



Solving Ongoing Crises of Homelessness, Overdose and Criminalization by Building Safe and Thriving Communities

2024 Legislative Session

The intersecting issues of the homelessness and overdose crises are at record levels, causing a humanitarian and political crisis across New York State. Instead of investing in effective interventions like housing, services and care, our state's leaders lean on ineffective criminalization policies that have grown jail populations, without actually solving the problems that have long plagued our state.

Since 2020, over 17,480 New Yorkers have died from a *preventable* overdose. Marginalized communities – low-income communities, unstably housed, older New Yorkers, and Black and Brown neighborhoods – have disproportionately higher rates of overdose, but no communities are spared.

815 homeless New Yorkers died in public spaces, shelters and hospitals during 2022, a number sure to rise as threats to constitutional right-to-shelter protections are under attack and the numbers of New Yorkers residing in NYC-operated shelters continue to skyrocket past 100,000 for the first time ever.

Over the past two years, jail populations have risen and pre-trial protections have been eroded as state and municipal leaders have sought to use punitive criminalization as a tactic to hide these and other social issues.

To address the intersecting issues of substance use, homelessness, and public safety – policy must address the root causes of these issues rather than criminalizing more people. New York must take the only moral and practical approach: double down on a politics of compassion and care, which will meet the material needs of our most vulnerable constituents by eliminating these intersecting crises and restoring the public's faith in government.

Rapidly Scale-up a Sustainable Caring Infrastructure to Address the Housing and Overdose Crisis

Drug Checking Services (Fernandez/Kelles) [S4880/A7487](#): Drug checking provides information within the context of an unstable supply to inform people to make positive behavior choices on how to consume their substances – which can save lives. However, drug checking lacks protections for consumers and drug-checking technicians from retribution or involvement with the criminal legal system. This bill provides immunity to all parties involved in drug checking infrastructure.

Safer Consumption Services Act (Rivera/Rosenthal) [S399/A338](#): The Safer Consumption Services Act (SCSA) allows the New York State Department of Health to authorize, regulate, and fund authorized syringe service programs to add Overdose Prevention Centers (OPCs) services to their currently operating programs. The bill also defines the legality of OPCs, extending immunity to participants, staff members, and property owners from arrest, charges, and prosecution for criminal offenses and penalties for their participation or involvement in approved OPC programs.

Expanding and Improving Supportive Housing: New York State must rapidly increase emergency and long-term supportive housing – a critical intervention to tackling the intersecting issues of homelessness, overdose, and unmet mental health needs. The Empire State Supportive Housing Initiative and NYC 15/15 have put the state on the right path. Still, there must be a mechanism for provider accountability by supportive housing tenants that prevents discrimination and a lack of quality onsite services. Plans to build more supportive housing must include greater accountability from its tenants, and adequate funding to supply the services the providers promise.

Housing Access Voucher Program (HAVP) (Kavanagh/Rosenthal) [S568B/A4021A](#): Establishes a state-funded rental assistance program for New Yorkers who are currently homeless or are at risk of homelessness, including undocumented New Yorkers as well as those who have certain felony convictions.

Rest of State AIDS Housing (Hoylman-Sigal/Bronson) [S183/A2418](#): Expands the existing 30% rent cap available solely to recipients of the NYC HIV/AIDS Service Administration (HASA) to all New Yorkers living with HIV/AIDS. The legislation mandates the state to provide the necessary funding for localities to implement the program alongside existing public assistance benefits that will allow us to end homelessness for all New Yorkers living with HIV/AIDS regardless of where they live in NY.

#Wifi4Homeless (Gonzalez/Reyes) [S4561A/A5649A](#): Across the state, homeless New Yorkers residing in temporary housing lack basic internet access, barring individuals and families from searching and applying for permanent housing and jobs, participating in remote schooling, applying for government benefits, obtain necessary medical care and more. The bill ensures reliable internet access for all individuals residing in temporary housing and calls on the state to cover one hundred percent of the expense incurred by the local social services district to provide such internet access.

Support Health-Based Approaches, Not Criminalization

Daniel's Law to Creating Non-Police Response to Mental Health Crisis (Brouk/Bronson)

[S2398/A2210](#): Named after a Black man in Rochester who was experiencing a mental health crisis when killed by police officers who responded, Daniel's law would remove police officers as first responders to people experiencing a mental health or substance use crisis, and allow social workers, mental health counselors, peers and other health workers to become first responders to people experiencing behavioral health crises.

Decriminalize Lifesaving Buprenorphine (Rivera/Rosenthal) [S699/A4013](#): Because of stringent federal regulations and barriers to access, many people use non-prescribed buprenorphine therapeutically to prevent withdrawal symptoms, self-detox, bridge gaps in treatment, maintain abstinence, or attempt to enter treatment that may otherwise be inaccessible. Research continually illustrates that non-prescribed buprenorphine use correlates with a lower risk of a drug overdose.

Decriminalize All Low-Level Drug Possession (Rivera/Meeks) [S1284/A7109](#): Decriminalization of low-level drug possession centers public health by reclassifying misdemeanor possession of a controlled substance to a non-criminal violation offense of a \$50 maximum fine, with the option to waive the fee by participating in a needs screening for services (substance use disorder and mental health care, employment, housing, and/or legal services). Additionally, this bill would expunge misdemeanor convictions, and establish the Drug Decriminalization Task Force to develop recommendations for amending laws, regulations, and practices with the goal of treating substance use as a multi-layered public health issue, rather than a criminal-legal one.

Releasing Elders from Prison: Fair and Timely Parole (Salazar/Weprin) [S307/A162](#) & Elder Parole (Hoylman/Davila) [S2423/A2035](#): Fair and Timely Parole ensures that the parole release process is based on who people are today and their many accomplishments in prison, not their crime of conviction. Elder Parole allows for the consideration of parole release for people aged 55 and older who have served at least 15 consecutive years in prison. Older people, especially those who have been convicted of the most serious crimes, have the lowest recidivism rates of any age cohort, posing little, if any risk to public safety.

Decarcerate and Hold Power Accountable

Creating Pathways for True Accountability: End Qualified Immunity (Jackson/Hunter) [S182A/A710](#): Enables New Yorkers whose state or federal constitutional rights have been violated to sue officials in NY State court where the defense of qualified immunity would be prohibited. The bill also incentivizes attorneys to take on cases so victims get their day in court and stand a chance to get justice.

Challenging Wrongful Convictions: (Myrie/Aubry) [S7548/A2878A](#): Creates a legitimate pathway to exoneration for people who were wrongfully convicted and have new evidence, not previously available to them during their criminal case. The bill will provide for the assignment of counsel, the right to an appeal, the right to a hearing and the right to review evidence. It will also allow more people who plead guilty to seek relief on actual innocence grounds and remove additional procedural barriers to relief. If an offense is no longer a crime, people will be able to immediately have their records vacated.