



**Center for Disability Rights, Inc.**

# Governor Provides No Justice For Disabled New Yorkers

Immediate Response to the State of the State and Budget Address

January 16, 2019

The theme of Governor Andrew Cuomo's State of the State and Budget Address was that New York would fight back against the federal government's assault on our State and pursue a Justice Agenda that would bring social, racial, and economic justice to New York. Upon initial review of the Budget, the Center for Disability Rights (CDR) finds no justice for disabled New Yorkers. The Budget amounts to an assault on the Disability Community by the State by including many harmful proposals. CDR will release a detailed analysis of the budget next week, but the following points are immediately worth noting.

- The Governor's most disturbing proposal is to severely limit fiscal intermediaries, which allow disabled people the greatest dignity and control over our lives by facilitating consumer directed personal assistance services. The proposal to limit fiscal intermediaries and change the way they are reimbursed would have a devastating effect on disabled New Yorkers. Even more troubling, the Governor's proposal will eliminate the Consumer Directed Personal Assistance Program if the Trump Administration – who Cuomo has gone to war with – does not approve his proposal.
- The Governor proposes to remove protections from spousal impoverishment for Medicaid community spouses. Without these

protections spouses are forced to live in poverty and to also live apart from their partner if they need long term services and supports.

- The Governor proposes to expand Medicaid funded applied behavioral analysis (ABA). ABA is a practice that has been used on autistic children, but which the Autistic Community has strenuously opposed for years. We are appalled to see the Governor endorse this so-called “treatment.”
- While the Disability Community has opposed the implementation of electronic visit verification (EVV) at the national level, Governor Cuomo chooses to embrace it. EVV is a burden on the everyday lives of disabled people and poses a significant threat to our privacy.

Other proposals in the Governor’s Budget could contribute to disability and social justice, but fail to recognize the specific needs of disabled people. For example:

- The proposed budget includes significant investment in early childhood education. Without specific resources, however, Deaf children will continue to be left behind if their language development needs continue to go unaddressed. CDR has recommended funding the LEAD-K program to specifically address this need.
- CDR is supportive of the Governor’s efforts to expand affordable housing across the State. The continued emphasis on supportive housing, however, does not help disabled people who do not want or need services tied to their housing. Furthermore, the Governor once again refuses to include a visitability tax credit or increase funding for Access to Home, both of which would help achieve the goal of increased affordable, accessible, integrated housing.
- We are frustrated to see that the Governor presented a lengthy agenda on women’s reproductive rights, but none of his proposals would address the reproductive rights and bodily autonomy of

women with disabilities, including protection from forced sterilization which is still legal in New York State today.

- Finally, the budget fails to include an update on the delayed implementation of the Community First Choice Option (CFCO) or any effort to further the State's Olmstead plan. Not only do both mechanisms promise community integration of disabled people, but the State benefits financially from the community-based services they promote. Continued delay of CFCO and Olmstead implementation is unacceptable.

As for the Budget Address itself, there were multiple versions of the live speech including a version in American Sign Language and a captioned video, which is good practice for ensuring communication access. However, we are disappointed that these versions of the speech are not currently available alongside the archived "standard" version. This excludes all Deaf and hard of hearing people who were not able to watch the live speech, and demonstrates only a half-hearted commitment to accessibility by the Governor.

The Governor closed his speech by professing the love New York State has for all its citizens, especially for the handpicked marginalized groups that he specifically listed. Notably absent from this list was the Disability Community. This could have been interpreted as a mere oversight if not for the Executive's many proposals that would harm disabled New Yorkers. It is clear that the Cuomo Administration has no love for disabled New Yorkers.

CDR's complete response to the Governor's proposed budget will be published next week.

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