period of time to allow for such ameliorative action to  
45 occur, which shall be reasonable but shall not be less than ninety days.

46 2. Eligibility for state or local public benefits regardless of  
47 immigration status. A state agency may, at its discretion, provide state or local  
48 public benefits, as defined by the federal personal responsibility and work  
49 opportunity reconciliation act 8 u.s.c. 1621 or any successor provision, to  
50 persons who, but for such federal law restricting eligibility for such benefits based  
51 on immigration status, would be otherwise eligible for such benefits from such  
52 agency.

53 **Justification**

54 At present, states are authorized to provide a range of services to individuals  
55 regardless of status, including: adult and child protective services, mental health  
56 interventions, shelter, medical care (with certain exceptions such as organ  
57 transplants), disaster relief as well as services and programs for victims of  
58 human trafficking. States and localities are severely constrained from offering  
59 post-acute services and programs directly related to the aforementioned  
60 emergency interventions already provided.

61 New York State would not be the first to enact such a law. Currently, California,  
62 Illinois, Texas, and Florida have authorizations in place whereby certain benefits  
63 ensuring health, welfare, and safety are provided to individuals, regardless of  
64 their immigration status. This is not only the right thing to do, but it is also  
65 essential to ensure that vulnerable New Yorkers lacking an authorized  
66 immigration status are able to seek assistance and care that ultimately prevents  
67 additional costly emergency interventions.

68 **Fiscal Implications**

69 Due to the complex nature that public benefits entail, accurately stating a fiscal  
70 implication would be confounding. That stated, the basic principle would be the  
71 amount of immigrants that would use public benefits, multiplied by how much  
72 each benefit would cost the state.

73 **Effective Date** This act shall take effect immediately.