



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

VETO # 6818

SEP 18 2010

TO THE ASSEMBLY:

It is with great reluctance that I return herewith, without my approval, the following bill:

Assembly Bill Number 2565, entitled:

“AN ACT to amend the social services law, in relation to limiting the percentage of income payable towards shelter costs by persons with HIV or AIDS”

N O T A P P R O V E D

This bill would amend Social Services Law § 131-a to provide that any individual with “clinical/symptomatic HIV illness or AIDS” who is receiving shelter assistance or an emergency shelter allowance, would not be required to pay more than 30 percent of the household’s monthly “unearned and/or earned income” towards shelter costs including rent and utilities, with the remainder paid by public assistance, less any federal funds available. The cost of this aid, as with other public assistance, would be divided between the locality and the State.

The bill reflects a heartfelt effort to provide aid to a population that has long borne the twin burdens of poverty and illness, and I have nothing but praise for the sponsors and advocates who have taken on this task with fervor and dignity. I know this bill is of tremendous importance to the sponsors, and those who advocate for its enactment. I, too, believe with all my heart in the need of the State to do what it can to ease the suffering and lift out of poverty those with HIV or AIDS. Indeed, that is a cause to which I have devoted much of my career in public service.

This is my most difficult veto. I recognize, sadly, the history of the inadequacy of services government has brought to bear for those with HIV/AIDS. But, unhappily, this is not the only veto decision I have had to make that could adversely affect innocent New Yorkers who are seriously ill or disabled and who look to government for assistance. Yet, I am duty bound.

It is my responsibility to shepherd the State through an unprecedented and far-reaching fiscal and revenue crisis. In that context, I have pledged not to impose unfunded mandates on cash-strapped localities, and to prevent the State from taking on additional financial burdens outside the budget process without an identified funding source. To my great sorrow, this legislation would violate those two principles. While I hope that, in a different financial climate, the State will have the resources to implement this and other proposals for its most vulnerable citizens, the State cannot incur financial obligations that it does not have the resources to fund, or impose such burdens on its counties, cities and towns.

It is my impression that no matter how many times I say it, or act to emphasize it, the people, including their elective representatives, do not fully grasp the depth and severity of the State’s imperiled financial condition. Perhaps that is a function of human nature and advocacy. But it is my primary imperative to protect and maintain the fiscal integrity of the State so that the fundamental responsibilities of government to provide order, safety, education, transportation and other vital services are accomplished, and that the broad array of services that the State now offers to its vulnerable citizens can be sustained. Regrettably, this too often prevents such social services from being enhanced.

This has been a time of hard and painful vetoes. It was with profound regret that I vetoed bills that sought to implement a comprehensive program to reduce the incidence of childhood lead poisoning due to lead-based paint in older housing (Veto No. 176 of 2008); improve the State’s identification of and response to the mental health needs of racial and ethnic minorities (Veto No. 49 of 2009); and establish a genetic screening and counseling program for the serious inherited disorders known as familial dysautonomia, Canavan’s disease and Tay-Sachs disease

(Veto No. 6741 of 2010). I hope that it is recognized that I take no solace from the thousands of vetoes I was required to make earlier this summer that included cancer research funding, aid to the blind, and assistance to organizations throughout the State serving the sick and the afflicted. I have vetoed bills that would have required expenditures in excess of \$1.5 billion. Many were critical to people's health or involved critical assistance programs not unlike this bill.

The proponents of this bill contend that it would impose no costs upon the State or local governments, because it would ensure that enough individuals could remain in their apartments and avoid the costs of SROs and emergency shelters, thereby offsetting the additional spending the bill would require. I have heard numerous, deeply researched arguments on this issue, as has my staff, and I greatly appreciate the effort and thought that has been devoted to such presentations. Much of the analyses on both sides must, however, by their very nature, rely upon a degree of speculation as to why individuals enter into shelters, and how this bill might impact their ability to stay in their homes. In the final analysis, the costs that the bill would impose are real and definite. I am advised by the State Division of the Budget that the combined cost of the bill to the State and New York City would be greater than \$20 million at a minimum. Any potential savings the bill could occasion necessarily are speculative and uncertain; they neither can be quantified nor assured. These real costs most probably would manifest themselves in necessary reductions in other equally worthy programs for the poor and the vulnerable. I cannot allow this during this uncertain fiscal time.

I recognize that housing services available to individuals with HIV/AIDS, including Section 8 Federal Housing Assistance, Supportive Housing for HIV/AIDS patients with other special needs (HOPWA) and enhanced subsidies to help clients live independently never can be sufficient. Necessarily, they cannot cover every applicant due to a lack of funding and supply. These are aspirational programs and not every aspiration can be fulfilled. I wish to assure the advocates that we conducted research in an endeavor to make these programs more equitable. The existing inequity underscores the gravity of the deplorable financial circumstances with which the State and local governments must deal.

A predicate to the effort to address the inherent inequity of programs to help individuals with HIV/AIDS is the recognition that the AIDS virus creates extraordinary circumstances. For example, no one should have to make the awful choice of purchasing medication at the cost of losing one's home. Had it been creditably established that the combined cost of the bill to the State and New York City was less than \$10 million, and had the Legislature agreed to a realistic cost analysis, the bill would have mandated even deeper reflection and the extraordinary circumstances might have merited approval.

I note that other poor New Yorkers suffering from terminal cancer or other terrible diseases who, perhaps inequitably, also are denied services such as federal Section 8 housing due to inadequate availability, do not have similar, effective advocacy such as demonstrated herein. Despite the herculean effort of the advocates of this proposed legislation, the Governor is required to look at the economic condition of all New Yorkers.

I had requested that this legislation be made part of the budget negotiations with the Legislature where any necessary expenditure could have been weighed against other outlays and available resources. But there was no engagement. Indeed, neither house of the Legislature even included this legislation in its budget resolution. Had the Legislature done so, and had an agreement been reached so that the cost of the legislation would have been funded, I would have signed it. It is my hope that this important matter will be included in the consideration of the next State budget with full recognition that the proposed bill has real costs, rather than a continuation of the false argument that it is cost neutral.

Should the Legislature take up this matter again before my term closes, and should the Legislature provide for adequate expenditure reductions or additional revenues to pay for the bill on a realistic basis, I would sign it.

The bill is disapproved.