



The Voice of Disability Rights in the (Bureaucratic) Empire State since 1984

# AccessAbility

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## Holding the Legislature Hostage: The Politics of Budget Delays



By Jennifer Watson

Every year, nonprofits across New York watch closely as the state budget process unfolds. For Independent Living Centers (ILCs), like STIC, the budget isn't just a political event or an Albany negotiation cycle, it is the framework that determines whether critical services for people with disabilities can continue operating smoothly and sustainably.

This year's New York State budget process once again highlighted growing concerns about delayed budgets, centralized decision-making, and the increasing use of the budget process to advance major policy changes with limited transparency or public input. In early May, Governor Hochul publicly announced that an agreement on the State Budget had been reached, while legislators simultaneously pushed back, stating that no final agreement had actually been finalized and that significant negotiations were still ongoing. In reality, nearly three weeks passed before the majority of the budget was actually finalized.

The delay did more than push back deadlines. It effectively shortened the regular legislative session by several weeks, leaving far less time for independent legislation, committee work, public hearings, and broader policy discussions outside of the budget framework. As this continues year after year, power becomes increasingly concentrated among a small group of leaders, while rank-and-file legislators — and the communities they represent — have fewer opportunities to meaningfully shape policy or participate in substantive public debate.

As long as there are few real consequences for chronically late budgets, the incentives remain misaligned. Ironically, prolonged budget negotiations often strengthen executive power while weakening the broader Legislature's role in the policymaking process. The longer negotiations remain behind closed doors among a handful of leaders, the less influence individual legislators and ultimately the public have over decisions that impact their daily lives.

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That concern becomes even more significant as major policy decisions are increasingly folded directly into the State Budget process itself rather than moving through the traditional legislative process. This year's budget once again reflected the troubling "three people in a room" dynamic, where some of the State's most signif-

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icant policy decisions are negotiated privately by the Governor and legislative leadership rather than through open debate, public hearings, stakeholder testimony, and meaningful legislative review.

When controversial or far-reaching policy proposals are inserted directly into budget negotiations, late budgets become almost inevitable. Legislators are forced to negotiate unrelated policy matters under intense time pressure and with limited transparency. The result is a process where sweeping policy changes can move forward with far less scrutiny than they would typically receive through the normal legislative process and its built-in checks and balances.

One of the clearest examples of this trend was the massive overhaul of the Consumer Directed Personal Assistance Program (CDPAP) during the 2024–2025 budget process. The transition to a single statewide Fiscal Intermediary model represented one of the most sweeping changes to home care services in New York history, impacting hundreds of thousands of consumers, personal assistants, Fiscal Intermediaries, and community-based organizations statewide.

What made the process especially troubling was that the CDPAP overhaul was never included in the Governor's original Executive Budget proposal. The sweeping structural changes only emerged later through the 30-day amendments and subsequent closed-door budget negotiations. As a result, there was no meaningful opportunity early in the process for public discussion, legislative review, stakeholder engagement, or broader scrutiny.

It is becoming increasingly difficult to view this as anything other than a deliberate strategy that allows the Governor to consolidate power within the budget process while limiting both legislative independence and meaningful public input.

The impacts of delayed budgets also extend well beyond Albany. Schools, local governments, nonprofits, providers, and families are all forced to make critical decisions while operating under uncertainty about funding levels and policy changes. For students with disabilities and their families, these delays can have particularly serious consequences as school districts struggle to plan for special education services, transportation, mental health supports, and staffing without knowing what resources will ultimately be available.

This year's prolonged budget process demonstrated just how interconnected these systems truly are. Delays in Albany do not stay confined to Albany. They ripple outward into communities across New York, affecting services, staffing, planning, and ultimately the people who rely on these systems every day.

At a time when nonprofits are already facing rising operational costs, workforce shortages, and growing demand for services, instability within the budget process creates even greater strain. A stronger and more equitable New York requires more than announcements about "deals" being reached. It requires timely budgets, meaningful public engagement, and a policy-making process that values transparency, accountability, and the voices of the communities most affected by these decisions.

# State, Feds Leave Some Essential Plan Enrollees Stranded

By Justin Vernold

With New York’s marathon state budget negotiations wrapping up, nearly half a million New Yorkers who were enrolled in the state’s Essential Plan health insurance are facing a dilemma: lose their insurance or add a hefty new monthly bill to their household budget.

The plan’s 200-250 tier – available to those with incomes ranging from 200 percent to 250 percent of the federal poverty line – was a welcome addition to the state’s insurance marketplace when the state added it in 2024. After all, the folks with incomes in that range aren’t what anyone would consider rich; an individual whose income is at 250 percent of the federal poverty line in 2026 makes just \$39,900, or for a family of three, \$68,300.

See the graphic below.

With its \$0 monthly premium and lack of a deductible, the Essential Plan is an easy, popular choice for those eligible. But last year, Congress slashed funding for the Affordable Care Act (often called “Obamacare”) while drawing up President Donald Trump’s “Big Beau-

tiful Bill,” leaving New York without \$3.6 billion needed for the Essential Plan’s 200-250 tier. Those being kicked off the plan are left with no easy choices: get employer-sponsored insurance or buy a plan through the state exchange (both of which would have deductibles and monthly premiums), or risk forgoing insurance altogether.

Those are the reasons Gov. Kathy Hochul cited in eliminating the plan from this year’s budget. But the decision to cut Essential Plan 200-250 ultimately rests with Hochul and the state Legislature, not the federal government. And it’s worth noting that although the federal cuts deprived New York of \$3.6 billion, this year’s budget outline calls for \$268 billion in spending, according to the state Division of the Budget. Finding \$3.6 billion to spare in a pot of \$268 billion wouldn’t have been easy, but it might have been possible had it been prioritized.

A last-ditch effort by Sen. Gustavo Rivera and Assemblymember Amy Poulin would have kept the Essential Plan 200-250 tier intact, at the state’s expense. Perhaps it wasn’t an

ideal solution, but neither is kicking 450,000+ enrollees off their health insurance.

“There’s been a resistance generally, and I get it, to not have state dollars be responsible for the federal debacle,” Paulin said in April to NYFocus, “but we’re talking about human beings.”

As the budget was being finalized in May, Assembly Speaker Carl Heastie told *City & State New York* the cutoff was “heartbreaking,” and suggested a small monthly fee for the Essential Plan, noting that New Jersey closed its funding gap this way. There’s precedent for this; the Essential Plan in 2019 charged \$20 monthly for some enrollees with higher incomes. That fee’s revival would be a pragmatic solution – and a welcome alternative to the steep monthly premiums charged by private health insurers.

Hochul, like many governors, would rather see the federal government shoulder the burden for health care costs, which is a reasonable position. But Canada’s single-payer health care system – sometimes held up as an example the U.S. could emulate – actually began with a single province, Saskatchewan, taking the lead by establishing its own system, which quickly spread to the rest of the country.

New York has already shown it can provide its residents with efficient, effective government-run health insurance through its Child Health Plus and Essential Plan programs. If the state wanted to show the rest of the country a better way to do health care, we could. It’s just a matter of priorities.

Family Size	200% of Poverty Line (New Limit)	250% of Poverty Line (Old Limit)
1	\$31,920	\$39,900
2	\$43,280	\$54,100
3	\$54,460	\$68,300
4	\$66,000	\$82,500

# Why DEIA Will Not Go Away

*By Shelby Warmbrodt*

The ancient art of people erasure is still crude despite its lineage. Its most recent resurgence, the rollback of DEIA (Diversity, Equity, Inclusion and Accessibility) spearheaded by the highest levels of government, is daunting. At the same time, the path is clear.

For just as the art of erasure endures, the art of resistance has flourished. We live in a golden age of underrepresented groups making their voices heard and presence felt. The legacies of fighting for civil rights, women's rights, and human rights still remain in proud living memory. Multicultural integration, under one name or another, has been a staple of people's daily lives for multiple generations. Reversing course while on the steep downward slope of history faces poor long-term prospects.

The pushback against DEIA has been predictably brutish, vulgar, and crude. More to the point, the war against DEIA is futile. The modern rights movement cannot be blotted out of history as if it never happened, if only because so many of their champions and their successors remain living witnesses to history. When I was eighteen years old, I watched in dismay as liberal California passed Proposition 8, a majority vote that overturned a court ruling allowing same-sex marriage in the state. Now, barely a generation later, gay marriage is the law of the land, and gay people continue to live on their own terms despite the opposition of those who would deny them that right. I have had the honor to speak to survivors of Jim Crow and with women who partici-

pated in the original women's march. At STIC, I have had the pleasure of working with people who have journeyed the long road to the passing of the ADA, continue to fight for the Lantonya Reeves Freedom Act, and watch in horror and dismay while Medicaid/Medicare face fierce attack from those who oppose such programs.

The living testimony of those who struggled for the rights of people to pursue the happiness they seek stands as an implacable refutation of those who wish to turn back the clock are stymied by the new established facts on the ground. Those who would roll back DEIA must often resort to employing the very arguments used by civil rights leaders—that the existence of DEIA sows division, that it disproportionately and arbitrarily elevates some people's rights over those of others, that it breeds shame and hatred over people's mere existence. This devolves into a quagmire over nuanced questions that defy resolution due to the intellectual dishonesty inherent to one side of the argument. These debates rapidly degrade into juvenile taunts and jejune adages.

The postliberal argument is that compassion and justice are modern-day delusions of the over-educated, rather than foundational, universal tenets that have existed in countless cultures since the birth of civilization. It contends the reason we no longer have sprawling empires and shining towers is an unnatural repression of our virtuous selfishness and tribalism. To me this sounds like a Nietzschean hellscape.

Disability advocates present a unique wrinkle to those who champion DEIA's removal. Disability is an inevitability in all our lives. Our body and minds are variant from birth, and the standards of our thriving will change with every phase of our lives. Our abilities will change; some changes will be temporary, many will not. And even if we live the most static of lives, if you know so much as one other person, you will know someone who will one day be disabled. Questions of disability justice are certain to become a part of everyone's lives. The concept of disability, however, presents an almost amusing discomfort in the minds of those too ignorant to realize they fear those who are different. They must confront the cognitive dissonance of their belief that they are immune from the vagaries of existence with the knowledge, deep down, that they too are vulnerable. In an age of demonizing labels and identities, we are reminded of the fragility and pervasiveness of the most artificial label of all: the label of "being normal."

There is a quote I think about quite often: "All residents of this nation are kin by blood or culture to a foreign land. Yet they are primarily and necessarily a part of the new and distinct civilization of the United States. They must accordingly be treated at all times as the heirs of the American Experiment and as entitled to all rights and freedoms guaranteed by the American Constitution." These words were written by Justice Frank Murphy, in dissent of the Supreme Court case *Korematsu v. US.*, which would eventually lay the groundwork for Japanese internment in the states. I am truly moved by Justice Murphy's words, which resound with unambiguous compassion even in 1944

when many modern rights movements were in their nascent days. Justice Murphy himself was a white man serving on the U.S. Supreme Court, who enjoyed great social privilege and very little need to bend away from comfort and success. The deplorable precedent of *Korematsu v. US*, the pretense that the “protection” of “real” American Citizens is arbitrary and subjective, subject to popular whims or leaders’ predilections, has thankfully, if far too late, been overturned.

Yet, *Korematsu* is not at odds with the sentiments of those opposing DEIA today. It ascribed to an imagined vision of America that never truly was but nonetheless was treated as absolute within its time. Admittedly, tribalist ideas appealing to vanity and fear often enjoy popular support: a staggering 59% of our population supported the forced relocation of legal Japanese citizens, even those born in the United States, and a terrifying 93% supported the forced detention of non-citizen Japanese. Granted, we were engaged in a total war with Japan, initiated by a surprise attack on our Pacific Fleet at dock. The opponents of DEIA have no such excuse, and yet trends in popular opinion are directionally similar, if thankfully less extreme. A study run in 2024 by the Pew Research Center about public opinion of DEIA, during the third consecutive presidential election where it was a subject of demagoguery, found a mere 21% affirming that they find DEIA a bad thing, even after a five percentage-point increase over the preceding year.

Time shifts, our country shifts, and we shift. But it is difficult to snuff out a found humanity once it has been recognized. I find there are no hard and

fast rules to inspiring progress—we have found it in pleas for compassion, we have found it in refusal to obey injustice, and we have found it simply by demanding it. But there seems to be something especially ironic about those who yearn for the days of yore, looking fondly at architecture and artistry, buildings and stories, without simple contemplation of the nature of their existence. Civilization and countries are built for people; if we obeyed selfish tribalism to the extremes some would propose, we would not build libraries, schools, hospitals or temples. We would simply build boxes, just our size, and stay in them. The existence of a road you walk down, a home you did not build, a park to sit with your children, is an accommodation in and of itself. They were built expressly for people who were not the builders, for a delight that was far outside ourselves. I understand what DEIA hopes to build, a legacy and future where the rights of all are respected, and all are incorporated into the fabric of society. Those who burn books and shall be remembered as petty vandals, and those who seek to persecute and destroy fellow members of the human race shall be judged tyrants by history.

## **Accessibility Standards for Universal Changing Stations**

The U.S. Access Board is an independent federal agency established in 1973 to ensure federal facilities are accessible to all; it has since become a leading authority on accessible design in all venues, public and private. The agency is small and little-known, but people with disabilities have benefited from this agency’s labors for over

half a century and we at STIC are very grateful for their dedication serving the public interest.

The Access Board recently solicited public comments from any interested parties pertaining to changing stations in airports. Air travel is exceptionally challenging for people with severe physical or developmental limitations, and this is one measure that, when implemented, will greatly mitigate the burdens for people with disabilities and their caregivers in addressing this one universal necessity. People with disabilities may need assistance executing basic toileting needs, and adults in this population especially require clean, large, clear, accessible spaces for attention to basic hygienic requirements. As such, we shall obviously support in broad strokes any initiative along these lines, and we applaud this effort.

We are cognizant of the fact that it may be difficult to create these facilities in all public spaces they might be useful, due to factors such as space limitations, architectural challenges, or any number of other factors. But airports simply have no conceivable excuse. They are huge, irregularly shaped buildings, under near-constant construction or renovation, surrounded by acres and acres of flat, empty space for runways and the like. The possible places an appropriate facility can be added or adapted to fit consumer needs at any given airport of any scale are countless.

Furthermore, the need for such facilities in airports has a unique urgency. Someone in an airport, particularly once past the security checkpoints, cannot leave as a practical matter to go somewhere else and tend to one’s personal business. One will often be some-

where far from home, and with flight delays caused by weather, mechanical issues, or any number of reasons out of anyone's control, one may be forced to spend many hours or even days in the worst instances in an airport terminal; that's bad enough, but to be in that situation without having an accessible facility to tend to one's most basic necessities is deeply undignified, unsanitary,

and inhumane. People with disabilities have their travel curtailed for many reasons, and that makes it difficult to live independent, fulfilling lives, which is not only unjust but illegal; it violates the U.S. Supreme Court's Olmstead decision of 1999 and is in plain opposition to the intent of the Americans with Disabilities Act of 1990.

The Access Board solicited advice on several specific points, mostly too technical to recapitulate here; STIC drew on the knowledge and experiences of our aides, advocates, experts, and clients to provide constructive feedback to the best of our ability. We look forward to the Access Board's next steps on this initiative.

## HUD Proposes New Rulemaking Against the Interests of Those Who Are Housed

The United States Department of Housing and Urban Development (HUD) has unleashed a fusillade of rulemaking reshaping the administration of federal housing policy into alignment with MAGA ideology. Below, we shall discuss three in detail.

Some of these revisions are more defensible than others, but they all tilt in the direction of extracting federal dollars and civil rights protections out of public housing. The endgame here, as in many areas of domestic policy, is total rollback of the Great Society reforms of the 1960s. (I assume the New Deal won't be repealed until Trump's third term, but I've been wrong before.)

### *Work Requirements and Term Limits for Residents in Subsidized Housing*

These work requirements for federal aid are being promulgated across government agencies (see also SNAP and Medicaid, among others) as part of a coordinated, concerted effort of the current executive leadership to gravely degrade the inclusive norms and social safety net American society has braided together over nearly a centu-

ry, doing so with burdensome requirements, administrative complexities, frequent cycles of recertification, and any other variety of wanton red tape that can be dreamed up, all designed to ensnare those among us lacking the resources, means, and good fortune to overcome all these bureaucratic hurdles, pitfalls, and other assorted obstacles cast in their path with gleefully contemptuous malice.

This is not done for reasons of thrift; government expenses are otherwise soaring, with such spending outstripping by orders of magnitude the petty cash that may be recovered through these exertions. It is not, despite it being framed as such, an effort to incentivize industrious, socially responsible behaviors and habits. People receiving government support that can find work are by-and-large working, and people prosperous and healthy enough to afford to leave the public fisc generally will, assuming life circumstances permit. These outcomes are tracked; the claims of widespread fraud have no foundation in the data but are nonetheless fantasized from whole cloth to validate the preexisting belief systems and societal agenda of

the administration. Of course, the stray anecdotal outrage may be found, or if not found shall be concocted, to justify an administrative crackdown on deceitful reprobates absconding with benefits to which they are unentitled. But what these overbearing measures really do is strip critical resources from the neediest, most vulnerable members of society for reasons boiling down to resentment, spite, disdain, and fearful loathing.

This latest gambit is predicated on a moribund demonstration program from the 1990s (so as to sidestep the necessity of Congressional involvement) to mandate both a time limit of no less than two years, and a 40 hour per week work requirement, to maintain residency in HUD-subsidized housing. For the work requirement, there are exceptions for the elderly (over 61), youth (under 18), people with disabilities, enrollees in higher education programs, people who are pregnant, and people who are primary caretakers for very young children or incapacitated older children and adults. In addition to working for wages, activities such as job training, community service, and vocational or

remedial education can be included. It almost sounds reasonable at face value – but you can't take it at face value, because in point of fact this is *not* a work requirement. HUD doesn't care if its residents are eking out a poverty-level income or not. What HUD cares about is reducing the dollars being spent on housing needy families.

Rather than a work requirement, what this really is, effectively, is a paperwork requirement, and a burdensome one. The hours worked must be documented on a continuous basis, and the exceptions must be reverified periodically, and if one fails to keep up with the paperwork, or fills out the paperwork incorrectly, or it can even be alleged that they failed to fulfill the requirements in some fashion, they can be given the heave-ho, and Uncle Sam is about \$1000/month richer, give or take. And if the subsidized families manage to do everything right, they may be put on the street with the time limits, which are effectively a trap door that HUD or HUD-subsidized landlords can trigger to effectively evict anyone they want after twenty-four months.

HUD, already short-staffed from the DOGE bloodletting, will struggle to even administer the program with these new arduous regulations in place. They probably will have to spend more money on hiring new civil servants to handle the fusillade of incoming paperwork (speaking figuratively, of course; most of the "paperwork" will likely be digital) and the return fire of enforcement activities than any ill-gotten gains they might realize.

Adding insult to injury, this policy is extraordinarily ill-timed; the Unit-

ed States is currently experiencing a housing crisis, because the prices of both housing and energy (needed for a house to be habitable) is skyrocketing, in large part due to the government's own misadventures. In many regions, including our own, scarcity of suitable housing stock is making residences hard to find even if one can afford it. This is exacerbated for people with disabilities who often require housing with accommodations to make the homes fully accessible.

From the standpoint of benevolent public policy, this is manifestly perverse. It is terrible for the families, who will face costly and onerous moving expenses frequently. Children will have to change schools where they may be thriving. The elderly will be traumatized by frequent relocation. People without stable residences have a difficult time maintaining employment, obtaining education, really participating in civil society or economic activity in any way. There will be massive negative externalities in the service of saving a relatively small amount of money on the backs of those receiving a little help to remain housed, well over 50% of which are children, the elderly, and/or people with disabilities.

But of course, this isn't benevolent – cruelty is the intent. Very much like made-for-TV immigration enforcement raids or a social media and regulatory blitzkrieg to fire late-night comedians that offend the president's delicate sensibilities, these gratuitously punitive edicts are meant as deterrence. In this case the goal is to dismantle the entire edifice of housing assistance, an enterprise the executive branch as currently composed believes the federal government ought not to be

in, laws Congress has passed notwithstanding. The intent is that when faced with the infliction of these oppressive new conditions on their housing subsidy, and when they witness some inevitable tragedies that shall befall families who slip up and forget to initial every page of some document or something similarly trivial, many will "self-deport" from publicly subsidized housing such that the program will wither into irrelevance.

These new, overwhelming bookkeeping labors are particularly unkind to people suffering from dementia, developmental disabilities, or intellectual disabilities. Many, perhaps most, of this population will be unable to complete the extensive monthly reports on their own, forcing them to enlist the help of a guardian already consumed with the everyday burden of ensuring that the person or persons under their care can live a life with the dignity and security to which all of us are entitled. Most caregivers report barely managing even under good conditions to keep their household and that of their loved ones (if they live separately) afloat. This will make that a lot worse, for no good reason.

This proposed rule is foolhardy, malicious, and unworthy of a great nation and a moral people.

### ***Eligibility of Families with Mixed Immigration Status: A New "One-Drop Rule"***

HUD has proposed another rule change, this one part of the current administration's overarching agenda of harassment and cruelty towards non-citizens within U.S. borders. Currently, as long as at least one member of a family is a U.S. citizen, typically

children and/or one parent born on U.S. soil, HUD-subsidized housing is made available to the whole family. This rule would disallow this, changing the qualification to mandate that any member of a family who is not a fully naturalized citizen will be prohibited from continuing to live in HUD-subsidized housing. Consequently, many families with mixed immigration status will be forced to choose between family separation or the loss of the HUD subsidy, either of which will often put at least part of the family, if not the entire family, on the street. It would also institute an arduous verification process of U.S. citizenship for all family members. Instead of an affidavit signed under penalty of perjury, families will have to produce all kinds of documents such as birth certificates and immigration documents, some which may be difficult or complicated to produce.

We concede there is a valid state interest in enforcing immigration laws and directing social service spending towards U.S. citizens when practical to do so. However, there's also a state interest, insomuch as actions of the state should reflect the values of its citizens, in not cavalierly shattering the families of the less fortunate and inflicting harm on all its members, and disproportionately so on children, the elderly, and people with disabilities. What state interest is achieved by forcing family separation and worsening the homeless crisis? Is that what the American people want?

It is plain to see that the proposed rule is another part of the current administration's relentless campaign to persecute immigrants and their families from all directions. It will worsen, foreseeably, the affordable hous-

ing crisis by increasing demand and shrinking supply. The American people deserve real solutions to our burgeoning housing crisis that involves HUD making new investments in federal housing programs, rather than arbitrarily upending programs already in place. This rule purports to be in the interest of American citizens, but in fact it will result in the evictions or forced relocation of American citizens, along with their family members who may be still engaged in the immigration process – a process that is, by acclamation, judged to be spectacularly broken and inefficient. Instead of addressing the labyrinthine process of naturalization, which takes years and sometimes decades even in straightforward cases, this alternative will exacerbate the homelessness problem to no discernable societal benefit.

Speaking specifically of people with disabilities, this proposed rule would threaten the housing of 5,400 people with disabilities of all ages (including both citizens and non-citizens) in mixed-status HUD-assisted households. It would also impact over 2 million disabled citizens of all ages who would be subject to new verification requirements and could lose their housing due to still more bureaucratic regulations enacted with malicious intent. It will separate the most vulnerable among us from caring family members.

People with disabilities already face numerous housing barriers. The burgeoning erosion in accessible, affordable housing makes it difficult for people with disabilities to move from segregated facilities into their community and puts many at risk of unnecessary institutionalization or homeless-

ness. People with disabilities remain among the country's lowest-income households and are twice as likely to live in poverty than non-disabled people. At the same time, people with disabilities all too often face discrimination and contempt when trying to secure or maintain housing. Each year, the preponderance of fair housing complaints involve discrimination based on disability.

Termination of assistance under the proposed rule would leave people with disabilities regardless of citizenship at risk of becoming homeless, entering institutions, or living in unstable and unsafe living arrangements. Housing instability can lead to increased hospital visits and loss of employment. It can also increase the likelihood of mental health problems in children and exacerbate behavioral health conditions, such as substance use disorder, in adults. Safe and stable housing is crucial for enabling people with disabilities to maintain their health, employment, and independence.

The new red tape from this proposed rule would also impose significant burdens on people with disabilities. People with disabilities often have additional barriers to accessing proof of citizenship and identity. For example, some people with disabilities do not drive and are less likely to have state-issued identification. In one national survey, 20% of adults who identified as having a disability did not have a current driver's license, compared to 6% of non-disabled adults.

HUD should rescind this proposed rule with extreme prejudice and instead focus its effort on the department's true mission: to secure safe,

affordable housing for the American people. It should support policies that strengthen – rather than undermine – the ability of all people to flourish, including immigrants like those whose progeny overwhelmingly populate this country. These immigrants, who came to our shores striving for a better life, may need more help, not less, to provide for themselves and their families, so that their children and their children’s children – who will most likely be *jus soli* American citizens – can thrive and contribute to a thriving American society.

### ***Revocation of the 30-day Notice Rule for Non-payment of Rent***

Also in this flurry of activity, HUD has taken initial steps to revoke the 30-day notice rule for non-payment of rent implemented during the COVID pandemic, and to do so via an interim final rule, which, to translate from bureaucrat-ese, means that the typical review-and-comment period prescribed by the Administrative Procedures Act (5 U.S.C. 553) is waived.

It must be acknowledged that landlords have the right to receive rents in a timely and regular fashion, and also that the establishment of the 30-day notice rule was intended to be a temporary measure to keep people housed during the extraordinary upheaval of the pandemic. That said, the United States is still enduring very uncertain times, with stagflationary economic conditions and (self-inflicted) energy supply shocks not seen for nearly half a century; given that, it is an inopportune time to reduce critical consumer protections. At the very least, the abrupt issuance of a peremptory

interim final rule without a period of review and comment will create instability and lead to many unfortunate outcomes that no one intends. Reducing the grace period to cure nonpayment from thirty days to as little as five, without warning, let alone the opportunity to formally object, is unjust.

New York’s Southern Tier region is currently facing a housing crisis, particularly in the more rural areas. Families that face eviction for financial hardships are going to struggle to find places to relocate – affordable housing just does not exist in some places. Some of them, perhaps many of them, may end up unhoused, either living on the street or being sheltered somewhere at public expense at much greater cost than the rent subsidy they were previously receiving. The cure is likely to be worse than the disease.

People with disabilities face extra challenges here. While there is a housing crisis in general, housing that is accessible is an order of magnitude harder to find. People with disabilities are already overburdened with extra financial burdens involving housing, health care, transportation, and home and community-based services, and it wouldn’t be hard to fall behind a bit. These are individuals who especially need the thirty days to collect instructions on recertifying income and applying for hardship exemptions; without that minimal protection, there will be bad outcomes that are truly unnecessary.

The thirty-day notice requirement also provides cushion for unexpected short-term financial setbacks that are not reflective of their long-term ability to pay. Virtually all adults have en-

dured unexpected expenses that create temporary cash flow problems; while most of the time, people are able to muddle through with loans or credit, sometimes pockets are just empty for a spell. This is going to be more common, obviously, with people receiving federal help with housing. It will also be more common for people with disabilities who are more likely to face expenses related to health care emergencies. Just recently, the spike in the costs of gas and electric heating combined with an exceptionally cold 2025-2026 winter has inflicted unforeseeably high utility bills on the entire northeast and the lion’s share of the country as a whole.

Property owners leasing residential tenancies ought to be able to enjoy the full benefit of their real estate; we would never argue otherwise. But that must be balanced with a healthy respect for the human rights imperative of keeping as many of our fellow citizens safely sheltered as possible. While the crisis of the pandemic has largely passed, some have not fully recovered, and new circumstances have emerged to suggest the time is not yet ripe to repeal the protective measures instituted just a few short years ago. Surely, at least the American people ought to be afforded a chance to argue the point in a review-and-comment period in compliance with the Administrative Procedure Act. Hence, the interim final rule should be rescinded, and the thirty-day notification requirement be reinstated pending further consideration of the question. We believe this to be legally mandated, and we know it is the most decent course to take.

# The Albany Shuffle

By Sue Ruff

Shuffle: Shuffle is a versatile word. It is both a verb and a noun, the verb denoting the action of shuffling, the noun denoting the act itself. The verb's primary meaning is to mix items (notably playing cards) so that they are distributed randomly. It is also used to describe movement of feet along the ground without lifting them, due to that looking and sounding like the shuffling of playing cards. A rhythmic dance step, loose but elegant, can be described as a shuffle. Lastly, shuffle has a more general meaning, the rearrangement of people or objects into a new order, such as a leadership shuffle seen on an organizational chart. Choosing the word "shuffle" implies a disorderly or chaotic process, motion, or manner, while allowing that there might be an underlying design. Evasive behavior or speech may be described as a shuffle. We consider the benighted New York State Budget Process as the "Albany Shuffle."

STIC tries to influence the budget process and advance our priorities as best we can. A few times a year STIC advocates shuffle (pun intended) out of bed in the pre-dawn hours to meet at our parking lot and climb into waiting cars to caravan to Albany to visit our legislators, discuss our priorities and concerns, and tell our stories, so the

legislators understand why their vote choices on the proposed laws we support or oppose are so very important. A handful of us make the trek more frequently over the years as we join various organizations supporting specific causes. Sometimes the advocates are decked out in colorful t-shirts emblazoned with slogans designed to grab attention and selfies; if not, we're dressed in professional attire, but always with comfortable shoes because we shall be on our feet a lot that day.

Some weekdays when the NYS Assembly and Senate are in session one will have to search for parking within a walkable distance to the Empire Plaza Concourse. The NYS Museum sits at one end of the Concourse while the Capitol and Legislative Office Building reside at the other end. In between are food places, a barber shop, and sometimes a farmer's market. On a day when there are few lobbying groups, we can find parking in the Visitor Lot and a short elevator trip takes us to the Concourse. Experienced visitors or lobbyists shed money, watches, belts and metallic items at the security portal as uniformed guards check one's bags and clothing for items that trigger beeps. Search your laptop bag and remove that jackknife or be prepared to lose it.

Long lines at security and sardine packed elevators can slow a group down as they hustle to make their prear-

ranged legislative meetings. Some meetings will be with actual elected representatives, but some meetings will be with legislative staff, ready with

their notepads and pens, neckties loosened and jackets off. And the bustling of legislators and their staff heading to committee meetings gives one an impression of business getting done. They are pleased if you have sent them your priority list in advance; even more pleased if you have indicated the list of specific bills you want them to consider supporting. In lobbying, being organized and clear about needs and wants is critical – one must be very specific about what one asks legislators, because they get so many asks that they all get blurry. Presenting them with well-defined requests, along with precise explanations as to why, provides the direction they need. That is most effective when combined with a memorable anecdote or two about the stakes; most politicians remember stories rather than bullet points.

And now the dance commences.

Your group brings up a bill number and explains how it will help those that are represented, people with disabilities who live in their district. Someone in your group shares a story, hoping it will leave a lasting memory or impact. Their questions about or objections to your bills continue the dance. A request for more information or a challenge to the bill from an opposing group can lead to further discussion or evasive rhythm. Some legislators will explain the process and politics, their partners or challengers. And one can hear the next group in line waiting by the secretarial desk for their turn at the dance--to cut in. Line up for a photo, please. Hustle to the elevators for the next meeting.

Occasionally, rare but always remembered, a meeting (dance) will extend beyond the 15-20 reserved minutes. A memorable conversation, a sharing, a



need to connect, a chance to provide real information to the legislator or staff will then offer rare communication, deeper understanding, relationship building and mutual respect. Those are rare moments and they can create emotional and human responses on both sides.

Many years ago, I had a meeting with a newly elected legislator. We discovered quickly that we had several things in common – locations we had lived and our children with disabilities. We both had bad experiences with state agencies and workers. I didn't try to persuade this legislator about our bill priorities; I just sat and listened to his pain and his grief. I believe when he supports certain bills, it is because he understands us.

No two trips to Albany are ever the same, despite the similarities. While we plan and meet, prepare and later recount, decisions are made when we are not present. It is our work to leave impressions as well as information, to touch hearts as well as minds. Our persistence, our witness, our memories, our shining a light on the problems continue to lead our actions.

## STIC's Food Pantry & Clothing Closet

*By Lucretia Hesco*

At STIC, we understand that access to basic necessities is essential for maintaining independence. Our Food Pantry and Clothing Closet are a vital resource for individuals and families in our community.

### *Who Can Access*

Individuals and families served by STIC who are actively working with a staff member may access the pantry up to 2x/month.

If you are not currently receiving services, it's easy to get connected--just ask, and our team will help guide you through the process.

### *Location & Hours*

Our food pantry and clothing closet is located in an accessible area at our Main Office in Binghamton and is available by appointment only. Hours are Monday-Thursday, 8:30am-4:30pm, and Friday, 8:30am-3pm.

### *Support Our Food Pantry & Clothing Closet*

Your support helps keep our pantry stocked for those who need it most. Every donation makes a difference.

Donate via PayPal here:



*PayPal Link*

Please include "STIC Food Pantry" in the notes section.

We are also excited to offer a convenient way to support our pantry through our Amazon Wishlist. Simply browse the list, choose items to donate, and they will be shipped directly to STIC.



*Amazon Link*

## Trade with TR Aid

*By Lucas Stone*

TR Aid is a STIC program that provides medical equipment, assistive equipment, and accessibility hardware of all types for individuals with disabilities.

The TR Aid program now has our inventory on the STIC website! Scan the QR code to link directly to the site!

Call Lucas Stone (607)-724-2111 @ EXT. 359 for any other questions.



# Courts Watch • Summer 2026

## **Hamm v. Smith: *Atkins* standard survives, for now**

Joseph Clifton Smith was convicted of capital murder in the state of Alabama. Alabama allows capital murder convicts to be sentenced to death, and so Mr. Smith was. However, Mr. Smith presents as a person with an intellectual disability, and in 2002 the U.S. Supreme Court ruled in *Atkins v. Virginia* that executing people with intellectual disabilities violates the Eighth Amendment protection from cruel and unusual punishment.

The issue before the Court was how to determine if a person had an intellectual disability or not. The state of Alabama, specifically for legal purposes John Q. Hamm, the Commissioner of the Alabama Department of Corrections, gave Mr. Smith a series of IQ tests, where he recorded scores ranging from 72 to 78. The legal threshold for intellectual disability in Alabama, as measured by IQ test, is a score of 70, so Alabama contended that Mr. Smith met the minimum intellectual capacity necessary to be subject to the death penalty. Advocates for Mr. Smith argued that relying on IQ tests along is unidimensional, that IQ tests are sometimes unreliable, and that a more holistic clinical determination of intellectual disability, which when applied to Mr. Smith indicated profound cognitive limitations rendering him likely unfit for the death penalty under *Atkins*, is the more appropriate standard, and that no single factor should be dispositive. (See also *Hall v. Florida* (2014)).

This is a difficult question on the facts; intellectual disabilities on the margins, as Mr. Smith seems to be, are exceedingly hard to define, let alone quantify, and the standard set by *Atkins* is imprecise. How disabled must one be to be executed, and how may that be determined. Faced with this fraught question, a majority of the Court...decided not to answer it.

In an unsigned 5-4 per curiam opinion, the Court dismissed the case as improvidently granted and let the lower court's finding that Mr. Smith was exempt from execution under *Atkins*. The main decision was issued without further elaboration, but Justice Sotomayor, the senior justice in the majority, wrote a concurrence joined by Justice Jackson contending that the Court felt that there was not enough evidence for the Court to decisively rule on the question one way or the other. Justices Alito and Thomas both wrote dissents. Alito, who wrote the primary dissent joined by the Chief Justice, Justice Thomas, and Justice Gorsuch, regretted that the Court did not take this opportunity to bring some clarity to the jurisprudence on *Atkins* and the Eighth Amendment. Thomas wrote a separate solo dissent directly arguing that *Atkins* should be overturned. (For what it's worth, Thomas is the sole sitting justice who also was on the Court that authored the *Atkins* decision; he was in the dissenting minority then as now.)

The main legal consequence here is that *Atkins* has survived a challenge, not for the first time. The majority determined that the established facts in this case,

such as they were, did not provide a good vehicle for a substantive reassessment of the questions *Atkins* presents. When a better vehicle comes along, who knows what the composition of the Court will be then, or how it will respond to the specific facts of that case? As with so many other questions, we'll have to see what happens.

## ***Record set for Medicaid fraud in New York***

Rohail Raja and Sharma Alam, married entrepreneurs in Orange County, NY, have pled guilty to filing fraudulent Medicaid claims of over \$3.4 million. A joint investigation of the New York State Comptroller's Office and Orange County's law enforcement agencies built the evidence that induced the guilty pleas.

The fraud involved filing false claims of providing transportation to Medicaid recipients to and from medical appointments. Many of claims involved trips that never occurred, while others padded the mileage incurred by the drivers. They also would transport multiple Medicaid recipients at once and then report that each person traveled separately, allowing them to bill multiple times for the same trip.

Transportation services are more vulnerable to fraud than most because supervision and documentation is difficult while operators are in the field traveling point to point. (Or not, in this case.) As part of the plea agreement, Roja and Alam have agreed to pay restitution of the fraud-

ulently obtained claims for reduced prison sentences.

Fraud is never good, obviously, but it is especially harmful in the political environment we are in currently where programs like Medicaid, SNAP, and many other services for people with disabilities are under attack from proponents who justify these proposed cuts by pointing at instances of fraud, waste, and abuse, real or imagined. Real, material Medicaid fraud should

be prosecuted to the fullest extent of the law.

New Yorkers can report allegations of fraud involving taxpayer money by calling the toll-free Fraud Hotline at 1-888-672-4555, by sending a complaint to the email address [investigations@osc.ny.gov](mailto:investigations@osc.ny.gov), or by mailing a complaint to: Office of the State Comptroller, Division of Investigations, 8th Floor, 110 State St., Albany, NY 12236.



# What's the Buzz?

*By Matthew Requa*

We have new items available in our STIC Merch Store, including trucker hats, full-zip hoodies, men's and women's long sleeve polos, and our custom designed "Big Fan of Human Rights" t-shirt in a variety of fresh spring colors!

Visit the link below to start shopping and support people with disabilities:

<https://www.mucklesink.com/.../muckles-rallies-stic-189>

Access your fashion at STIC!



# Sip 'N Shop

By Nick Vernon

Our First Sip N' Shop was a success! Over 100 attendees made it out to enjoy local drinks and a variety of vendors! We'd like to thank Testani, Crooked Mouth Brewery, Awestruck, Better Daze Winery, Green Tambourine Vintage, Butter Me Up Bakery, Le Re-Lovable Boutique, Nina Karsko,

Clayed By SarahH, Char Chars 3D Prints, Tupperware with Lori Gregory, Mary Kay by Colleen Lynch, and Amanda Carrier for taking a risk and being vendors at a brand new event. It would not have been as fun without their presence. We'd also like to thank The Balloon Fairy by Pam Lounsberry, New Leaf Cider, Pudgie's Pizza, PepsiCo, Imagicka, Vintageness Consignment Boutique, Park Manor Wine & Spirits, Parkway Wine and Spirits, Northgate Liquors and Wine,

and Point Wine and Spirits, for donating to the event. These donations allowed us to have some great new items at concessions, awesome raffles, and our first ever surprise bottle pull. Finally, we had a great bunch of STIC employees and friends of STIC that donated their time and helped run the event.

Please, look forward to our Sip N' Shop returning next year. We are excited to continue to find fun ways that people can support STIC.



**We are so grateful to our Vendors and Sponsors for making our premier Sip N' Shop a huge success:**




Testani  
 Crooked Mouth Brewery  
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 Amanda Carrier  
 Pudgie's Pizza  
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 Imagicka  
 Park Manor Wine and Spirits  
 Parkway Wine and Spirits

**Thank you!**





**Your support means the world to us!**

# Join Our Team!

*By Lucretia Hesco*

At Southern Tier Independence Center (STIC), we're not just offering job openings; we're providing opportunities for a career where you can make a difference and become part of the Disability Rights Movement.

At STIC, we're on a mission to empower people with disabilities to lead independent and fulfilling lives, and we need passionate individuals like you to drive this vision forward.



Explore our current job openings by scanning the QR code and join us on our mission towards a more equitable future for all.



## SCAPES

**“Fantasy is the impossible made probable. Science Fiction is the improbable made possible.” - Rod Serling**

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If you would like to support STIC, please visit <https://stic-cil.org/index.php/donate/>. Alternately, you may clip this form and send a personal check or money order by U.S. Mail.

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All donations are tax-deductible. Contributions ensure that STIC can continue to promote and support the needs, abilities, and concerns of people with disabilities. Your gift will be appropriately acknowledged. Please make checks payable to Southern Tier Independence Center, Inc.

THANK YOU!

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