

NY Immigration Coalition and NY Media Alliance Questionnaire

Responses of Howie Hawkins, Green Party candidate for Governor

1) GENERAL

What is your greatest accomplishment that has helped immigrants, and what are your top three policy priorities for New York's immigrant communities if you are elected Governor?

My greatest accomplishment is working with and speaking out in support of immigrants standing up for their rights in my home city, Syracuse.

My top three priorities for New York's immigrant communities:

- End racial profiling and adopt a Don't Ask, Don't Tell policy for police and state agencies regarding the immigration status of New Yorkers.
- Enact a state single-payer health care system that covers every New York resident. Everybody in, nobody out. Period.
- Pass the Farmworker Fair Labor Practices Act.

2.) Education

a) Drop in test scores. According to a recent report by Educational Testing Service, English proficiency rate dropped to 42% from 69%, and Math to 54% from 82% in the past academic year in NYC. Black, Latino and ELLs students are disproportionately affected by this change. What specific actions would you take to ensure that New York makes real gains for minority and immigrant students, and finally close the racial gap in education?

I support full funding of our school systems under the Campaign for Fiscal Equity lawsuit, as well as free tuition at CUNY and SUNY public colleges in NY.

I agree with the recommendations laid out by the NYIC in http://www.thenyic.org/images/uploads/EducationBackgrounder_2010.pdf.

This includes reversing the immigrant and ELL (English Language Learner) dropout crisis by fostering school, family and community partnerships. The Department of Education (DOE) must eliminate the languages barriers that prevent family engagement in schools by ensuring the full implementation of Chancellor's Regulation A-663

DOE should invest in ELLs who are at high risk of dropping out, including students with an interrupted formal education (SIFEs), long-term ELLs, and adolescent newcomers. I urge Chancellor Klein to (1) expand the options for SIFE students by creating a funding mechanism for SIFE services, (2) develop a definition and a statewide diagnostic test for identifying SIFE students, and (3) provide training and

support for schools and hold them accountable for serving and improving outcomes for SIFEs and other high-risk ELLs.

DOE should eliminate obstacles families face entering their child's school because of inconsistencies in the type of identification cards accepted by security guards.

3) HEALTH CARE

Access and Affordability. Noncitizens are three times more likely to lack insurance than citizens. The recent closings of hospitals and clinics across New York City, exacerbating the shortage of primary health care facilities in our most vulnerable neighborhoods, as well as the exclusion of hundreds of thousands of immigrant New Yorkers in the national health care reform create enormous barriers to adequate and affordable health care for immigrants. What will you do to ensure the basic need of health care is more accessible to immigrant communities, and how will you ensure adequate support for safety-net facilities?

Unlike the Democrats, the Green Party has always advocated for provision of health and social services to all residents of the state and country, regardless of their formal citizenship status. This was true in the recent health care debate. We advocated for a single payer, expanded and improved Medicare for All style health care program to cover every resident. Everyone one, nobody out. Period.

We opposed the public option as an effort to undercut single payer. As we expected, it resulted in a weak health bill being adopted that excludes tens of millions of individuals and mandates that force people to spend money they don't have on inadequate health insurance. We wanted to eliminate insurance companies and replace them with a publicly-financed, community-based health care service.

A state funded study concluded that a state single payer system for NY would save NY consumers \$28 billion annually compared to the health insurance mandate passed by Congress - while covering everyone. That will be our priority.

As a short term stopgap measure, I support the reforms outlined in http://www.thenyc.org/images/uploads/HealthBackgrounder_2010.pdf.

4) HOUSING

a) Mandatory Foreclosure Settlement Conference. Immigrant communities in parts of New York City have been "ground zero" for the foreclosure crisis. The 2008 NYS Mandatory Foreclosure Settlement Conference law has failed to help homeowners keep their homes. In fact, of the 795 conferences that occurred between June and July 2009 only 1.5% resulted in settlements. What steps will you take to make certain that mortgage companies comply with this law?

In October of 2009 the Center for New York City Neighborhoods (CNYCN) released a report of a study it had done on the results of the mediation program in New York City. From June 1 to July 31, 2009 there were 795 settlement conferences. Settlements were only reached at 21 of these conferences. That is a mere 3% of the total. Closer analysis reveals that loans were modified at 6 conferences. Temporary Forbearances were granted at 6 others. At 4 there were no discernable outcomes. At the

remaining 5 the mortgage companies agreed to consider loan modification. However, there was no follow up on these 5 to see if the loans were actually modified.

The purpose of this type of mediation is to give people facing foreclosure a chance to sit down with a representative from their mortgage company and work out a modification to their existing loan. This modification may lower their monthly payment and extend the duration of their loan. The people would be able to make their new lower payment consistently. The foreclosure process would stop. The people would save their homes.

The state legislature in New York assumed that avoiding foreclosure would be beneficial for all parties. So the people facing foreclosure and their mortgage companies would welcome these settlement conferences as a way to do this. The findings of CNYCN were that this was not true. They found that mortgage companies were not complying with the law.

I will amend the law to make clear that the courts should enforce the provisions of the law. Penalties will be established if either a person facing foreclosure or a mortgage company violated any provisions. I will also provide additional staffing for the courts to handle the additional work created by the law.

b) Rent Regulation. High rent vacancy decontrol allows landlords to permanently deregulate rent-controlled and rent-stabilized apartments if the legal rent is \$2,000 per month or higher. It is estimated that New York City and the suburban counties of Nassau, Westchester, and Rockland have lost at least 200,000 apartments to this decontrol mechanism. This has resulted in a loss of affordable housing and exposed tenants to abuse as the tenants in deregulated units have no rent or tenure protections. What role will you play as Governor to increase affordable housing? Will you support legislation to repeal vacancy decontrol?

Yes. I support the repeal of vacancy decontrol. Vacancy decontrol is an incentive for owners of rental housing to withhold services and to use forms of harassment to induce regulated tenants to vacate their rental units. Repeal of vacancy decontrol is essential to restore the integrity of the rent regulation systems and to protect the state's precious supply of affordable housing,

I would return the right to regulate rents to local governments rather than state legislators, since local officials understand better the realities of housing prices in their community. I would make the state's rent control laws permanent, and would extend it to every municipality with less than a 5% vacancy rate.

I support legislation reforming the Rent Control Guidelines. In communities with rent control, rent guidelines boards that set rent increases for rent stabilized tenants tend to award unjustly high rent increases and favor the landlord interests, based on the way these boards were designed in 1968. The Rent Board Reform Bill would improve the system in a number of ways, including ending the statutory vacancy bonus, requiring approval of NYC's RGB members by the NYC City Council rather than only the mayor, and ending the automatic rent-increases for rent-controlled tenants according to the Maximum Base Rent system.

The Green Party has supported legislation pending in the State Senate that would place all units in

Mitchell Lama and Project Based Section 8 buildings into rent-stabilization upon exit from these subsidy programs, at the same rent levels that existed while buildings were in the programs. Doing this would remove a great deal of the incentive for developers to withdraw from these subsidy programs, and in cases where landlords still opt-out, it would preserve the affordability of these units. Mitchell-Lama and Project-Based Section-8 buildings received significant public subsidies to provide affordable housing to thousands of low and moderate income households. Developers of these projects can withdraw from these subsidy programs at the end of their contracts, in many cases bringing rents to market-rate levels overnight, which most tenants cannot afford. Tens of thousands of affordable housing units have already been lost, and tens of thousands more are at immediate risk.

The Greens support the establishment of a state rental subsidy program to assist households with incomes below 150% of poverty. Nationwide, only one-third of households that are eligible for existing rental assistance actually receive it. In addition, many of these units are in poor physical condition, with insufficient funds available to pay for repairs. The Greens advocate for increased public investment in affordable housing at both the state and federal level, including the use of public pension funds to support the construction of affordable housing.

5) IMMIGRATION

a) **Immigration Reform.** What specific actions will you take as Governor to fight for federal immigration reform on behalf of New York's immigrant communities? Will you support any legislation – similar to the one adopted in Arizona – that empowers police in New York state to search people they suspect are undocumented immigrants?

I have publicly opposed the Arizona Law. See <http://www.howiehawkins.com/2010/media-releases/115-hawkins-says-he-supports-immigrant-rights-joins-in-protests-against-arizona-anti-immigrant-law.html>

The Green Party statewide ticket, including Cecile Lawrence and Colia Clark for US Senate, advocates for amnesty for undocumented immigrants; immigrant family reunification; creating a humane path to citizenship; and supporting labor rights and living wages for all workers. The Greens have long advocated that immigrants have the right to receive federal benefits such as health care and public assistance.

I have also spoken out on the need to end the sweeps by the Border Patrol in upstate New York. The Board Patrol frequently boards buses and trains in upstate New York and asks people of color to provide documentation of their legal residency or citizenship. Cecile Lawrence, our candidate for US Senate (2-year unexpired term) and Jamaican immigrant, has been subjected to this treatment. See <http://www.howiehawkins.com/2010/media-releases/172-green-party-opposes-border-patrol-sweeps-in-upstate-new-york.html>.

New York has always prided itself on being a melting pot. Our state has often revived itself both economically and socially by a new wave of immigration. New York is not just a home for people of northern European descent. People should not be targeted due to the color of the skin or their accent. The Greens oppose turning the US into a country where its residents are required to produce ID papers

at the whim of government bureaucrats. Census data shows that 20% of New York State residents were foreign born. More than one in six are classified as Hispanic and 17% as Black by the census. One-third of New York families have at least one immigrant member.

I would ensure that local school districts do not illegally require children to provide documentation of their status, something that is improperly done in one of five New York school districts, according to a recent survey by the NY Civil Liberties Union.

I support providing drivers' licenses to all New York State residents regardless of their immigrant status, a position supported by many law enforcement officials.

b) Pardon Panel. In May 2010 Governor David Paterson announced the creation of a “Pardon Panel” allowing his office to take a closer look at the cases of certain immigrants: those who may have pleaded guilty some time ago to a crime that at the time did not make them deportable; and those who were unaware of the immigration consequences of their guilty pleas or convictions, but who have lived in the United States for many years and have demonstrated rehabilitation and positive contributions to the community and have had no further interactions with law enforcement. What will you do as Governor to ensure the continuity and strengthening of the pardon panel to help prevent the deportation of certain immigrants?

I support the pardon panel. I would expand it to provide more pardons to individuals seeking to avoid deportation unless they have recently participated in violent criminal activity or caused significant financial harm to other community residents.

c) Immigration Enforcement. In May 2010, the Paterson Administration entered into a memorandum of agreement with DHS to implement the “Secure Communities” program as a means to engage state and local law enforcement in immigration control. Even if no crime was committed or the arrest was based on racial profiling, individuals can have their immigration status checked at the point of arrest. As a result, thousands of New Yorkers may be put at risk for deportation. Will you end the state’s participation in this program?

Yes.

6) IMMIGRANT SERVICES AND EQUAL ACCESS

a) ELS Classes. 2.4 million New Yorkers are limited English proficient (LEP). Learning English is one of the primary ways for immigrants to integrate into our community and to earn a better living. An overwhelming majority of LEP individuals want to learn English but face a limited supply of affordable English classes—it is estimated that the number of available English classes only meets 5% of the need. What would you do to ensure that the supply of English classes meets the demand?

I would increase funding for these programs to meet the need.

I would also overhaul the state's welfare system to ensure that ESL is provided as a countable work activity to individuals receiving public assistance.

ELLs have specifically been left out of or undercut by most CFE proposals. At the core of this failure is the assignment of a funding formula weighting for ELLs. While the CFE court order endorses a 1.2 weighting for ELLs (20% additional funding over basic foundation aid), most other state fiscal equity cases call for a significantly higher weighting for ELLs – in many cases as high as 2.0 (100% additional funding). Adequate funding in the form of a 2.0 funding formula weighting that is targeted to ELLs (LEP aid), both for any new CFE funds as well as for the overall education funding formula, is necessary since there are significant added costs in helping them learn English and supporting them in catching up to their peers at grade-level standards.

I support the recommendations laid out in <http://www.thenyc.org/templates/documentFinder.asp?did=641>. This includes:

- Funding for English-as-a-Second-Language (ESL) Teachers. I support providing resources to hire hundreds of additional ESL-certified teachers to increase a school's capacity to offer preferred push-in or self-contained programs, as well as reduce ESL teacher portfolios.
- Provide resources to hire hundreds of additional bilingual-certified teachers to combat the teacher shortage contributing to the closing of quality bilingual education programs, which violates ELL parent choice and State Regulations. Also, increase the number of dual language programs in various languages to expand a very successful model that leads to bilingual fluency for ELLs and English-speaking students.
- Provide incentives, pay differentials and loan forgiveness to recruit and retain more quality ESL and bilingual teachers to work in underperforming schools.

b) Statewide Language Access and Confidentiality Policy. Good government is about meeting the service needs of all New Yorkers, including those not yet proficient in English. By ensuring effective communication with the public, New York State can dramatically improve the efficiency of state agencies and enhance the wellbeing of all New Yorkers. Would you support the enactment of a statewide language access policy that would allow all New Yorkers, regardless of their immigration status and English language abilities, to access government services and thereby bringing state agencies into compliance with existing federal language access obligations, similar to New York City's Executive Order 120?

Yes.

I support legislation ensuring that all New Yorkers are able to access the government services for which they are eligible by requiring interpretation services and translated documents in several key languages at all state agencies. I also support the state's adoption of a "Don't Ask, Don't Tell" policy regarding the immigration status of New Yorkers, so that state police and agency workers cannot unnecessarily ask New Yorkers about their immigration status and cannot pass such information to third parties, including federal authorities, if it's disclosed.

c) Legal Services. A shortage of quality, affordable immigration legal services is one of the most pressing concerns in immigrant communities. Immigrants and their family members could avoid turning to scam artists, notaries, and others engaged in the unauthorized practice of law if there were greater availability of competent, free or low-cost, nonprofit immigration legal service providers in New York. What would you do as Governor to increase funding for authorized, free or low-cost, nonprofit immigration legal service providers throughout New York?

I support full funding to meet the legal services of all low-income New Yorkers, including legal services for immigrants. Legal services for the poor are significantly underfunded in NYS.

Immigrants need affordable and trustworthy immigration legal services. Applicants for citizenship require legal assistance to complete the application and interview process. As application fees have skyrocketed, more applicants are seeking fee waivers, which require additional legal assistance to complete.

Immigrant workers continue to be vulnerable to exploitation, discrimination, and wage-and-hour violations in the workplace. Unscrupulous employers frequently violate overtime, minimum wage, workers' compensation, and anti-discrimination laws, knowing that immigrant workers are generally reluctant to seek justice out of fear of retaliation and deportation. Too many employers simply refuse to pay immigrants the minimum wage, and many fail to pay day laborers any wages for the work they've completed. Free and low-cost legal services help put an end to these abuses by enabling workers to file wage-and-hour complaints, report health and safety violations, and access workers' compensation benefits.

7) WORKERS RIGHTS

a) Workplace Violations. Immigrant workers are a significant part of New York's economy, yet they are among the most vulnerable. Despite federal and state regulations, many employers frequently violate labor laws and pay workers less than the legal minimum wage and do not recognize overtime pay requirements. What protections would you put in place to lessen workplace violations for immigrants?

I support the recommendations put forth by the Immigration Coalition to:

1. Enact legislation to strengthen state labor law, including stiffening non-compliant employer penalties, expanding anti-retaliation protection, and enhancing the ability of the state Department of Labor to collect damages for immigrant and other workers.
2. Bolster enforcement of wage-and-hour laws by hiring at least 20 additional bilingual NYS DOL investigators, funding the Bureau of Immigrant Worker Rights to enable it to expand its outreach efforts and provide new services such as intakes, strengthening anti-retaliation protections, and ensuring that the Labor Standards Division is accessible to limited-English-proficient claimants.
3. Increase the maximum Unemployment Insurance (UI) benefit rate from \$405 to \$500, change the

current eligibility formula for part-time workers, which shuts out low-wage workers, increase funding for extended UI benefits for workers in approved trainings by \$20 million so that all workers can obtain the training they need, and improve access for persons with limited English by providing adequate translation and interpretation services at all stages of the UI system.

4. Enact legislation to provide protections for day laborers and funding for day laborer centers.

5. Develop a Business-Labor-Community Collaboration on workforce development that provides job training opportunities to immigrants and other workers as a central part of a broader economic growth strategy.

b) Farmworker Fair Labor Practices Act. In New York State, farmworkers, who are mostly immigrants, have little workplace protection. What's more, it has been over 10 years since any progress has been made on farmworker rights. In early August, Farmwork Fair Labor Practices Act, which would have afforded farmworkers overtime pay, an unpaid day off per week and collective bargaining rights, failed to pass the NYS Senate. Do you support this bill and if so, what would you do as Governor to ensure that it is passed early on in your administration?

I have actively campaigned for this legislation. See <http://www.howiehawkins.com/2010/media-releases/83-hawkins-urge-democratic-leaders-to-raise-unemployment-benefits-pass-farmworkers-and-domestic-worker-bill-of-rights.html>. I also spoke in favor of the Domestic Worker Bill of Rights. My campaign manager and his son have worked with Rev. Richard Witt of the Rural Migrant Ministry on this issue.

As a working Teamster, I am the only worker and union member running for Governor.

Farm workers and domestic workers were left out of the original Wagner Act/National Labor Relations Act in 1935 at the behest of Democratic leaders in Congress who wanted to keep black workers, who were concentrated in domestic and agricultural labor in that Jim Crow era, super-exploited without any legal recourse. It is shameful that the Democrats still have not fulfilled the implicit New Deal promise of basic workers rights for all workers 75 years later. Our Green New Deal program will complete the promise of the original New Deal and take it to the next level of building an economy that is democratic, green, and sustainable.