

Mayor Zohran Mamdani  
Speaker Julie Menin  
New York City Council Members  
City Hall  
New York, NY 10007

March 31, 2026

Dear Mayor Mamdani, Speaker Menin and New York City Council Members:

Our groups, which represent hundreds of thousands of people with disabilities, as well as home care workers, urge you to oppose Intro. 303-2026, which would create a home care crisis that would leave thousands of New Yorkers without the services they need and would force them into hospitals, nursing institutions or shelters.

Instead, the City and the Council should move forward with proposals that would actually help home care workers, as we propose below. The Administration and the Council also should work with disability groups; workers and worker advocacy groups, including unions, legal aid groups, and elected officials here and in Albany to end the unfair treatment of workers while protecting disabled and older New Yorkers, including finding the approximately \$460 million in State funding needed to cover the cost of paying live-in home care workers appropriately.

We all recognize the onerous conditions some home care workers face. Every worker deserves a decent wage for every minute they work; every worker deserves to have the choice of when and how long they work; every worker deserves the full protection of the law.

At the same time, all people with disabilities deserve the ability to live in the community and to get the care they need to do so, without the threat that they will lose the services they deserve or that they will end up in an institution.

Specifically, Intro. 303 purports to end 24-hour live-in homecare shifts by fining service providers for providing shifts exceeding 12 hours per day in New York City. Our groups recognize that the exploitation that occurs during these shifts is serious and wrong.

However, we also understand that if Intro. 303 were to pass and service providers comply with city law, thousands of people with disabilities and seniors will be unable to get out of bed, go to the bathroom, shower, and do other basic activities of daily living because they have lost the

personal care assistance they need. As of 2022, at least 13,000 New York City residents received 24-hour live-in care.

We also recognize that a change in City law will not and cannot change the situation, since the authorization of 24-hour, live-in care is determined by entities governed by Medicaid at the state level. Outlawing shifts over 12 hours per day in New York City would not automatically convert 24-hour live-in authorizations for people with disabilities and older adults into “two 12-hour split-shifts authorization,” since authorizations for 24-hour live-in care are for a lower level of care than split shifts. If an insurance plan has only authorized live-in shifts, an agency cannot bill Medicaid for split shifts without committing fraud.

Instead of causing people with disabilities to get a higher level of care, Intro. 303 would just leave the service providers with a difficult decision: Either comply with their state contracts and provide authorized 24-hour live-in services, facing the potential for millions in fines when they send a home care worker to a patient who are authorized hours exceeding 12 hours per day, or adhere to City law and face potentially millions in fines from the State or the loss of their contracts, or commit Medicaid fraud.

Intro. 303 ultimately won't protect workers or disabled New Yorkers. Instead, it attempts to solve serious problems in our home care system in isolation from the state government which funds and administers these systems completely. Like Intro. 175, which the Council considered earlier this decade, Intro. 303 unnecessarily pits home care workers against disabled people and appears to be a reckless attempt to play “chicken” with the state government rather than to propose real solutions that would protect everyone.

If passed and signed into law, Intro. 303 would lead to a complete destabilization and collapse of the home care system, leaving not only those who require 24-hour live-in services in peril but all people who require care and home care workers who provide the care. Intro. 303 does propose a delay in the implementation of the 12-hour restriction with the expectation that the State will respond with appropriate funding in its Fiscal Year 2027-2028 budget—an unlikely scenario.

We want to begin the process of solving this problem in a way that's fair to workers and disabled and older New Yorkers. As a first step, we urge the Council and Administration to move forward with proposals The Legal Aid Society, which represents both workers and disabled clients, has put forward to protect workers without putting disabled people at risk. They would:

Opposition to Intro. 303, March 31, 2026

1. Order agencies that penalize or retaliate against home care aides for refusing 24-hour shifts to cease and desist, with penalties built in if they violate the law.
2. Order agencies that impede reporting of all hours worked or retaliate against a home care aide for reporting all hours worked to cease and desist, with penalties built in if they violate the law.
3. Order agencies to promptly provide information and documentation of aides' round-the-clock work to the authorizing insurance plans to facilitate upgrades in coverage to split shifts.

We encourage the Administration and the New York City Council to take this issue seriously, and to work with state government and disability and labor advocates to come to a solution that ends exploitation without kicking people out of care systems and jobs. We are open and ready for collaboration and conversation, and the last thing we would want to do is stand in the way of serious solutions to the wage theft that is ongoing. Please work with us to find a way forward instead of closing off possibilities and risking disaster with the passage of Intro. 303-2026.

Yours truly,

Brooklyn Center for Independence of the Disabled (BCID)  
The Legal Aid Society  
New York Association on Independent Living (NYAIL)  
District Council 37  
Axis Project  
Bronx Independent Living Services (BILS)  
Center for Independence of the Disabled, New York (CIDNY)  
Disabled In Action of Metropolitan NY (DIA)

Downstate New York ADAPT  
504 Democratic Club  
Harlem Independent Living Center (HILC)  
Independence Care System  
New York DeafBlind Advocates  
NY Caring Majority  
New York Lawyers for the Public Interest  
NY StateWide Senior Action Council  
One Heart, One Vision  
Rainbow Connection Alliance, Inc.  
Staten Island Center for Independent Living

Please respond to:

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