

COMMITTEE ON OVERSIGHT AND INVESTIGATIONS
CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON OVERSIGHT AND
INVESTIGATIONS

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October 30, 2025

Start: 10:01 a.m.

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HELD AT: 250 BROADWAY - 8TH FLOOR - HEARING
ROOM 3

B E F O R E: Gale A. Brewer, Chairperson

COUNCIL MEMBERS:

Simcha Felder

Shekar Krishnan

Frank Morano

Lincoln Restler

Nantasha M. Williams

A P P E A R A N C E S

Scott French, Administrator of the Human Resources Administration of the Department of Social Services

Masha Gindler, Assistant Deputy Commissioner and Civil Justice Coordinator at the Office of Civil Justice of the Human Resources Administration

Sarah Internicola, Budget and Policy Analyst at the New York City Independent Budget Office

Claire Salant, Lead Budget and Policy Analyst at the New York City Independent Budget Office

Marla Simpson, Special Assistant to the Director of the New York City Independent Budget Office

Shahabuddeen Ali, Administrative Judge of New York City Civil Court

Jack Stoller, Citywide Supervising Judge of Housing Court

Tanya Faye, Chief Clerk of New York City Civil Court

Christopher Helwig, Managing Attorney for the Housing Defense Team at the Neighborhood Defender Service of Harlem

Rosalind Black, Citywide Director of Housing at Legal Services, NYC

A P P E A R A N C E S (CONTINUED)

Philip Duncan, Assistant Director for Housing at
Northern Manhattan Improvement Corporation

Jesse Lang, Housing Policy Analyst in the
Manhattan Borough President's Office

Alfred Toussaint, Director of Housing at CAMBA
Legal Services

Jonathan Fox, Director of the Tenants' Rights
Unit at the New York Legal Assistance Group

Joanna Laine, Supervising Attorney in the Right
to Counsel practice at the Legal Aid Society's
Brooklyn office

Jenny Laurie, Housing Court Answers

Dan Evans, Program Director and Attorney at the
Goddard Riverside Law Project

Adalky Capellan, Right to Counsel Coalition

Peter Estes, Senior Housing Policy Associate for
the Association of Neighborhood and Housing
Development

Beth Finkle, State Director for AARP New York

Oliver Thayer, Cooper Square Committee

Asthania LeFevre, Cooper Square Committee

A P P E A R A N C E S (CONTINUED)

Octavia Solano, Community Action for Safe
Apartments/New Settlement

Chandler Hart-McGonigle, Staff Attorney at the
Legal Aid Society on behalf of UAW Local 2325

Atusa Mozaffari, UAW Local 2325

Michael Diller, UAW Local 2325

Stephanie Diaz, Community Action for Safe
Apartments

Comfort Kumi, Community Action for Safe
Apartments

Vokma Ginez, Community Action for Safe Apartments

Michele Anne Blondmonville, self

Timothy Paulson, self

Katarzyna Dover, self

Christopher Leon Johnson, self

Mbaki Thiam, Housing and Health Community
Organizer at the Center for Independence of the
Disabled in New York

SERGEANT-AT-ARMS: This is a microphone check for the Committee on Oversight and Investigations recorded on October 30, 2025, located in Hearing Room 3 by Nazly Paytuvi.

SERGEANT-AT-ARMS: Good morning, and welcome to the New York City hearing on the Committee on Oversight and Investigation.

Please silent all electronic devices at this time.

Also, please do not approach the dais.

If you have any questions, please raise your hand and one of us, the Sergeants-at-Arms, will kindly assist you.

Thank you very much for your kind cooperation.

Chair, we're ready to begin.

CHAIRPERSON BREWER: Good morning. I'm Gale Brewer, and I am Chair of the Committee on Oversight and Investigations. Before we start, I'd like to have the wonderful General Counsel swear in our individuals, but first I'll give my opening statement.

This hearing is called to order. Good morning. Can everyone hear me? Is it okay? Okay,

yeah, I think that, I have to say I don't think the mic is working, so. I think it's working. I'll start again.

This hearing is called to order. I'm Gale Brewer. I Chair the Committee on Oversight and Investigations. I want to thank everyone for joining us.

Today, we will be examining the status of New York City's Right to Counsel in Housing Court program. I'd like to thank the representatives from the Department of Social Services, the Office of Civil Justice, the Independent Budget Office, certainly the Chief Judge, who's my friend, members of the public, and my Council Colleagues when they get here.

New York City has long been an innovator in programs to protect residents' access to housing. From a right to shelter law, NYCHA's largest in the nation's public housing portfolio, extensive mixed income affordable housing developments, and robust tenant protection laws, New York does more to keep tenants housed than most states or cities in the country. The Right to Counsel program created by the City Council's Local Law 136 in 2017 provides those

at risk of eviction and earning no more than twice the federal poverty level with free legal representation in Housing Court, and I know we hope that percentage changes. In less than a decade, Right to Counsel has become one of the most effective tools we have for helping low-income tenants hold on to housing and avoid falling into homelessness. When the Right to Counsel program is given the resources it needs, it doesn't have them yet, it works. A study by the National League of Cities found that tenants who received legal representation from the Right to Counsel program were 72 percent less likely to have eviction warrants issued against them. They even saw an 85 percent reduction in monetary judgments issued against them in back rent. New York City has a strong interest in keeping tenants from being evicted. Research by Princeton University's Eviction Lab found that the eviction is not just a condition of poverty, it is a cause of it. Those who lose their homes are more likely, said Princeton, to lose their possessions and jobs as well as access to education, social networks, and other essential local resources. Eviction can have terrible consequences for mental and physical health as well. I think we know that. A

2022 study by Preventive Medicine Reports found that people who had recently been evicted were more likely to suffer from post-traumatic stress disorder, end up in hospital emergency rooms in the following 12 months. Eviction takes a terrible toll on children in particular. A 2022 analysis by Harvard Medical School found that children in households who have been evicted were much more likely to suffer developmental delays and other poor health outcomes. No surprise to anybody here. The consequences of eviction often fall on not just the families who lose their homes, but our social safety net. More evictions mean more emergency room visits, demand for shelter space, and need for mental health services, among other taxpayer-funded services.

Yet, since the end of COVID-19-related eviction moratorium, the City's Right to Counsel program has suffered. While rents have skyrocketed, driving a surge in evictions, funding for Right to Counsel has failed to keep pace despite efforts to keep it at pace, with so much demand for its services. Legal service providers contracted by the City for the program report that at current funding levels, they cannot offer attorneys competitive

salaries, even though I know they just, to their credit, had a strike and got some more money, and they struggle to retain the staff that actually provide the counsel promised by the program. Really important to maintain staff. Those attorneys that remain have overwhelming caseloads that make it impossible for them to give each case the attention it deserves. So, we meet here today to ask representatives of the Administration, legal services providers, advocates, judges, and members of the public how we can reinvigorate the Right to Counsel program, which shows so much promise, but is imperiled by a lack of resources. How can we get Right to Counsel back on track, representing New Yorkers, keeping as many people as possible in their homes, and reducing the stress on social services that comes from a spike in homelessness?

I'd like to thank the following Council Staff for their work on this hearing. From the O and I Committee staff, Nicole Catá, Erica Cohen, Alex Yablon, Owen Kotowski, and Elizabeth Childers-Garcia, and from the Oversight and Investigation Staff, I thank particularly Brian Parkhan, and from my Staff,

Sam Goldsmith, and everyone in the background, making this hearing run smoothly.

Before I turn it over to the Committee, I'd like to think of Mike McKee. May he rest in peace. He kept us all in our homes.

And we're joined by the very great Council Member, Simcha Felder.

COMMITTEE COUNSEL CATÁ: Thank you, Chair. We will now hear testimony from the Administration, including Scott French, HRA Administrator, and Masha Gindler, HRA Civil Justice Coordinator.

Before we begin, I will administer the affirmation. Panelists, please raise your right hand.

Do you affirm to tell the truth, the whole truth, and nothing but the truth before this Committee, and to respond honestly to Council Member questions?

ADMINISTRATOR FRENCH: I do.

ASSISTANT DEPUTY COMMISSIONER GINDLER: I do.

COMMITTEE COUNSEL CATÁ: Thank you. You may begin when ready.

ADMINISTRATOR FRENCH: Good morning. My name is Scott French, and I serve as the

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2 Administrator of the Human Resources Administration,
3 HRA, within the Department of Social Services, DSS.
4 Joining me today is Masha Gindler, who serves as
5 Assistant Deputy Commissioner and Civil Justice
6 Coordinator at the Office of Civil Justice, OCJ. I
7 would like to thank Chair Brewer and the Members of
8 the Committee on Oversight and Investigation for
9 holding today's hearing on the Right to Counsel in
10 Housing Court.

11 I want to begin by acknowledging the
12 dedication of advocates, policymakers, legal services
13 providers, Housing Court employees, and the public
14 who work to create and are working each day to
15 implement New York City's universal access law, also
16 referred to as Right to Counsel, Local Law 136 of
17 2017.

18 Local Law 136 established New York City
19 as the first in the nation to offer free legal
20 services to tenants facing eviction. I also want to
21 recognize the Council has built on that law with
22 Local 20 of 2023, expanding legal representation to
23 people over the age of 60. It bears repeating that
24 prior to our City's Right to Counsel law, less than 1
25 percent of tenants had the benefit of legal counsel.

This law has meant more tenants have the benefit of legal advice, an understanding of what they face in Housing Court, and the alternatives open to them. Action by New York City resulted in numerous municipalities across the nation and several states following our City's lead in this critical policy area of assisting tenants through a profoundly vulnerable moment.

At HRA, we understand the importance of assisting vulnerable populations, and we take our stewardship of the universal access law seriously. Universal access has transformed the landscape for tenants facing Housing Court, whether the tenant faces eviction, public housing authority termination of tenancy proceedings, landlord harassment, or other threats to their tenancies. Paired with our effort to assist people long before a case arrives at Housing Court, we are acting diligently to serve New Yorkers and keep people in their homes. As of September of this year, OCJ sits within the Homelessness Prevention Administration umbrella within HRA, which includes Homebase and other homelessness prevention efforts, such as one-shot deals for rental arrears. Our restructuring allows us to better coordinate

across prevention services to address housing instability for individuals in community and Housing Court to keep people housed.

Our journey in implementing the universal access law has not been a simple path. Initially envisioned as following a targeted zip code by zip code path of implementation, the Universal Access Law began with 20 zip codes in the first phase. Understanding the scale of the COVID-19 crisis, the City pivoted and dramatically accelerated our timetable to offer universal access to tenants citywide two years ahead of schedule. That accelerated timeline allowed us to assist low-income New York City tenants through a challenging tsunami of cases when the eviction moratorium was lifted. All of those responsible for navigating that process, including OCJ, legal services providers, and the Office of Court Administration, OCA, have continued to learn, make adjustments, and guide universal access to where it is today.

In addition to the partnership and input from stakeholders I have mentioned, we also welcome the insights and expertise the Independent Budget Office, IBO, and New York City Comptroller Lander's

Office have offered in their recent reports and look forward to ongoing engagement as the program continues to develop.

Universal access by force of larger events has had to take account of dynamic circumstances and evolve over time. We aim to continue to bring a problem-solving ethos as we guide universal access through the years ahead. We have reason to be optimistic. In Fiscal Year 2025, OCJ-funded legal organizations provided legal assistance to an estimated 110,000 New Yorkers and approximately 51,000 households across New York City. Furthermore, FY25 saw the highest number of clients receiving full legal representation in the program's history. Additionally, a higher percentage of tenants received full representation rather than brief legal services that year. Funding for tenant services has increased from 165 million to over 228 million, representing a 39 percent increase. We recognize that important strides forward were made from FY24 to FY25. We also recognize we must continue to work to deliver on universal access for all those eligible. OCJ will continue to work hand-in-hand with the civil justice system stakeholders to make legal assistance

available and effective for New York City tenants in need.

There are two key focus points ahead I would like to briefly touch on. First, we anticipate publication of our next five-year strategic plan in the spring of 2026. This strategic plan will incorporate stakeholder input, lessons learned from the challenges Right to Counsel has encountered, and build upon recent successes.

A second key focus point ahead is our planning for the next round of legal services provider procurement. At present, we are in the middle of a three-year contract in which it is difficult to make large changes, but we will be approaching this procurement process for the next contract early in the new year. We aim to be thoughtful and intentional as we plan the procurement process. In addition to being sure tenants receive the legal services they deserve, we have to be mindful of being judicious stewards of the City funds we invest in making universal access a reality. That process includes hearing from IBO and the City Comptroller's team, as well as hearing from stakeholders including the Council. Both the five-

2 year strategic plan and the procurement process aim
3 to take into consideration prior pain points and
4 community feedback to further evolve the program to
5 support the overall goal of providing full
6 representation to those in need of the service, while
7 also addressing some key challenges including staff
8 attrition, caseloads, and pay equity.

9 We welcome your questions.

10 CHAIRPERSON BREWER: Thank you very much.
11 We've also been joined by Council Member Morano.
12 Thank you very much for joining us.

13 I guess one question, is this the first
14 time that you've done a strategic plan or have this
15 happened before? Because that's a good idea.

16 ADMINISTRATOR FRENCH: This is the first
17 time there will be an official five-year strategic
18 plan that we'll publish. We've done internal
19 strategic planning, but this will be the first public
20 one that we will be doing.

21 CHAIRPERSON BREWER: Okay. And I guess one
22 of the suggestions might be to have multi-year
23 funding. I'm big on multi-year funding.

24 ADMINISTRATOR FRENCH: Yes. As we develop
25 it, we'll be taking all of those recommendations into

account as we develop what we believe the, you know, next several years of the program should look like.

CHAIRPERSON BREWER: Okay. RTC contracts count each case only in one year, and HRA has ended its policy to allow rollover cases to allow providers to continue to count a previously claimed case toward deliverables in the following year when the timeline for that case extends past the contract year. It's a little bit why I was asking that question. However, cases are now taking longer than before to move through the court process, and providers cannot drop cases that take longer. How does HRA plan to adapt to this change? How are providers supposed to afford to continue working on these longer cases if they can't count towards contract deliverables after a year? This comes up a lot. I guess it'll be part of your strategic plan, and you're going to solve the problem?

ASSISTANT DEPUTY COMMISSIONER GINDLER: We're going to solve the problem. I just wanted to add some context. I think the highlight is that ahead of the new procurement, and we'll begin that work in the months to come, we want to work closely with providers to understand the realities they're seeing

and bake that in. Some items I just want to add for context is that providers currently get reimbursed based on the work done, whether that work is done on cases they've taken that year or previously, and so I have also heard feedback about concerns about the rollover policy, and so moving forward, what we'd want to do is marry those concerns with the need for us to track how many new cases are taken every year as a proportion of what the need is, so we'll always want to separate that data point out, and I think that's an important data point, and we'll be concerned if that data point ever goes down, so we would want to work with providers on that, and our current contracts are three-year, multi-year contracts, but there is always an end date, and so what I'd really want to work with providers on is how we can contract and budget in such a year that we know that there's going to be a contract start end and an end date, and then a procurement process, and how can we bake that understanding, knowing that we still have to take cases that, by nature, can sometimes take longer.

CHAIRPERSON BREWER: Okay. So, you think that that way of approaching it will deal with some

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2 of these more complicated cases that do take longer?
3 Sometimes, I hate to say more than three years, so I
4 hate to tell you.

5 ADMINISTRATOR FRENCH: Yes.

6 CHAIRPERSON BREWER: They're the most
7 complicated, and we don't want people to get evicted.
8 Go ahead.

9 ADMINISTRATOR FRENCH: We definitely don't
10 want people to get evicted, so we are definitely in
11 constant communication with the providers, as well
12 as, you know, OCA around what we are seeing in
13 Housing Court, and sort of cases that might be taking
14 longer than usually anticipated, and all of that is
15 going to really be baked into the strategic plan and
16 the forthcoming procurement for the next set of
17 contracts.

18 CHAIRPERSON BREWER: I mean, maybe you
19 just explained it, but how does the rollover work
20 now, then, in this case? That's what people are
21 concerned about.

22 ASSISTANT DEPUTY COMMISSIONER GINDLER:
23 So, I understand the question. So, typically, when we
24 bid out these contracts, we had asked providers to
25 let us know how many new cases they can take on in a

year, and then how much it would cost for them to run their program, and that's essentially what happened, and then, as they are incurring costs, hiring lawyers, paying lawyers, we reimburse them. In their kind of end-of-year deliverables, we ask that they only share their yearly new cases they take on, and the reason for that is because we want to have a very clear picture of, we know how many new eviction cases are filed every year, and we want to see how many new cases are taken on, so we can always track that. I think that's important for the program, and I want to continue talking with providers to understand more about how that deliverable rollover has affected their practices, because, from our perspective, we're still reimbursing on the work done, whether that lawyer works on a case he took that year or a case she took last year, they're still getting reimbursed from our program in the year that that reimbursement is submitted.

CHAIRPERSON BREWER: Okay. I think to be discussed further.

ASSISTANT DEPUTY COMMISSIONER GINDLER:
Yeah, I think so, yeah.

CHAIRPERSON BREWER: Okay. Obviously, we have a federal person in the White House who's making life miserable. How does HRA anticipate more cases, eligible ones, over the next year as low-income households start to see the impact of federal cuts? Obviously, there's many federal cuts that are anticipated, and you have to deal with all of them, but in terms of this situation, what are your plans? It's hard to plan, I understand.

ADMINISTRATOR FRENCH: Yes, it is. There's definitely a lot going on at the federal level that is very impactful for the people we serve that can impact people's housing stability, so I think some of the things we're also trying to really understand this year, which I think is really important, is to get a really much better sense of the number of cases currently going into Housing Court that are actually eligible for Right to Counsel full representation, and we really do believe that this year we are going to be in a place where we're sort of the closest we've been since then to having a real data point rather than having to sort of estimate based upon other factors, based on data we've gotten from the Office of Court Administration, which will also then

give us a much better sense of what is the representation rate of those currently being served. I think that volume will help us sort of model out worst-case or less worst-case scenarios based upon the different housing-focused, you know, things we know that are going on, whether it's, you know, what's being talked around Section 8, what's being talked about COC, and other sort of...

CHAIRPERSON BREWER: Section 8, Section 9, everything.

ADMINISTRATOR FRENCH: You know, other aspects in that way, so we're trying to take a real data-driven approach to it so we can sort of model out what we think might be additional resources that would be needed, resources meaning both funding but also, right, lawyers that the providers would need to, you know, identify, you know, as well as other things the court administration might need to know. So we're tracking it closely, and we're trying to come up with a sound methodology everyone can understand to understand what we might need to be prepared for.

CHAIRPERSON BREWER: And I assume you're modeling it 200 percent because that's what the law

is, but do you, are you able to model out how much it would be better if it was a 400 percent for instance, or that's not something you can do? Because that's what everybody's asking for.

ADMINISTRATOR FRENCH: Right. I know that the 200 percent we can be looking at. The 400 percent I'm not sure from the current data we have access to if we could really sort of hone in on that next sort of like slice of income eligibility. We will definitely take it back.

CHAIRPERSON BREWER: The reason I say that is with if the federal cuts are what they are, I just have to assume the worst, then those folks are going to be hurt as much, right.

Okay. As you work to build capacity for this program in the absence of a lawyer representing tenant through their court case, is there something else the City can do more than provide a hotline? Because I know other cities have similar capacity, probably nothing like New York, but sometimes use clinics before court or clinic for mandatory settlement conferences, and I know you've been trying to do this in a pilot in Brooklyn so I just was wondering, again, I'm scared to death about what our

future could hold, and I don't know if the hotline can handle it so what are we doing in this case?

ADMINISTRATOR FRENCH: Sure. So what we're doing, and this has definitely been informed by the Brooklyn pilot, right, which the thoughts around the Brooklyn pilot were, can we do sort of enhanced service within Housing Court that could sort of resolve the case at that point. Hopefully resolve that case maybe through rental arrears or such so that it doesn't have to continue on the court calendar. What we've learned is we do think looking very closely at more upstream interventions is the way to go. We're currently assessing some data that we received from the court to determine if there's actually stuff even further upstream where we can do proactive outreach to involved parties, both landlords and impacted individuals, to try to resolve the situation before they actually even show up for court the first time. So, we hope in early 2026 to be able to have a little bit more detail as to how we're going to sort of test that and roll that out. But that is one of the things we're also trying to do is where can we do more prevention that actually avoids both a New Yorker and a landlord actually having to

go into court and then the court having to calendar it so we've also been talking closely with OCA about our thoughts and collaboratively on like what data would help us start to test something even further upstream, right? What we try to also really encourage and let people know is you don't have to wait to get a notice of eviction or be pulled into Housing Court to apply for a one-shot deal so if individuals...

(CROSS-TALK)

CHAIRPERSON BREWER: But one-shots are taking a lot longer now, though, right? One-shots are taking a lot longer. I'm really good at one-shots. I get 23,000, 35,000. I'm good, but they take a while.

ADMINISTRATOR FRENCH: We have reduced that.

CHAIRPERSON BREWER: I lie a little sometimes just to get it. Just kidding. I'm honest. Go ahead.

ADMINISTRATOR FRENCH: We're always happy to work with you and your staff.

CHAIRPERSON BREWER: Oh, yes, I'm good at it.

ADMINISTRATOR FRENCH: The extensive delays that occurred in the past due to the

significant backlogs we have, we have cleared those. There are definitely times where one-shots may take a little longer, but in general, we're trying to process them as quickly as we can, getting back to the 30, 60 days where we had been before. But it's something that we're constantly looking at and trying to track to understand trends. Are there ways in which we can make it clearer to folks as well that they can... so that everyone understands the information that we need so that we can make an actual determination on someone's because I think oftentimes things might get rejected as a one-shot because we haven't received all the information we need to make a decision within the State regulations we also need to work with.

CHAIRPERSON BREWER: We're going to call on Council Member Felder, but upstream to me in our office, we have a monthly clinic with two wonderful legal providers, but the upstream is endless. It's succession. It's mold. It's all of these issues that are hard to resolve if you don't have an attorney. And yes, we have some, but sometimes, you know, we can't... I don't know, we've got 50 or 60 people at every clinic and they can't all talk to an attorney.

So, I'm just saying this upstream sounds good, but it's hard sometimes to actually effectuate.

ADMINISTRATOR FRENCH: Absolutely. We're going to continue to try new things to see what can start to make an impact.

CHAIRPERSON BREWER: Succession is always a challenge.

Council Member Felder.

COUNCIL MEMBER FELDER: Good morning, and thank you. Part of it might be repetitive because it takes me a long time to understand things.

CHAIRPERSON BREWER: He's kidding. He's brilliant. I just want to correct that statement. Thank you.

COUNCIL MEMBER FELDER: I have never been called brilliant by anyone, but thank you.

So, I'll ask two questions so you don't have to, you know, break in between. So, the first thing I'd like to know is what percent of cases are resolved with the tenants enrolling in a homeless prevention program or receiving safety net benefits such as Homebase, CityFHEPS, or a one-shot deal?

That's question number one.

Question number two is what efforts are made to screen and enroll eligible tenants into these safety net programs before they require representation? Is there any outreach done by the agency as soon as an eviction case is filed upstream in the process?

ADMINISTRATOR FRENCH: Sure. So, on your first question in regards to what percentage of cases are resolved, we'll have to get back to you on what data we do have. I don't think we have data to that extent that you've been sort of looking at. I think we believe with this past fiscal year we will actually be able to provide much more transparent data as you're asking because of work we've been doing with OCA to be able to better track, right, outcomes and outcomes related to connecting people to different services. What I can say is the efforts to connect individuals to safety net programs within Housing Court, we also have staff from our Homelessness Prevention Administration Rental Assistant Unit there where we will refer individuals to those staff who can cover a variety of different social service safety net programs individuals may be eligible for, determine if they're enrolled already

or if they are not enrolled already. That will include also referring them to Homebase, you know, and other services whether it's a one-shot deal or other benefit programs individuals may not currently be connected to but we believe might be eligible to. So, we do that in Housing Court. Our Homebase providers also do that when individuals connect with them, and then we also do through our Office of Community Outreach, we do lots of outreach within communities to sort of reinforce these messages and make individuals know the variety of programs that we have and how they can apply to them. I think one of the key helps in that way as well like the New York City Benefits Program partnerships that we have with CBOs across the city, their jobs are also to really focus on their local communities to make sure that individuals know they can reach out if they are having any challenges but also how to connect them to services and supports that can, you know, help maybe intervene before getting to a Housing Court case. You know, we're also always happy to work with Council Members to do, you know, specific outreach efforts with you all and welcome any other ideas you might have for us to consider.

COUNCIL MEMBER FELDER: I think you tried to answer the first question, and I find it interesting that you don't have the numbers with you this morning. You described the wonderful work that you're doing and repeated my question, which is a good thing, so that made sure that I understood what I asked you but in terms I don't understand why you don't have the percentages.

ADMINISTRATOR FRENCH: So, what I have is the number of people who OCJ served in the last year. I don't have the data here on, you know, connecting the number of people who were connected to different services we have that then helped resolve their particular OCJ case. We're going to have to go back and look at the data we have to see what we can provide at this point. It is something we're working towards. It's something we want to be able to do because we want to be transparent. It also gives us a much better insight into how the programs are working. So, I didn't intentionally mean to mean to be evasive on that. It's just I don't have that data that sort of connects to other services.

ASSISTANT DEPUTY COMMISSIONER GINDLER:
And I just want to add some color to that. You know,

there's kind of two ways for us to get to that data set you're asking for. I think one way is to ask providers to report on when they resolve cases, how they've resolved them, and that would add an administrative burden and we already hear about a lot of the reporting administrative burdens. So that is, you know, plan C if we can't figure something out but what we're working on is to build a data match that will allow us to better understand who's coming through our program and use the information we have to, you know, match with the other side of the house about who's getting programming and hopefully get to that data. That match is not simple because it's we don't have like a unique identifier and so it's just going to take some time. So, I just want to add that color to explain why the numbers aren't just, you know, sitting at our desk and waiting them out.

COUNCIL MEMBER FELDER: Well, if you don't mind, once you have the data if you can send it to the Chair and maybe my Colleagues might be interested in the information as well.

ADMINISTRATOR FRENCH: Absolutely.

COUNCIL MEMBER FELDER: And what was the answer to the second question? I mean you said, yeah,

you just, is it that you have agencies and others doing what I asked you about?

ADMINISTRATOR FRENCH: We have a combination of our staff, right, so HRA staff who are not OCJ staff who work in the Homelessness Prevention Unit are housed in Housing Court so they can be referred there by judges or others, and those staff will assess individuals to understand what programs they are connected to, identify if there's programs that they're eligible for that they haven't applied to and help them, or make referrals such as to home base. And then there are also, yes, CBOs in the community that we work closely with who also do similar things and/or make referrals back to us so that we can appropriately guide people.

COUNCIL MEMBER FELDER: Thank you very much.

CHAIRPERSON BREWER: So, I think we do know that current providers have been unable to handle all the cases needing representation at this pace that these cases have been scheduled, and the RTC legislation specifies that the organization providing legal services must be a non-profit with the capacity to provide services, which makes sense.

But do you have plans at all to make funding available to private attorneys or those agencies who might be looking to start a new eviction defense practice? We've heard from advocates that OCJ is contracting with private parties to address this backlog. And I must admit, then I ask, how does OCJ ensure quality assurance of these entities if that's true?

ADMINISTRATOR FRENCH: We are not contracting with any private attorneys.

CHAIRPERSON BREWER: Nobody is in the city? Nobody at all?

ADMINISTRATOR FRENCH: I can speak for...

CHAIRPERSON BREWER: I know, but you're administration.

ADMINISTRATOR FRENCH: Our providers, I can speak for the OCJ providers, they are all non-profit organizations.

CHAIRPERSON BREWER: So not HRA, nobody is OCJ, okay.

ADMINISTRATOR FRENCH: I can't definitively speak for other agencies that oversee, you know, the provision of legal services as I don't

know all of their providers, but I can say for us, we are only contracting with CBOs at this time.

CHAIRPERSON BREWER: What's the number of non-profit providers that you are contracting with? How many?

ASSISTANT DEPUTY COMMISSIONER GINDLER: There's around 13 organizations, some of them have subcontractors that increase that number.

CHAIRPERSON BREWER: Okay. 13, around 13.

ASSISTANT DEPUTY COMMISSIONER GINDLER: Around 13.

CHAIRPERSON BREWER: Is it specifically a staffing shortage that's impacting a renter's Right to Counsel, or is it coupled with the fact that an unprecedented number of cases are being brought upon residents at this point, and of course you can add the cost of rent, which is just equally a problem. It's really compounding right now.

ADMINISTRATOR FRENCH: It is a combination of many factors, right. The ability to recruit and retain staff is definitely a challenge that the providers have. It's a challenge that I think we see across the human services, you know, service portfolio, not just in the Right to Counsel.

2 CHAIRPERSON BREWER: Yeah, 3 percent
3 helps, but not a lot.

4 ADMINISTRATOR FRENCH: Right. And we've
5 definitely taken, you know, steps where we can to,
6 you know, augment salaries through contracts, right.
7 It's definitely something that is part of our key
8 planning, but it's a combination, I think, of that
9 with the, you know, sharp increase in evictions due
10 to the eviction moratorium, though we are seeing some
11 trends that indicate there might be a stabilization
12 in those numbers, and so I'll let Masha speak a
13 little bit more to, you know, the other differing
14 factors that we see.

15 ASSISTANT DEPUTY COMMISSIONER GINDLER:
16 Yeah. So, right after the eviction moratorium ended,
17 we saw an influx of the backlog of cases. Last fiscal
18 year is the first year that we saw the number of new
19 cases filed go down. We're cautiously optimistic
20 about that.

21 CHAIRPERSON BREWER: The last year or the
22 last quarter?

23 ASSISTANT DEPUTY COMMISSIONER GINDLER:
24 Last fiscal year.

25 CHAIRPERSON BREWER: Last fiscal year.

2 ASSISTANT DEPUTY COMMISSIONER GINDLER:

3 Yeah.

4 CHAIRPERSON BREWER: '25.

5 ASSISTANT DEPUTY COMMISSIONER GINDLER:

6 Yeah, and so we are hoping that that trend continues.

7 At the same time, we are aware about attrition

8 issues, retention issues, staffing issues. That is

9 something that we want to be focused on in our next

10 strategic plan to see how we can bolster this

11 industry and make sure that we have as many, you

12 know, attorneys possible serving the tenants.

13 CHAIRPERSON BREWER: What is your number?

14 Maybe you gave it to in your testimony, but I mean, I

15 have other numbers here. Per year, what are the

16 number of evictions, or what is the number? We heard

17 this from other persons testifying, I'm sure, but

18 what are your numbers?

19 ADMINISTRATOR FRENCH: So, for the numbers

20 that we served in the past year, so we served 51,000

21 households across all tenant services.

22 CHAIRPERSON BREWER: Okay.

23 ADMINISTRATOR FRENCH: Within that, which,

24 you know, represents, it's a 53 percent increase over

25 the prior fiscal year, and it represents a 41 percent

increase in individuals receiving eviction-specific related services, as there's some other tenant-related legal services that we provide, you know, and within that, 61 percent of households received full legal representation, which we think is...

CHAIRPERSON BREWER: That's the way to go.

ADMINISTRATOR FRENCH: A good indicator, right? There's still more that we need to do, but we are definitely focused on increasing that number there.

I'll let Masha speak to the overall evictions, but as I mentioned before as well, this year, based on the Fiscal Year data of '25, we think we'll be able to actually come back and really talk more specifically around, of all of the cases that came into Housing Court, how many people were actually eligible for full representation, and compare that to how many we served to understand where the gap might be that we need to focus on.

CHAIRPERSON BREWER: And then do you also keep track of how many people got evicted, or that would only be in the court keeping track?

ASSISTANT DEPUTY COMMISSIONER GINDLER:
So, we want to keep track of everything. I'd say that

we want to keep track of how many individuals were evicted, how many individuals were evicted that are part of our program. We know from provider-reported data that if those that were served by our providers with full representation, 80 percent of them were able to remain in their homes, which is amazing, but we also want to keep track of eviction rates in general, which we do. So, I have the calendar here, not the fiscal year, but we have seen from Calendar Year '23 to Calendar Year '24, 10 percent reduction of new evictions filed, and we are about to release our data report for Fiscal Year '25, which will show a further decrease. Of all the cases filed, not all of them end up in an active Housing Court case. Of those that do, not all of them are eligible for our program. The missing piece to our puzzle that I just want to keep reiterating we really need, and we're devoted to getting, is how many are eligible, and of those eligible, how many are getting it.

CHAIRPERSON BREWER: Okay. Because we do hear that, obviously, if you get full representation, and certainly that's shown in your Brooklyn pilot, I think. That's one thing.

Council Member Restler has joined us. I'm very pleased. We have a back and forth that's funny, but I'm glad he's here. I'm glad he's here.

But the issue is, obviously, if you're not getting full representation, or you don't get an attorney at all, then you're often out of luck so you keep track of that, too. That could be an issue. You're lucky and didn't pro se, and you managed to survive.

ASSISTANT DEPUTY COMMISSIONER GINDLER:

Yeah. And then I also want to add, in conversations with the providers, there's a lot of value they do, even if a case ends up in an eviction, around providing dignity and time for the individual to come up with next steps so there's a value add that's beyond just evictions or not, and there's value add within the eviction proceedings on negotiating for the correct arrears, negotiating for repairs, and things like that, and so when we want to evaluate positive outcomes, we want to bake all of that in.

CHAIRPERSON BREWER: Okay. I mean, I think also the other, you mentioned earlier, retention and hiring. Are all those 13 contracts up soon, or they're different timeframes? Has there been any

conversation about adjusting existing contracts so that the providers, in this case the non-profit providers, are able to attract and retain staff? That is the bottom line in every aspect of what I've read all these reports. It comes down to that.

ASSISTANT DEPUTY COMMISSIONER GINDLER:

So, all of our contracts are in the middle of a three-year contract. They're all going to be up after Fiscal Year '27. We have...

CHAIRPERSON BREWER: All 13 of them?

ASSISTANT DEPUTY COMMISSIONER GINDLER:

All 13 of them. And within the contract, it's hard to do very large swings that would amount to kind of a procurement so we've been having discussions and advocate internally for what we hear from the providers, but I also want to be realistic about what's possible mid-contract. That being said, it's explicit part of my duties to estimate the cost of programming, and I'm in the middle of that work now, and will continue to advocate for the needs of this program to the Budget Office and OMB.

CHAIRPERSON BREWER: So do you have some sense that Council put money in, you put money in, it's just not enough? And so do you have some sense,

given the tremendous need of what the current, you know, cases would need in order to have a Housing Court representation, if in fact you were fully funded? Do you have some, is that part of the strategic plan, or do you have that even without the strategic plan?

ADMINISTRATOR FRENCH: It will be included in the strategic plan, but it's not something we're waiting on the strategic plan for. It's really connected to what we've been talking about with the data of with FY25 data, we think we'll be able to much better detail the representation rate of the percentage of those eligible who do receive full representation, and that will really guide us in regards to the different resources we think we might need, some of which would be staffing, some of it might be creative approaches to recruitment and retention of staff, you know, and so it also might be, you know, needing to look specifically at boroughs as there might be, right, different experiences within the borough. So, we think that data, which we're hoping to have in the first part of 2026, will allow us to have a very sort of specific and detailed conversation, both internally, but also

externally with, you know, the Council, OCA, our providers, and other stakeholders to figure out what might be the right resource balance that we need to continue to move the program forward.

CHAIRPERSON BREWER: What's the FY26 budget for universal access to counsel? We're looking for the UAC, not housing-related legal services. How much has been spent so far?

ASSISTANT DEPUTY COMMISSIONER GINDLER: Spent so far or allocated?

CHAIRPERSON BREWER: Both.

ASSISTANT DEPUTY COMMISSIONER GINDLER: I don't have the number of what's been spent so far. We are finalizing and closing out Fiscal Year '25, so once we do that, we can circle back. I can tell you that for Fiscal Year '25, 170,000,000 million was...

CHAIRPERSON BREWER: That's for FY25?

ASSISTANT DEPUTY COMMISSIONER GINDLER: For FY25. For anti-eviction specifically.

CHAIRPERSON BREWER: Okay. What modifications to RTC program are needed to ensure that all tenants eligible for the program receive full representation in Housing Court? Now, to a certain extent, you've answered that by saying you're

trying to figure that out, but I guess I'd like to hear a little bit more specifics about what... it's obviously funding. It's all those 13 agencies able to do their job and with enough funding to do so, but are there other ways that you will think about this and what came out of Brooklyn that may be helpful?

ADMINISTRATOR FRENCH: So yes, we're looking both at the RTC program, but I think as I said before, we're also trying to figure out what are the other levers we have that will release some of the pressure on the RTC program through upstream interventions, looking at ways in which we can identify cases that are going to be coming to Housing Court, but haven't yet been there, and how can we do proactive outreach to the landlords and the impacted individuals and see can we maybe solve this before you have to go, which I think naturally will relieve some pressure there. We're also looking at our Homebase program and identifying ways that we can increase capacity for Homebase providers to serve...

CHAIRPERSON BREWER: They're only open nine to five. I don't like that. I've been saying that for 20 years.

ADMINISTRATOR FRENCH: We will take that back into...

CHAIRPERSON BREWER: Nobody does anything about that. It's a crazy hour.

ADMINISTRATOR FRENCH: Into consideration.

CHAIRPERSON BREWER: Evenings.

ADMINISTRATOR FRENCH: But one of the things we're also doing though is that we're looking at, with the sort of restructure we did internally around prevention services and bringing them all under one umbrella, we believe there are some things Homebase currently takes care of that HRA could actually take care of ourselves internally, and that that will increase the capacity for Homebase providers to meet with more people, which we also think is a way to address issues before they have to get to Housing Court. So, we're really trying to take a much more holistic, and it's not just about the changes to RTC, but what are other aspects of this work we have control over that we can lever to also reduce the flow of people actually getting to Housing Court.

CHAIRPERSON BREWER: That's sort of what Council Member Felder was trying to get at.

What is the representation rate of the cases currently pending in Housing Court, and do you have a breakdown by borough? Most importantly, the breakdown by borough.

ASSISTANT DEPUTY COMMISSIONER GINDLER: I can tell you that the representation rate of cases, of all cases, whether they're eligible for the Right to Counsel program or not, is around 44 percent.

CHAIRPERSON BREWER: 44 percent across the board.

ASSISTANT DEPUTY COMMISSIONER GINDLER: Yeah. Across the board. I don't have the borough-wide breakouts, but we do have access to those. I'll follow up with those. Was there a second question I might have?

CHAIRPERSON BREWER: No. You don't have the borough, so you're going to get...

ASSISTANT DEPUTY COMMISSIONER GINDLER: I don't have it with me, but we'll get it to you, yeah.

CHAIRPERSON BREWER: And then, of course, this is, again, probably sort of what we were asking. How many individuals who are eligible for RTC are nevertheless unrepresented in Housing Court? How do you look at that? Because there are many reasons for

that, but how do you look at that number, and how do you address that number?

ADMINISTRATOR FRENCH: So that is really what we are currently assessing the data of FY25 to actually be able to specifically cite that number and point to the data. Up until this point, I think the numbers that have been out there have been estimates based upon certain factors, but we do believe we're actually in the place where we can talk real specific data around that, and that that will identify for us what's the overall gap. But I think also, as you said, let's look at borough-based gaps, and are there differences between the boroughs that will really impact the ways in which we think about planning and where we think resources are most needed to try to get a much more consistent rep rate across the city so we're hoping in the first part of 2026, we'll be able to have that data. We'll share it, obviously, with you all, because it will also inform our strategic plan quite a bit, because we'll be able to, for the first time, specifically look at that.

CHAIRPERSON BREWER: Yeah, I mean, even in the boroughs, I assume, I know 111 extremely well, but I don't know the other boroughs. There's always

ADA issues. Even that doesn't endear people to participating because it's an uncomfortable situation to be in the court where you're located in the hallway and so on. Is that something that you're looking at, or is that DCAS, and you have nothing to do with that? The courthouses themselves. Who's focused on that?

ASSISTANT DEPUTY COMMISSIONER GINDLER: I think we're focused on it. I know that OCA's focused on it, and I know the providers are focused on it.

CHAIRPERSON BREWER: They're very focused on it, the providers.

ASSISTANT DEPUTY COMMISSIONER GINDLER: Yeah. And I'm glad you bring it up, because I think that those kinds of changes in courthouses that we started discussing, we'll continue discussing, will have a huge impact on how many people are served, and will be a big component of our strategic plan.

CHAIRPERSON BREWER: What are the serious factors that are causing there to be a lack of representation? When we talked, our wonderful investigative staff at the courthouse recently, it was everything from, I didn't know I could get a

lawyer, I don't know how to get a lawyer, language issues, etc. Those should be able to be addressed.

ASSISTANT DEPUTY COMMISSIONER GINDLER:

And they will be. Our focus is to understand of all the evictions filed, how many individuals are screened, and of those that are not screened, how do we get that number as close to zero as possible? Of those that are screened, how many are eligible, and then referred to services. That is our primary focus for this fiscal year, because that is the data around which everything else will depend on.

CHAIRPERSON BREWER: Okay. And given the housing situation, if you lose your apartment, good luck in getting another one. It's impossible. It's got to be figured out.

Could you share a breakdown of how many multi-occupant cases have been determined not to need multiple legal counsel? Do you have that data?

ASSISTANT DEPUTY COMMISSIONER GINDLER: I don't have that breakdown. That is an interesting breakdown. I will see what we can do and come back.

CHAIRPERSON BREWER: I'm going to call on my friend, Council Member Lincoln Restler.

COUNCIL MEMBER RESTLER: I hope that everyone's listening. These are the nicest things that Gale has ever said about me, that Chair Brewer...

CHAIRPERSON BREWER: Gale is fine. I like Gale.

COUNCIL MEMBER RESTLER: But as always, Chair Brewer, you do a great job, and it really is an honor to get to serve with you.

I want to thank the HRA team for being with us today. Administrator French, you are always responsive to our office's concerns and the issues we raise, and I really appreciate it. Masha, I did not realize you were in this job. When did you start?

ASSISTANT DEPUTY COMMISSIONER GINDLER: Six months ago.

COUNCIL MEMBER RESTLER: Congratulations. In all my experience working with you, you are somebody who really gets things accomplished. We need somebody like that in this role, because I personally have just been disappointed by the outcomes from this office in our, I think, inadequate results in meeting the vision of Right to Counsel. I am hopeful that over the course of the months ahead, I'm sure there's

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2 already a bunch of progress that you can share, and I
3 appreciate reviewing your all's testimony.

4 I just want to maybe start a little bit
5 at the staffing levels. I'm interested in going
6 through all of HRA staffing levels, but I will spare
7 that today, Administrator French, and let's just
8 focus on OJC. So, what are the current staffing
9 levels in the Office of Civil Justice? How many lines
10 are allocated, and how many lines are filled? I think
11 the last time we asked you about this on the record,
12 there was like a 50 percent vacancy rate, so I'm
13 hopeful that you have some progress to report.

14 ADMINISTRATOR FRENCH: Yes. The vacancy
15 rate right now is 30 percent, but I can also say we
16 are actively in the hiring process for many
17 positions, and as an agency, we prioritize bringing
18 on staff into the OCJ program. I believe it's a total
19 of, I'm not sure... Masha, do you want to talk to, I
20 think it's about 50 total positions in the unit.

21 COUNCIL MEMBER RESTLER: Number again?

22 ADMINISTRATOR FRENCH: 50.

23 COUNCIL MEMBER RESTLER: 50. So a 30
24 percent vacancy rate on 50 people, I mean, you got 38
25 people there, 35 people there. What is the numbers?

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2 ASSISTANT DEPUTY COMMISSIONER GINDLER: So
3 we have about 50 lines, and we are currently actively
4 filling about seven additional lines.

5 COUNCIL MEMBER RESTLER: And how many
6 lines are currently filled as of today?

7 ASSISTANT DEPUTY COMMISSIONER GINDLER: As
8 of today, the 50 lines are filled.

9 COUNCIL MEMBER RESTLER: 50 lines are
10 filled?

11 ASSISTANT DEPUTY COMMISSIONER GINDLER:
12 Yeah.

13 COUNCIL MEMBER RESTLER: Not vacant?

14 ASSISTANT DEPUTY COMMISSIONER GINDLER:
15 Yeah, not vacant.

16 COUNCIL MEMBER RESTLER: And so there's a
17 30 percent vacancy rate above and beyond the 50
18 lines?

19 ASSISTANT DEPUTY COMMISSIONER GINDLER:
20 Yes.

21 COUNCIL MEMBER RESTLER: So you have 80
22 lines total or something like that?

23 ASSISTANT DEPUTY COMMISSIONER GINDLER:
24 No, no, no, sorry, I'm confusing myself. I can tell
25 you that we have 50 lines currently filled and that

2 we're hiring for an additional seven lines. I don't
3 have the percentage in my head, but that's that.

4 COUNCIL MEMBER RESTLER: Additional lines
5 that are vacant beyond that, but the 30 percent
6 vacancy rate is of the total headcount in the unit?

7 ASSISTANT DEPUTY COMMISSIONER GINDLER:
8 Yes, but I just wanted to, the numbers are filled as
9 updated, so I just wanted to, I think what I have is
10 the latest, use that, the percentage might be.

11 COUNCIL MEMBER RESTLER: Can we just get
12 follow-up in writing?

13 ASSISTANT DEPUTY COMMISSIONER GINDLER:
14 Yeah, yeah, yeah.

15 COUNCIL MEMBER RESTLER: I want to make
16 sure we have it because I think this was two years
17 ago, it must have been, I don't remember, we had a
18 hearing with Chair Ayala on this and was deeply
19 concerned about the 50 percent vacancy rate there.
20 Sounds like some progress, but still we have a ways
21 to go.

22 Our assessment for the RTC contracts for
23 FY25 through FY27 anticipate funding of about \$408
24 million dollars, if we have that correctly, to
25

provide legal representation to 44,000 eviction cases annually. Are those numbers correct?

ASSISTANT DEPUTY COMMISSIONER GINDLER:

That was what was in the RFX.

COUNCIL MEMBER RESTLER: So, based on provider's estimates and the filing numbers that we're seeing, we're looking at about 71,000 eviction cases annually. So, I should have done this before, but 44 out of 71, we're looking at 60, best case scenario, filling 62 percent, representing 62 percent of clients. That's our goal for this RFX, for these next three years, for representation in Housing Court?

ASSISTANT DEPUTY COMMISSIONER GINDLER: I want to add context to that. So, of the 71 cases in eviction court that you stated, I'm not sure where that number exactly comes from, but the truth is that not everyone, not every case that is filed is eligible for Right to Counsel. What we desperately want to build the infrastructure to calculate is how many folks are actually eligible for the Right to Counsel program, so that we can make sure that all of them are represented. There are estimations that are floating around, but there's no definitive number,

and that is because of changes operationally that we have had to make, that we have made, to be able to get that number. So, starting in Fiscal Year '26, we'll be able to talk more about how many individuals actually are eligible for the program, and then look at how many were actually able to serve with full rep, and then we'll be able to more accurately answer that question.

COUNCIL MEMBER RESTLER: I mean, when we look back at the data since 2022, since the beginning of the Adams Administration, the analysis that we looked at found that there were about 140,000 eviction cases, and for 82,000 of those eviction cases, so about 60 percent of those eviction cases, people went unrepresented. So, the significant majority of tenants facing eviction in New York City are not getting the counsel that they need and deserve, and indeed that we, you know, have required by law that they have access to universal counsel. So, you know, as we look ahead, you may be saying that, okay, if our numbers are accurate, anticipated 71,000 evictions per year, not all of those cases are eligible for Right to Counsel, but we're still talking about tens of thousands of people that are

facing eviction on an annual basis that are not having the benefit of an attorney, and the data we all know is that if that tenant has an attorney, they are a thousand times more likely, I mean, that's an exaggeration, but they literally 90 something percent more likely to stay in their home and avoid homelessness. So, this is both devastating for the family, but it's also economically short-sighted by the City. Why are we not looking to achieve universal coverage right now? Why is that not the goal today for us to ensure that every family that's facing eviction has the legal resources to stay in their home when that is such a more modest investment than paying hundreds of thousands a year is required to maintain a family in our shelter system?

ADMINISTRATOR FRENCH: So, that is a much broader and larger conversation, right? We are currently focused on making sure that we are appropriately implementing the law that was passed by the Council, that the Administration worked on closely, and making sure that we can achieve... the program as it is around 200 percent of the federal poverty level. If there are larger conversations the Council would like to have with the incoming

Administration around the concept of broadening that, we are happy to be part of those conversations, but I can say for us and our focus, what we're really trying to focus on right now is to (a) really be able to understand and speak definitively around the current program, the current eligibility, and how many people are being served, and more importantly, how many people aren't being served, so that that can inform our approach in resources and through collaborative discussions with the Council, what other investments we might want to make. The other larger universal access for anyone in Housing Court is a larger conversation that would, I think, need more people to be involved in that.

COUNCIL MEMBER RESTLER: So, let's just focus on the populations that we're required to serve, which I don't believe we have been providing legal representation for those required populations.

ADMINISTRATOR FRENCH: Yes. We are not claiming that we are doing 100 percent representation. That is not something we are saying is currently happening.

COUNCIL MEMBER RESTLER: So, can you just walk me through that data, and I apologize if you

already did with the Chair, but for the folks within 200 percent of federal poverty line and folks over 60, what percentages of eligible clients are accessing legal representation that they are entitled to?

ADMINISTRATOR FRENCH: So, as we sort of discussed with the Chair, you know, for the first time, we actually have access to data that specifically will allow us to assess that. All estimates up until this point have been estimates. We didn't have all of the data needed to make sure that we definitively identify...

ASSISTANT DEPUTY COMMISSIONER GINDLER: I can add to that. So, essentially, when a case is filed, we don't necessarily have accurate income or age for that individual unless we speak to them. Cases were referred through various ways. Within Housing Court, there was intake done by OCJ, there was intake done by providers, and there was cases coming in from other sources. And that meant that there wasn't one entity that had eyes on all of the cases that are going through, de-duping them, and understanding how many unique cases are screened, and of those, how many are eligible. So, we are in a

place now where OCJ is the primary central piece from which all screening goes through, and so what we are really dedicated to is developing a reliable methodology to evaluate of all the cases that are filed, how many are screened, how many are not screened and why, and how do we get that number down to zero. And of those that are screened, how many unique cases are eligible and interested in the program and then referred. Due to the way this program developed, it's something we would have loved to have in the beginning, and we didn't. We're going to have it now. We're going to share it with you guys, with IBO, with Comptrollers, with anyone that has a vested interest in this work, so that we can have clear eyes on what the number of eligible are, both so that we can serve all of them and to give legislature the information they need to talk about whether you ever want to increase that percentage.

COUNCIL MEMBER RESTLER: I'm happy to hear we'll have better data. Recognize that anything having to do with OCA can be challenging. We struggle with them in downtown Brooklyn a great deal.

But based on the estimates, what do you think we're doing for under 200 percent of the

federal poverty line, and what are we doing for over 64? You could do the whole Adams Administration. You want to do the last year, whatever's the most helpful data.

ADMINISTRATOR FRENCH: So, I don't want to make guesses. I do want to say I believe we have made strides, right? Fiscal Year '25 over Fiscal Year '24 showed a 53 percent increase in the numbers of people actually served through tenant legal services, right? 40 percent increase also for those specifically receiving eviction-related services. So, I believe we are making strides. I believe that it's really important that we complete this analysis that we have, and then we can speak specifically about where the gaps might be, right? We know that there are gaps. We understand that. But I don't want to make guesses based on sort of unreliable assumptions, you know, here. I know you would like me to.

COUNCIL MEMBER RESTLER: Are you telling us before we have good data some period of months in the future, we've been spending hundreds of millions of dollars a year and have been unsure, just generally unsure, about how we're doing at fulfilling

the requirement in the law? Like you can't give us anything more than we're making strides?

ADMINISTRATOR FRENCH: We can circle back with you on what else we might have, but I don't want to, right? I don't have definitive data to speak on the specific... (CROSS-TALK)

CHAIRPERSON BREWER: (INAUDIBLE)

COUNCIL MEMBER RESTLER: And Chair, have you gone through the timing on one-shot deals?

CHAIRPERSON BREWER: You can give it again. I must admit the quicker time 30 to 60, which is what I think you said, is not what we're hearing. We're hearing that it's a much longer timeframe, so Council Member, if you want to ask. I did ask, but I don't think it's the correct answer, I'll be honest.

COUNCIL MEMBER RESTLER: Okay. I mean, it says on the HRA website that a one... I mean, we all know one-shot deals are absolutely essential for keeping people in their homes. We deal with constituents on a regular basis, weekly basis, that are in need of those one-shot deals to get through a tough moment and avoid like real catastrophe in their lives. HRA's website says, you know, 30 to 45 days to process. It doesn't appear like we're anything close

to that anymore. Our Committee report is telling us that it's 10 to 12 months from the time an application is filed for funds to be distributed. Do you have any...

ADMINISTRATOR FRENCH: So, I would like to follow up, I think, with you all to understand the basis of the 10 to 12 month for every one-shot deal, because that is not the reality in the world. There was definitely, right, in 2023, 2024, extensive delays, and we did not deny that, right? We had a significant backlog in application processing, which we diligently worked through, right, and have cleared, but I would definitely, if you're looking at data that is indicating today that is what is happening, I think we need to have a conversation, because that is not an experience we see today. There are definitely going to be outliers in some cases that take much longer, but would like to discuss more detail on that data.

COUNCIL MEMBER RESTLER: I'm happy to hear that things are moving in a positive direction. We are still certainly concerned about the timelines and would love to get some more information from you. Perhaps the Chair could help, in partnership with

Chair Ayala, could help us provide a briefing for Council Members, but I just think it's important to take a step back and acknowledge that these are the impacts on people's lives of Eric Adams' austerity budgets and his refusal to hire people in City government, and my understanding is that we're looking at about 1,600 vacancies across DSS right now, a 13 percent vacancy rate, but that's in addition to the nearly 1,400 positions that he's eliminated altogether. So we're talking about nearly 3,000 positions that are either vacant or have been cut since this man came into office, and when you don't have the people in place, you can't process the food stamps applications, you can't process the one-shot deals, you can't provide the support that is needed for tenants to get the representation that they deserve to be able to stay in their homes. These are real-life impacts for the most vulnerable New Yorkers, and you know, I think you're an admirable public servant who's trying to do the best you can, and things are moving in a positive direction. I don't mean to say they aren't with you in this role, but you can only do so much if you don't have people, and what Eric Adams has done to the Department of

Social Services, I think is disgraceful. So with that, I will pause. Thank you very much.

CHAIRPERSON BREWER: That's Restler at his best, right?

Okay. Just a couple things about those individuals. They go to court for eligibility. Do you track whether those individuals successfully apply and receive benefits from programs, and do you have any figures disaggregated by whether or not that person has an RTC provider attorney? We're trying to find those individuals who are not getting services and making sure that they do. And the other question along that is there's been a request for some neighborhood-based intake in that model, and I didn't know if that's something you're thinking about. I'm trying to get at those who are not able to get the services and how we can help them.

ADMINISTRATOR FRENCH: Sure. So, I think, you know, similar to what Councilman Felder asked about earlier, I think with the improved data matches, right, that we're going to be working on and being able to actually cross-reference data across systems and programs, we're going to better be able to identify, right, what other programs have

individuals who are connected to Right to Counsel
been connected to to see if outcomes through that
actually, you know, make an impact or help to reduce
the number of cases that have to go through. So that
is something at the top of our list. I'll let Masha
speak a little bit more to some of the other data
questions.

ASSISTANT DEPUTY COMMISSIONER GINDLER:

Yeah. That's interesting. I've been talking to a lot
of people in the community and the providers. I
haven't heard that idea, but I would like to follow
up and understand more because I we're looking for
anything we can do to improve the number of
individuals that are screened.

CHAIRPERSON BREWER: Okay. I mean, I know

in our office somebody comes from a food program, but
it's really HRA to do benefits because then you are
not waiting in line somewhere else so it could be
attached.

And then in Queens and Bronx, I guess,
eligibility screening is done over the phone, and so
is that issue in terms of language? Because
obviously, you know, that's going to be the issue
that I brought up earlier.

ASSISTANT DEPUTY COMMISSIONER GINDLER:

That's something we're trying.

CHAIRPERSON BREWER: Language Line is horrible.

ASSISTANT DEPUTY COMMISSIONER GINDLER: So you're right. And intake in those two boroughs is done virtually, and so we follow up with a phone call to screen them. Virtual intake has some benefits in that it might make it easier for a tenant to show up virtually rather than to spend a day at the courthouse. We're going to preserve that benefits, but we don't want to lose out on the follow-up. It's the same side. It's also easier to get referred to services when you're right there physically present, and then you're told to go to a room to get screened. There's a way we can do this. We can figure this out. We're working with OCA. We're working with the providers. And I think there's some ways we can screen earlier and ensure that we reach as many people as possible.

CHAIRPERSON BREWER: And then just finally, I just want to get a little bit more from the Brooklyn Plan. What are you getting from it and

where do you think you're going to be implementing some of the ideas that came out of it?

ADMINISTRATOR FRENCH: Sure. So I think we've learned a lot from the Brooklyn pilot. The purpose of it, as I mentioned earlier, was really to see could we develop something in Housing Court that provided an enhanced service that would allow for us to try to bring cases to a conclusion before it continued on the court calendar? What it really did highlight for us is that upstream intervention is really where we should focus. I think what we are looking at right now is we think that it might be even more effective by not having it be so place-based, which sort of...

CHAIRPERSON BREWER: That's what we were talking about earlier.

ADMINISTRATOR FRENCH: Yeah. Limited in that way, which is why we're sort of completing data analysis right now based on data OCA gave us that would look at sort of regularly running a match between cases sort of filed with OCA that we could then cross-reference with our data on certain things we know of individuals who are, say, on CityFHEPS and StateFHEPS, and then intervene then before it's in a

courthouse. So, we just proactively outreach to individuals and try to connect with them over the phone and see if we can sort of address that program there. We think that's probably the next sort of iteration and next step. We're still looking at it and determining how that might roll out. It would also allow us to do it citywide because we're not so place-based specific. And so in early 2026, we should have some more details on the sort of next step there. So the pilot, I think, definitely informed for us where we need to be focusing and in talking with our colleagues at OCA what actually would help sort of ease the volume of cases coming through, and we think that we might really be able to achieve some stuff by taking those interventions out of the physical courthouse.

CHAIRPERSON BREWER: I understand. I agree.

Okay. And then just finally, the Coalition has several suggestions. I want to know what you're doing to implement them. Public awareness campaign that includes paid ads, obviously in the subway, on the kiosks. Two, ADA-compliant hotline that tenants can call to get information to schedule

appointments with legal services. And three, a web-based portal where tenants can go to check their eligibility and find information about legal services in their neighborhoods. Our three suggestions, are you implementing any of them?

ADMINISTRATOR FRENCH: I think those are three suggestions we will take into account as we...

CHAIRPERSON BREWER: The strategic plan again?

ADMINISTRATOR FRENCH: The strategic plan, yes, but also the next procurement, right? (CROSSTALK)

CHAIRPERSON BREWER: (INAUDIBLE) now.

ADMINISTRATOR FRENCH: So, but those are definitely three things...

CHAIRPERSON BREWER: I could do all three of those right now. I'm just saying, this is just commonsense community coordination, maybe. All right. I mean, okay.

I have many more questions. I'm okay, though, unless you have any others over there. No? Okay.

Yes. Thank you very much, and we look forward to continuing to work with you, and we

2 appreciate your honesty about this program and the
3 needs. Thank you so much.

4 ADMINISTRATOR FRENCH: Thank you very
5 much.

6 ASSISTANT DEPUTY COMMISSIONER GINDLER:
7 Thank you very much.

8 We're doing IBO next. Claire Salant,
9 Sarah Internicola, and Marla Simpson.

10 Whomever would like to start, go ahead.

11 POLICY ANALYST INTERNICOLA: Thank you.
12 Good morning, Chair Brewer and Members of the
13 Committee on Oversight and Investigations. My name is
14 Sarah Internicola, Budget and Policy Analyst at the
15 Independent Budget Office, or IBO, and I'm joined by
16 Claire Salant, Lead Budget and Policy Analyst, and
17 Marla Simpson, Special Assistant to the Director of
18 IBO.

19 CHAIRPERSON BREWER: Pull that a little
20 bit more towards you so you can be heard.

21 POLICY ANALYST INTERNICOLA: Yes.

22 CHAIRPERSON BREWER: Thank you.

23 POLICY ANALYST INTERNICOLA: We thank you
24 for the opportunity to testify at today's oversight
25

hearing regarding the Right to Counsel in Housing Court.

In 2017, City Council passed Local Law 136, introducing a landmark program to provide access to legal services to low-income tenants facing eviction and Housing Court. The program is officially called the Universal Access Program, but is commonly referred to as the Right to Counsel Program. Although Right to Counsel has brought critical services to thousands of tenants, IBO's recent report reveals that the program is now struggling to meet its original intention. Over half of eviction cases served by the program did not receive full legal representation in 2023 and 2024. At a time when rents continue to rise and many social safety net programs face massive federal funding cuts, eviction prevention tools like Right to Counsel can help the City Government promote housing stability and support low-income households. Right to Counsel was passed in 2017 with the goal of increasing representation rates among tenants facing eviction, thereby lowering eviction rates and helping tenants stay in their homes. The City began by rolling out the program in phases, starting in 15 zip codes with the highest

eviction rates, with the intention of expanding citywide over five years. The gradual rollout was designed to give providers and the City time to build capacity as demand for services increased. Research on the early years of the program showed that it was effective in increasing representation rates and improving tenant outcomes. However, the Housing Court environment has transformed significantly since the creation of the program. Many of the changes to Housing Court were outside the City's control. In 2019, the State Housing Stability and Tenant Protection Act, HSTPA, expanded tenant protections and added time to different steps of the eviction process. While these new protections helped delay or prevent evictions, one result was that the eviction proceedings took longer to move through the court process. Shortly after, the COVID-19 pandemic began and the State enacted the moratorium on evictions through January 2022, greatly limiting the number of eviction cases that could proceed. Following the moratorium, the State also established the Emergency Rental Assistance Program, which further prevented eviction cases through 2023. These interventions successfully prevented many eviction cases, but

clearly altered the context in which Right to Counsel was rolling out and temporarily reduced need for representation in court. Several years later, it is increasingly clear that the Right to Counsel program is not well aligned with the new eviction landscape.

If the City remains committed to ensuring legal services for all tenants facing eviction and Housing Court, it must understand how the eviction process is different today. We'd like to highlight several major ways that eviction cases have changed, how this has created a mismatch between current contracts and program needs, and the impact on tenant representation.

First, IBO found that many more cases in court are now eligible for Right to Counsel than in the program's earlier years. Right to Counsel expanded citywide over two years ahead of schedule in 2020, from 25 zip codes to the entire city. However, this expansion took place during a period where there were far fewer eviction cases moving through the courts, and the scope of this expansion was not immediately apparent. We can now see that although the total number of eviction filings is lower than it was before the pandemic, far more cases are now

eligible for the program. IBO estimates that the number of cases eligible for Right to Counsel grew 222 percent, or more than tripled, from the program's introduction in 2017 through 2024. Once eviction filings began to pick back up in 2023, it became clear that the program had not scaled up or adapted to meet citywide demand. Over this period following Right to Counsel's citywide expansion, IBO also found that eviction cases are taking much longer to resolve. Slower court operations following the pandemic, as well as changes to the eviction process by HSTPA, have contributed to this trend. From 2017 through 2019, 97 percent of cases reached a first major decision within one year, and 93 percent within six months. More recently, from 2023 through 2024, only 87 percent of cases had a first major decision within one year, and just 54 percent within six months. The growth in both program eligibility and case lengths have major implications for attorney capacity.

POLICY ANALYST SALANT: These changes have resulted in a mismatch between the structure of the program and the scale of current program needs. For example, increasing case lengths no longer fit the

current timeline limits for cases. Previously, only a small share of cases took longer than a year, so the program allowed providers to roll over up to 15 percent of cases from the prior year. This meant they could count cases from last year towards the current year's deliverables at the end of the year, receiving funding for the length of the case. But at the end of 2023, just as case lengths were increasing, HRA announced it would no longer allow any rollovers at all. By ending this practice, HRA's intention was for providers to take on more new cases rather than having rollovers take up too many contract deliverables. However, attorneys are generally required to see cases through to their end, so with case lengths increasing and no rollovers, providers may end up working on longer cases without compensation. Further, IBO found that City spending on Right to Counsel has not kept pace with the growth in program eligibility. From 2022 through 2024, the number of Right to Counsel eligible cases grew by 110 percent, more than doubling, while spending increased by only 33 percent. Funding leveled off at a time when eviction filings began to pick back up and program needs were higher than ever. The result of

2 expanded eligibility, longer case lengths, and
3 stagnant funding is clear. Fewer households are now
4 receiving legal representation in court through the
5 program. Overall representation rates for tenants in
6 Housing Court have collapsed in the last few years,
7 from a peak of around 50 percent in 2020 to only a
8 third in 2024. Specifically for tenants served by
9 Right to Counsel, fewer households are receiving full
10 legal representation, while more are receiving one-
11 time brief assistance. From 2017 through 2019, 90
12 percent of tenants served by Right to Counsel
13 received full representation, while only 10 percent
14 received brief assistance. But in 2023 and 2024, over
15 half of tenants served by the program received brief
16 assistance and did not have representation in court.

17 There are several other key factors that
18 impact the program that we wanted to highlight.

19 First, the new 2025 contracts introduced a
20 performance-based component. Previously, all
21 contracts were expenses-based, but now 10 percent of
22 a provider's compensation is based on a performance
23 scorecard, which is evaluated twice a year. While
24 this was intended to increase accountability, it can
25 be challenging for providers to budget when they

don't know how much total funding they will receive. This uncertainty is exacerbated by late payments. In 2025, providers were unable to invoice for almost three quarters of the fiscal year for services already performed. The City issued a second advance, but providers were still uncertain when invoicing would begin, which left them stretching advances or using other sources to cover payroll. Providers also have to figure out how to cover any costs they accrue related to these late payments, since the City does not reimburse for expenses caused by delays such as borrowing costs.

The other major challenge for the program is staffing. The civil legal services field has faced significant issues with attrition and turnover due to high caseloads and lower pay than other legal fields. As staff leave, remaining attorneys take on cases left behind, which tend to be older and more complicated. Staffing turnover and increasing caseloads can create a cycle of burnout and thus even more turnover.

So, what now? The Right to Counsel program showed success in its early years with improved tenant representation rates and outcomes in

court. Today, however, the program's goal of representation for all low-income tenants remains unfulfilled. The City now faces several choices in deciding how to improve the program and fulfill its mandate. One clear challenge is funding. Local Law 136 referred to this as a program to provide access to legal services, but expressly noted that its scope was subject to appropriation. The mismatch between expanding eligibility and stagnant funding has strained capacity and led to more reliance on one-time brief assistance. While this type of service was always included in the program's design, it was not intended to make up the majority of cases and does not have the same demonstrated outcomes as representation in court.

The City must also consider the length of time to fund cases. With a reality of longer case lengths, both provider organizations and individual attorney capacity is stretched further. Whatever its funded scale, the City should consider both how to prevent attrition and how to attract additional attorneys for the program to be sustainable.

Finally, the housing affordability crisis continues to worsen and many households will be

impacted by federal changes to social safety net programs that help low-income families stay afloat, like SNAP or LIHEAP. It is likely the need for access to counsel in Housing Court will only continue to grow. Changes to the Right to Counsel program going forward should therefore consider both how to meet existing need and potentially increased future demand.

We thank you for the opportunity to testify and are happy to answer any questions.

CHAIRPERSON BREWER: Thank you. We've been joined by Council Member Krishnan, who knows this topic better than anybody, and I do want to thank you for your report. I like paper, so I have a copy.

But I also, you know, we did, I think you heard us earlier, we talked about funding, we talked about strategic planning, we talked about, you know, needing more data. Council Member Felder had some questions. We don't have it. We're going to ask for it, but I also, in addition to other fixes that you think would have an impact, even without substantial funding increases, obviously upstream came up a lot, things that we can do to prevent, etc., but I just didn't know if you have some in your report. You did

talk about this somewhat. I didn't know if you wanted to answer that question, and Council Member Krishnan or others may have questions also, so. Anything besides funding, or is that, that is the bottom line that we need, but is there anything else?

POLICY ANALYST SALANT: One of the things, I think you got at your earlier questions, was upstream efforts and the Brooklyn Administrative Pilot, which creates an automatic 45-day pause in cases while tenants can connect with HRA staff for one-shot deals and other programs, so that's something that the City could be looking at in other boroughs as well.

CHAIRPERSON BREWER: Council Member Krishnan has questions.

COUNCIL MEMBER KRISHNAN: Good morning, and thank you so much, Chair Brewer, for this very important hearing on an issue that I think, as you all testified to, is only growing in urgency. I think your testimony and the report was excellent, I appreciate you all putting it together too.

You know, I, as someone who was there and fighting with many here in the room today for the creation of this program, overseeing its

implementation, and hearing from many of my former colleagues who are here today too, and clients and everyone, how the program has evolved over the years. Of course, you know, a few questions I have, and I appreciate your observations about the program and where it stands now. One is, funding is, of course, absolutely an issue, and it's always an issue, and I think we in the City Council are always going to put pressure on the mayoral administration to devote more resources to Right to Counsel. I do wonder if there are other, while we do that, because of course, you know, as the budget battles and negotiations continue every year, this is something that we always raise, but I do wonder if there are more creative ways that HRA and the City can look at funding for this program, even with the resources they have. And so, one of the things that I think was highlighted at the hearing earlier too was how we stop upstream, you know, cases from coming up in the first place. And, you know, one of the issues that I notice is how right now, and I'm going to talk about case rates in a second, but, you know, right now, the way the program is set up really incentivizes, unfortunately, tenants want to have to wait with deep concern until

they get court papers to be able to go to court and to get a lawyer at that point in time. And I think legal services organizations that are very overwhelmed and don't have the staffing they need, they've got to also try as best they can too when those cases come in. So, I do wonder if there are ways to really model the program and its implementation where we are supporting legal services organizations in working with tenants earlier, pre-filing, pre-litigation, where they get funded and they get reimbursed and that's factored into case rates so that, one, it could potentially stave off cases before they start if landlords know that tenants are represented by counsel from the beginning. And two, it also keeps tenants, most importantly, feeling more reassured that they will have someone in this fight with them before they get served with eviction papers and have to face a very scary court process. And so, I do wonder if there's a way to restructure that program a bit to capture more of what legal services organizations are doing without simply HRA saying, we need more money, we need more money.

POLICY ANALYST SALANT: That's a great question. New York City was the first city in the country to have a program like this, but it's now spread to many other cities and jurisdictions. So, we could definitely... They don't all use the same model, both when they connect with tenants and how long through the case they have representation. So, we can definitely look at what other cities are doing and other models for this program. And we are planning to reach out to other cities that have Right to Counsel programs.

CHAIRPERSON BREWER: Marla?

SPECIAL ASSISTANT SIMPSON: I'd like to make an observation on the contract structure, which is also a part of how any of these issues should be analyzed. And one observation that came up in our report was that when a legal services provider has an opportunity to assist with getting a one-shot, that is not a chargeable cost to this contract. It tends to be the case that City contracts, HRA, I think, being a prime example of this, are quite prescriptive about what staff can be charged to the contract. And so, if you have a situation where an organization has the capacity, and this wouldn't be for every

organization, but if they have the capacity to put some paralegals, a social worker, people like that on their team who would also essentially be part of the intake and screening process and who might well be able to take actions that in the long run or even short run would be quite a bit cheaper, those tend not to be chargeable to the contract. And part of this is because agencies have a tendency to create a one-size-fits-all contract template instead of allowing organizations to meet those deliverables in a variety of ways. And that's really a question of flexibility. I understand that it is something that agencies are a bit averse to, but it is doable, and I know that from experience.

CHAIRPERSON BREWER: Said from the former head of MOCS.

COUNCIL MEMBER KRISHNAN: Very well said. And I just have two more questions, if the Chair will permit me.

One, and I appreciate that, and I completely agree, we all agree, I know Chair Brewer does too, that we have to look at these things much more comprehensively because we're underpaying

lawyers for the work they're doing and we're underrepresenting tenants by doing that too.

My second question was, were you all, in looking at the case rates and increasing that as well, able to look at the differences between the way larger legal services organizations are reimbursed versus smaller ones because the disparity there is, you know, the citywide ones of course have much bigger capacity, but the smaller legal service organizations are also doing really critical neighborhood-based work. And I noticed in another legal services context that I'll get to in a moment, where there is that disparity between the case reimbursements for big organizations and small ones and, in my opinion, that really has to be adjusted and fixed because you can't do this work with only the big ones alone. There's a number of small neighborhood-based providers that really know their community, know these issues, know how these eviction cases are connected to larger displacement and gentrification struggles. Was that considered at all or how has HRA looked at case rates based on legal service organization?

POLICY ANALYST SALANT: I would say one of the challenges that sort of small organizations face that are different than larger organizations, there's sort of two things. One is when organizations are paid late, a larger organization has more of capacity to manage that. It is much more challenging for a smaller organization, especially if more of their work is coming from a City contract. The other thing is about data collection. A larger organization might already have people on staff to do data collection. And while there was a lot of conversation about data in the earlier panel and there's a lot of benefit to be gained from that data collection, smaller organizations might also have to hire more people. So there's sort of different strains for different providers that aren't necessarily... you're not going to see it in a contract, but it's all about operationally.

COUNCIL MEMBER KRISHNAN: Absolutely. And I completely agree. And I think that's where the smaller ones definitely need that recognition and far more support too.

And finally, my last point really more is just, as you all are studying and reporting on this

too, one thing I noticed that happens a lot is HRA tends to lump together Right to Counsel and the Anti-Harassment Tenant Protection Program, HTP. And those are supposed to work together in tandem. One is not supposed to come at the expense of the other and it's sort of zero sum game, and I see that happening and I see HRA bleeding together both programs, but the truth is they work comprehensively. Both serve very different but really important purposes. So if there's any way that IBO can look at that and call attention to that too, it's helpful for all of us, I think, to frame the understanding of how these programs should be funded and how they should work together. Thanks, Chair Brewer.

CHAIRPERSON BREWER: I want to thank IBO for your wonderful report, and we will keep in touch. This has to be done. Thank you so much.

The next panel is Judge Shah Ally, Judge Jack Stoller, and Tanya Faye. Thank you all very much for being here. It's a real honor. Whomever would like to begin? Judge Ally.

JUDGE ALLY: Good morning.

CHAIRPERSON BREWER: We call him Ryan's father.

JUDGE ALLY: Good morning, Chair Brewer, Members of the Committee. Thank you for the opportunity to appear before you today. My name is Judge Shah Ali, the Administrative Judge of New York City Civil Court. Joining me today to my right is Judge Jack Stoller, the Citywide Supervising Judge of Housing Court, and to my left is Tanya Faye, our Chief Clerk of New York City Civil Court. We thank the City Council for holding this important hearing and for its continued attention to the Universal Access to Counsel program.

By shining a spotlight on the challenges faced by tenants seeking representation, the Council is helping to ensure that the program will function as intended and deliver on its intended promise. As a court system, we are committed to seeing the Universal Access to Counsel program and the City's broader eviction prevention efforts succeed. For that to happen, these programs must be supported and fully funded to meet the scale and urgency of the need. New York City Civil Court is a sprawling institution that touches the lives of hundreds of thousands of New Yorkers each year. Our court spans five counties, seven court buildings, and a remarkable team of 106

judges supported by hundreds of non-judicial staff.

Housing Court, in particular, operates at the epicenter of the City's ongoing struggle with homelessness, affordability, habitability, and fairness in housing. In 2024 alone, our Housing Court docketed more than 131,000 new residential landlord-tenant filings, alongside over 130,000 motions and more than 100,000 orders to show causes. We recognize the significant impact of our work on housing stability and take this responsibility seriously. Over the past several years, landmark reforms and societal reckonings have reshaped the way Housing Court functions in a positive way, but we realize that Housing Court requires more attention and assistance. Additionally, the broader housing support system, especially access to rental assistance from HRA, has struggled to keep pace with the need, and often prolonging cases and compounding stress for litigants. These systematic changes highlight the need for continued investment and coordination in ensuring the promise of Universal Access to Counsel, and other programs designed to avoid unnecessary evictions, is fully realized.

Housing Court has long been a high-volume court, but the situation has improved markedly in recent years. For historical perspectives, in 1994, Housing Court reported 330,000 cases for 35 judges, or 9,429 cases per judge per year. In 2024, that number was down to less than 2,400 cases per judge per year. Two of the best ways to combat the adverse effects of a high-volume court are to (1) increase judicial and non-judicial staffing and other resources, and (2) reduce the number of cases being filed so more time and effort can be devoted to each case. We recently increased the number of Housing Court judges from 50 to 55, and have also increased staff levels for non-judicial personnel.

The 131,000 cases filed in 2024 represent a substantial drop in Housing Court filings, and one substantial factor may be the City's Universal Access to Counsel law has discouraged the commencement of meritless eviction cases. In addition, Housing Stability and Tenant Protection Act and the Good Cause Eviction Law passed in 2024 introduced stronger tenant protections and removed key incentives for landlords to pursue eviction.

Beyond the data, we have consistently heard that both landlords and tenants feel overwhelmed by the process and wish it to be more understandable and efficient. We remain fully committed to making Housing Court a more welcoming place in which landlords and tenants alike can come to obtain the court's assistance in resolving their disputes.

The Universal Access to Counsel program has significantly reshaped Housing Court. With more tenants now receiving legal representation, we have seen a marked increase in motion practice and a need for deeper judicial engagement in each case. To fully support this shift, we've restructured how cases move through our system, introducing intake calendars, adjusting workflows to make sure legal service providers have the time and space to efficiently counsel clients, and have worked closely with HRA and the Office of Civil Justice throughout this process.

While Universal Access to Counsel has brought transformative change to Housing Court, its implementation has not been without challenges. Universal Access to Counsel applies only to those living at or below twice the federal poverty line,

but many families earning more than that struggle to get by, yet are ineligible for Universal Access to Counsel assistance when facing eviction. Even for those who secure counsel through the program, delays in assignment or first appearance challenges can be pivotal. These gaps have created inconsistencies in access and outcomes, undermining the law's full potential. Underrepresented respondents often face steep procedural and linguistic barriers. We continue to expand help centers, offer plain language materials, provide interpreters, but additional court-based navigators and simplified processes are needed.

Housing part actions, HP actions, cases brought by tenants to compel landlords to make repairs, address emergency conditions, or provide essential services remain one of the most powerful tools tenants have to enforce their right to safe and habitable homes. However, success depends on timely inspections by HPD, strong followup, and the ability of tenants to persist through the process. Continued investment is required to ensure these critical steps don't fall through the cracks.

To strengthen Housing Court from within, we're pursuing the following operational changes to improve efficiency, accessibility, and the overall court experiences. We're modernizing court operations through expanded virtual hearing access, hybrid calendars, digital filings, and automated reminders. We're providing plain language materials, simplified procedures, and clear guidance for navigating the court system. We offer user-friendly resources like e-filing guides, pamphlets, and in-person workshops. We have increased access to in-court navigators to assist unrepresented litigants. We've renovated courtrooms to create more welcoming, stress-free environments. We've expanded training for judges, clerks, and staff. We've enhanced procedural justice through a performance matrix. We scale up alternative dispute resolutions, especially in harassment and small property cases, and we've partnered with community organizations to provide holistic support, particularly for underserved populations.

We also respectfully advance the following policy considerations for City Council to consider when evaluating future policy changes and funding needs:

Stabilize fully funded and expand universal access to council programs and close eligibility gaps.

Strengthen the enforcement of housing standards with better compliance enforcement and agency coordination with HPD.

Provide HRA the resources needed to efficiently resolve rent arrear cases.

Explore means by which HRA and other public benefit agencies can preemptively resolve rent arrear issues and spare tenants the trauma of an eviction proceeding, spare landlords more litigation than necessary, and preserve Housing Court as a forum for bona fide landlord-tenant disputes.

In conclusion, Housing Court is no longer the same institution it once was, in large part due to the Universal Access to Counsel program. It is more aware, more compassionate, and more equitable, and we are more committed to equity. But we're not done. The complexity of housing law, the scale of our dockets, and the stake to our litigants demand continuous innovation and partnership. And finally, and this is an offer to you, Chairperson Brewer, and to your Committee Members, and to all your Members,

we want to extend an invitation to you and your Staff to visit the Housing Courts and to see firsthand day-to-day operations of the court, including many of the initiatives we've undertaken to improve access to justice and enhance efficiency and better serve the public. We operate in every county, all five counties, and we would welcome you to join us. Thank you very much, and we look forward to your to continued collaboration, and we are happy to answer any questions you may have.

CHAIRPERSON BREWER: Well, first of all, thank you for your testimony, for making time for us, and also we will definitely take you up on the invitation to visit. Many of us go with constituents, but it's not the tour, it's the "let's make sure we get what we need and get out of here as fast as possible" to be honest with you.

JUDGE ALLY: Well, we could still do both.

CHAIRPERSON BREWER: Yeah. We're trying to get out of there and get the constituent support.

I guess my question was having, you know, listened to some of the discussion from both the City and from IBO, do you feel that, whether it's a strategic report, or whether some of the ideas that

the City's coming up with, you know, still with some of the IBO challenges, it's always funding, it's always funding. But in addition, are there, between the work that you're doing, I assume you're also trying to deal with some of these ADA issues that crop up all the time, are there specifics that you would like to see? I thought nobody else mentioned coordination with HPD, that's helpful, that did not come up earlier as an example of something that's fixable, right, as opposed to the cost of more staff and retention. So, I don't know if there's something that, while you've been sitting here, that comes to mind that is something that could be fixable. It's not your job to do the upstream, that's not your job, but it seems to me that a push on that front would be helpful. You see, you're stuck with the challenges that nobody else is addressing.

JUDGE ALLY: Sure.

CHAIRPERSON BREWER: I really appreciate, but I didn't know if you had some thoughts on this.

JUDGE ALLY: I'll allow my colleague, Judge Stoller, and Chief Clerk Faye to weigh in, but I'll also weigh in at the end.

JUDGE STOLLER: So, I don't have a clock, so I don't know if I should say good morning or good afternoon, but good morning. Good morning, Council Member Brewer, thank you very much for this opportunity to discuss. I think the thing that occurred to me most when I heard your question just now was a challenge that we saw both in our court operations and with the legal services providers, which is, even when we had the funding for hiring, it was a very challenging job market. So, one of the ways that we addressed that in Office of Court Administration was we changed the way that we hired, we had historically hired court attorneys from people who had already had practice. Instead, we went to law schools and were recruiting at law schools and created a fellowship, and that really helped us out in terms of getting up to staffing levels and court attorneys that gets us much closer to the goals that we had had. And I know that both the OCJ, when they spoke earlier, and IBO, when they spoke earlier, spoke about retention issues and getting, just hiring attorneys and legal services providers. I think that's a challenge that is separate from funding, because even when you have the funding, if it's hard

to find people to do this work, or if you find them and then there's turnover and attrition and so forth, then, you know, that's something besides funding, I think, really needs looking at. And we've adjusted the way we've done it. And, you know, anything that we can do to encourage law students, people interested in serving the public to do this kind of thing, we're in favor of. I, myself, have lots of occasions to speak at local law schools, and I always make a pitch for this kind of work, but, you know, that kind of thing could always be expanded.

CHAIRPERSON BREWER: Okay. That's very helpful. Thank you.

CHIEF CLERK FAYE: Thank you very much for this opportunity.

CHAIRPERSON BREWER: Thank you.

CHIEF CLERK FAYE: I would only add that we are always looking for ways to accommodate ADA accommodation requests that we receive. We receive hundreds every week, and we do whatever we can to ensure that our parties are able to testify remotely as needed. And it also helps aid in the traffic flow of the courts, so that is something that we are definitely looking to expand as there are different

needs that come up. I would also add that spacing is something that would be helpful if sometimes when we have legal service providers coming in, we do our best to accommodate, but in some of our buildings, it's a tight fit. So, as while we're doing our best to accommodate all of the legal service providers that are coming in, it would be helpful if, in the future, there may be some sort of funding where we could expand in some of our buildings. I know in Bronx County, there is a divide. We have some of our Housing Courtrooms in one building, 1118 Grand Concourse, and some of our trial parts in 851. We would love to have everything come together in one space, so if that's a possibility, please keep us in mind.

JUDGE ALLY: And when we have this tour, you will see the technological advances we've made to courtrooms. We are 100 percent committed to meeting every ADA request. The biggest challenge we have with that, and it would actually be, it's a rather commonsense challenge, is we don't know ahead of time. We want to be able to message out that if we get the information ahead of time, we can make those accommodations. And one of the initiatives that we're

trying to do is to make the process so much easier.

Being able to testify before this Committee today is

a good start in forming these great relationships. We

know what we believe is a simplified process. If we

hear back from the community, well, this is what a

simplified process could look like, we can match the

expectation of the communities, and we've done that.

So those are some of the things. You mentioned in one

of your questioning, Chair Brewer, regarding

facilities and buildings and ADA. It's always worth

reminding that the buildings that we are housed in,

the court system, is owned by the City.

CHAIRPERSON BREWER: I'm very aware of

that, because I know we went to family court tour,

and there's lots of, in the Bronx in particular,

leaks everywhere.

JUDGE ALLY: So in that case, I then will

then shamelessly ask you to please come visit Housing

Court.

CHAIRPERSON BREWER: I will come visit

Housing Court.

JUDGE ALLY: And the chuckles behind me

will tell you how bad it is.

CHAIRPERSON BREWER: I fixed the leaks in Bronx based on going to the tour. I did make such a fuss, they fixed the leaks.

JUDGE ALLY: Oh, in that case, please come. Please come visit us. Please, in that case.

So, the standard is that the City was to provide the court system with safe and sufficient facilities for Housing Court to operate so whatever help we can get with that. And with the Universal Access to Counsel, Judge Stoller and I and Chief Clerk Faye often mention this, that housing matters, court matters, they're inherently adversarial. But there's one thing that I believe everyone agrees with, which is rather astonishing when we talk about an adversarial proceeding, is that cases move more efficiently and better outcomes when both sides are represented. Everybody agrees with that. Talk about Universal Access to Counsel, that is a universal concept that is agreed upon.

CHAIRPERSON BREWER: Do you get information, I mean, obviously those who have full representation, that's one story. But there's many who have not full representation or no representation. Do you find that those numbers are

improving in terms of full representation? And do you have any sense of what happens to people, not necessarily your problem, for those who do not have full representation or who have no representation? And I must admit, when we just visited, that's only one day, of course. It wasn't clear that people knew how to get representation, what to do, etc.

JUDGE STOLLER: So in terms of informing litigants about the availability of representation with every single case, every single case when it's on the first time, they are referred to intake. So that we get them interviewed by Office of Civil Justice and then they get referred to a legal services provider. So in addition to that, judges often, if they see a pro se party who, you know, fell through the cracks through the intake process, depending on the situation, will try to make a referral to Office of Civil Justice as well to try to get someone representation. And I think probably if it's in a post-intake posture, there's a little bit of triage going on in the sense that you mentioned succession issues earlier. Like if you're talking about something where a lawyer that maximizes, where a lawyer can maximize the difference between the pro

se experience and the representative experience, judges certainly make interventions in those kinds of scenarios and try to say, let's pause the proceeding and refer to Office of Civil Justice. In addition to that, there's signage in the court, there's the required attachments, the timescale of the petition of petition. Sometimes I worry a little bit that if you give someone too much information, it can kind of overwhelm someone's bandwidth and can make it difficult, so it's always sort of a tricky balancing process between are we just giving so much information that it's noise and are we being strategic in terms of how we target things. But everyone is keyed into this. And as Judge Ally said earlier, you know, as a citywide supervising judge of Housing Court, I meet with all the constituencies. So I meet with tenants' attorneys, landlords' attorneys, HPD. And one of the things that was most surprising to me was that the landlords' attorneys who I met with, as Judge Ally said, they're supportive of this because...

CHAIRPERSON BREWER: They want it to move.

JUDGE STOLLER: Yeah. They want the cases to move. And they sometimes feel that, you know, a

2 court can have a tricky navigation process between, a
3 judge can't be an attorney for a tenant, but
4 sometimes a judge wants to make the case fair for a
5 tenant. And the way the judge navigates that,
6 sometimes the landlord's attorney would prefer the
7 tenant just have an attorney and cut out the
8 middleman, as it were. So, like Judge Ally said,
9 whatever way to skin a cat there is in terms of the
10 intake process we have, in terms of judges making
11 referrals, in terms of signage, and I'm open to ideas
12 about how to advance access to counsel as best as can
13 be done.

14 CHAIRPERSON BREWER: And language is
15 something that you're able to address in most cases?

16 JUDGE ALLY: Oh, sure. Yeah. I mean,
17 again, the idea is at what point do we...
18 understanding, I think you hit the point that we have
19 a very unique perspective. There are many, many
20 transactions in the community that we're not privy to
21 so, you know, forget about upstream, downstream,
22 sometimes we're left out of the stream, right? And
23 then we get into the process. As soon as we know
24 there's a language access request, we're on it.
25 Different counties obviously have different

considerations. Every county will have an in-house, let's say, Spanish interpreter. We do have, and this is a statewide issue regarding shortages. So the answer is there is no... the court system, it's an access to justice issue. We actually have a mandate to provide it. It's at what point do we know of it. That, I think, has always been the more difficult.

CHAIRPERSON BREWER: So, I think you're saying in general, whether it's language access or needing for a Zoom, so to speak, the earlier the better. That's sort of what you were saying also.

JUDGE ALLY: Yes. And we have the technology.

CHAIRPERSON BREWER: Right. Okay. I mean, that makes sense to me.

Just final question would be, there were lots of suggestions about how to tell the public, not necessarily in the court, but before they get there, that these services are available, that advertise, etc., etc. Is that something that you think would help or is that you think it's already done? And the other question I have is, are you finding that the one-shots are moving more quickly or we have two different timeframes for these one-shots? So, there's

two questions. Outside, tell us what's going on and then the one-shots.

JUDGE STOLLER: In terms of advertisements or outreach to the community or something like that, I say, the more that is out there to enhance access to justice, the better. I'm not seeing that curve go the other way at the moment. So yes, certainly the more the better in terms of that.

In terms of one-shot deals, I can tell you that from where I sit, and I have an active part, I'm taking a break from it this morning, but my colleagues and I, I think are very frustrated with what we see in terms of one-shot deals, kind of similar to what you were expressing before, where it feels like they're taking a really long time. And there's some cases where we feel it's a compelling circumstance, a case where it should be from where we sit a no-brainer that they should get it, and it still takes a very long time. You mentioned the Brooklyn pilot project before. One of the things that we found a little disappointing in the pilot project was HRA was not resolving cases in the manner that we had heard. We heard a lot of different reasons for that, but the bottom line we heard is that things

were taking longer than we felt that they should.

That was certainly our anecdotal experience.

CHAIRPERSON BREWER: That's very helpful.

Okay.

You want to add something? Thank you.

CHIEF CLERK FAYE: I would just like to add that in terms of promoting it, we do partner with different groups that do a lot of the promoting. For instance, we have VOLS, which is the Volunteers for Legal Service. They actually do tabling where they just would help court users that are in need of information regarding Section 8, CityFHEPS. We have Housing Court Answers. That's one of our partners. They started a pilot in New York County where they do weekly workshops, and they go over various Housing Court topics such as how to file in order to show cause, what your defenses are for filing an answer. We do those weekly, and we're getting to expand into Brooklyn or Kings County. We also collaborate with the Center for Justice Innovation, and we do what we call the VCAN Project, which is Virtual Court Access Network. The court users don't necessarily have to come to the court. We have a site in Harlem Courthouse where people can come in and file an

answer without coming downtown. We also have one in Red Hook where they can file an answer for a Kings County case without coming downtown. They can apply for a one-shot deal. There's an HRA representative there. They also help people that have to recertify for their apartments, and they can provide information regarding the Housing Court processes and procedures.

JUDGE ALLY: Council Member Brewer, just to add to that, we are so interested in outreach because we believe that the more everyone knows, tenants, any court user, we get better outcomes. So we're trying to meet, again, the community as to how they receive information. We know how we want to give it, but we're doing it almost like focus groups. How do you receive your information? So for hiring, as Judge Stoller mentioned, we have a dedicated LinkedIn page. We have a Facebook and Instagram page. I'm going to show my ignorance in technology. I don't know what goes beyond that. And we also go conventional, like meeting the community, going to community board meetings, you know, different forums. So any way possible, the more we can message out, the better I think it is.

2 CHAIRPERSON BREWER: Thank you very much.

3 Council Member Krishnan.

4 COUNCIL MEMBER KRISHNAN: Thank you so
5 much, Chair Brewer.

6 It's good to see you all, Your Honors.
7 Judge Ally, very nice to see you too. I appreciate
8 all your work.

9 I have a couple of questions, and I
10 apologize. I had to step out for a phone call, but if
11 this was covered already. But I think one of the
12 biggest issues with Housing Court is it's just
13 overwhelming, as you all know, the number of cases
14 that come in. But it is Supreme Court for so many
15 people. It's the highest court they'll often ever
16 see, and it's affecting where they live, whether they
17 can stay in their home or not, and you all know this
18 very well so I just had a couple questions. One
19 that's a little bit off topic, but we're not often
20 graced by the presence of the judiciary here so I do
21 want to take that liberty when I can, and so one
22 question that's sort of related is, is it still the
23 case that in Housing Court, you know, as I know it
24 was in the past, there are numerous non-payment
25 eviction parts, but only one courtroom for

affirmative cases, HP cases, 7A cases. Is that still the case for each borough?

JUDGE STOLLER: First, short answer, yes.

And I just, as a Housing Court judge, want to express my appreciation for equating this with Supreme Court so thank you for that.

COUNCIL MEMBER KRISHNAN: We're all promoted here.

JUDGE STOLLER: Sure. I just want to talk about the HP staffing for a minute. So, the means by which we decide which parts go to HP cases and which parts go to other cases is based on the data. So if we have, you know, 5 percent of the cases are HP cases, 5 percent of the judicial staff will do that. Sometimes that's waxed and waned. So for example, I was in the HP part in New York County in 2019, and the volume of cases we had coming in was not enough to justify a full part so part of the week I was doing trial part work, part of the week I was doing HP part. In Kings County, in I think 2021, we had more HP cases coming in so we adjusted that so there was some HP cases going to an HP part and spillover HP cases going to a different part from other judges doing other things. And I think in Kings, the way the

staffing is now, I believe that's something similar.

So the HP cases are going to HP part and other cases

going to HP part going to a different part so it

really depends on the data. The way that it works out

in terms of the number of cases versus the number of

judges, it does roughly work out to one HP part per

county the way it's done right now.

COUNCIL MEMBER KRISHNAN: I wonder if

there's any thought that could be given to looking at

that again and finding ways to expand it. Because,

you know, when you have one courtroom for the whole

borough where tenants can go and get repairs, heat

and hot water issues, the backlogs are tremendous.

And I think a lot of times even it does two things.

One, I think for the tenants who are attending court,

they're waiting very, very long days, hours, months

for conditions to be fixed where the statutory

timetable can't even be complied with because the

courts just can't move quickly enough. That's

especially true in emergency cases. And then, you

know, second, obviously, I think that may also affect

the number of cases that are, like I understand it's

based on proportion, but I would be willing to bet

that there are tenants that don't bring cases because

they're so frustrated. And many times they're, you know, for HP cases, they're not represented by counsel, like Right to Counsel. They're bringing their own or if they have lawyers too, the wait times have to take off from work to wait so long in courtrooms all day. I think that probably deters people from bringing cases. And I just wonder if there's a way to look at, you know, expanding the number of affirmative parts that are there to give tenants more opportunities. You know, they're playing defense on their eviction cases that are brought, but if they have serious issues in their building, they're at a fundamental structural disadvantage in bringing those cases when there's only one courtroom for the whole borough.

JUDGE STOLLER: So, I'm certainly open to any kind of conversation about that. And I just want to talk about a couple constraints. So, when an HP case is started, we automatically order HPD to inspect the apartment and come back. Because of the volume of inspections that HPD has and staffing levels of HPD, it usually takes a minimum of two weeks before HPD can go out and inspect. Once HPD inspects, it takes another certain interval of time,

usually about two weeks after that for the inspection report to come into the court part. While that builds in kind of a four-week delay from the commencement of the case to the return of the case, there's good news at the end. And that good news is Multiple Dwelling Law 328.3 says that that HPD inspection report is automatically admissible, it's on the browser, anyone with a web browser can look at it, and it's prima facie proof of the conditions. And what that means is that on the very first day that a case is returnable, and I believe you're a former legal services lawyer, so you know that litigation sometimes takes a while, right? I mean, there's discovery, there's the motion practice, whatever. One of the things that Multiple Dwelling Law 328.3 and New York City Civil Court Act 110 make unique about HP cases is you can get the final resolution of the HP case in the very first day. Final resolution being an order to correct violations. Now in practice, that does not necessarily resolve the case because landlords don't always comply with orders to correct, so there's remedies that follow. But the delays that are, I think, inherently built in, unless something changes with the way that HPD staffs their stable of

inspectors or the way that they're able to get the inspection reports back to the court, you sort of are always going to have that delay at the outset with kind of the reward at the end being that. And I've given trainings on HP judges and HP actions to my colleagues who are judges, and we tell them in the trainings, you should be doing orders to correct the first day, you know, because like you said, these delays are there, so that is something that should be happening. And probably to the extent you have litigation on that part, it should be more about did the landlords actually comply with it or not. And the extent to which you have motion practice about that can sometimes really determine the question that you're talking about, about how best to allocate judicial resources so that we can assure that housing standards are maintained.

JUDGE ALLY: You know, Council Member, just to add, and if you didn't feel it, Judge Stoller's enthusiasm for this area of the law, we are well represented by his wisdom as supervising judge. But as to the operational question you asked, trust me when I say we look at the operational side multiple times a week, because before we get someone

1 coming to us saying, why is there a delay, we ask
2 ourselves, why is there a delay? All of our judges
3 are trained to handle the HP matters, and we look at
4 where we need to meet the needs. So, at any moment,
5 we can shift cases around. So, if you're able to, if
6 you know this from maybe your District or litigants,
7 let us know. If we're not seeing it in a way that we
8 could see it, but you're seeing it a different way,
9 let us know, because we could, there's no operational
10 barrier that's one part, one county, and that's it,
11 we can never touch it. We can slide it where the need
12 is.
13

14 COUNCIL MEMBER KRISHNAN: And I appreciate
15 that too. You know, I would just urge you all too,
16 and I'm happy for us to have further conversations
17 about it as well. It's just where the courts are and
18 what's happening on the ground. What's happening on
19 the ground is far outpacing the needs of the courts
20 or the ability of the courts to move as quickly as
21 possible. And I say, you know, even as, you know,
22 being a legal services lawyer before and practicing
23 in Housing Court and just knowing the extensive
24 delays. And the bigger problem now is we have so many
25 cases in my own District too of vacate orders in

buildings, fires, landlords destroying buildings.

And, you know, so those emergency cases or where there are Class C violations where HPD needs to collect on those fines that they issue, the courts, unfortunately, because of the structural inequities can move very slowly to enforce those things, and the end result is that tenants are living in horrific conditions, they're out of their homes, or if they're in their homes are in bad conditions. And I just want to urge us to, you know, to do all we can in the courts to make sure that, you know, we can make sure tenants' rights are protected as they should be under the law.

JUDGE STOLLER: Sure. And one thing I just want to add to that, because I agree with what you're saying, is that, and I'll illustrate what I'm saying with an anecdote, which is I had, it wasn't an HP case, it was an eviction case I had in front of me. And an issue came up with repairs and it actually, there were HPD violations, so I said, well, I can just do an order to correct right now, New York City Civil Court Act 110. Landlord's attorney said, this isn't the HP part. And my response is, every part is the HP part. My point is, is that it doesn't have to,

even if it's an eviction case, the court still has all the tools that the court has in the HP part to enforce housing standards and the housing maintenance code. And that's a thing that comes up a lot. And we train our judges to do that as well.

COUNCIL MEMBER KRISHNAN: One last question I have, if the Chair permits me to ask it too, is, I'm glad you actually mentioned that point, because that was where I was going as well, is I do think sometimes the way the court's set up, it gets siloed. Non-pays and eviction parts here, one courtroom for affirmative cases here. But the truth is, a lot of these cases are much more complex. A landlord shuts off gas or heat and hot water. There are mice, mold, and roaches. The tenant shouldn't be paying the rent or the full rent in those situations, and they're entitled to reductions. But when these things get separated, sometimes the non-pay eviction part judges don't consider that piece of it or it gets broken up. And the law itself, as you point out, the Civil Court Act requires the Housing Court to take a broad view, look at the building as a whole, all that's happening and considering it together. But when you break up the courtrooms that way, eviction

parts, one HP part, the judges sometimes don't get the full picture of what's happening in the building and how it's much more complex than this tenant just didn't pay rent. Well, they may have been entitled not to pay because of X, Y, and Z issue. And I just wonder, as you all look at the affirmative litigation piece, if there's a way and what you all are doing or you can think more in different ways about how we can more efficiently make sure that every eviction courtroom sees their mandate as what the law requires, which is take a full picture of the full building. You may have 20 eviction cases, but maybe it's all one tenant association that's going on rent strike together in that situation. We should take a bigger look at a more comprehensive picture of the building and what's happening. On the ground, it feels like that doesn't happen as much. So just curious to hear your thoughts on how we can get our judges to take that more expansive view.

JUDGE STOLLER: Sure. There's a couple of things. First of all, New York City Civil Court Act 110D says that cases in the same building should be joined.

COUNCIL MEMBER KRISHNAN: I agree. I've used motions on that part too.

JUDGE STOLLER: Yes. And that is a thing that we train judges. Now, a judge may not necessarily... I mean, this is a high-volume court, like I said, and we have to not just give every case the attention it deserves. We have to get through our day. And sometimes if someone doesn't bring something to a judge's attention, judge might not necessarily know this. And I think that even though these questions are not necessarily access to counsel focused, I think you are illustrating the benefits of access to counsel. Because this is where a tenant having an attorney makes an enormous difference versus a tenant who doesn't have an attorney. Because a tenant with an attorney can make a motion to consolidate, can make a motion to join cases and so forth, and can work together. I don't know what office you worked at. I'm a former legal aid lawyer myself. We worked with organizers and buildings that get organized and get counsel so I think the more that tenants are represented by counsel, the more that these issues you're talking about. This is one of the knockoff of benefits of access to counsel is

it starts to resolve all these other issues that you're talking about. In the absence of that, Real Property Actions of Proceedings Law 746 has specific requirements about what judges are supposed to ask in terms of allocating stipulations with tenants and repairs is one thing that judges are required to ask about. And when we're up for reappointment, the law requires our compliance with that statute to be a part of what the Housing Court Advisory Council considers with that. Even before the amendment of our PAPL 746 to say that, we were always training our judges to do that. Now, if there's an individual judge who isn't doing what they're supposed to do, one of the downsides of being a supervising judge is I'm kind of like the complaint department so, if I get complaints about judges and sometimes those complaints certainly have merit, so if a judge is not complying with the statute in terms of asking about repairs or whatever the case is, let us know. I think that we work hard to train our judges so that they do do that and they look out for that. Sometimes, obviously, when you're talking about high volume court, law of averages, not every single case is going to come out like that as the way it should and

there are remedies for that. So I encourage you to, I have an open door, let us know, communicate with us. But in the meantime, we are formally training our judges to do the very things that you're talking about.

COUNCIL MEMBER KRISHNAN: Well, thank you for your answers and I appreciate it and I'm very happy to continue the conversation. I just, I think the main point, I know you all are endeavoring hard with the limited resources you have too, is as I started out saying, Housing Court really is Supreme Court for so many tenants and it affects their homes and whether they can live in them and the conditions they live into, and so whatever we can do to come up with and whatever the Housing Court system can do to come up with creative ways to make their cases more efficient, make sure that the law is complied with and their mandates are followed legally, I think would help us really address the gravity of the housing crisis as it continues to get worse and worse every day. So, thank you and happy to have more conversation and appreciate you all being here.

JUDGE STOLLER: Thank you, Council Member.

JUDGE ALLY: Thank you.

2 CHAIRPERSON BREWER: Thank you very much.
3 Yeah, thank you very much and for being here today,
4 we are very honored. Thank you, thank you. And we'll
5 take you up on the tour.

6 JUDGE ALLY: Thank you.

7 JUDGE STOLLER: Thank you.

8 CHAIRPERSON BREWER: Yeah, we're glad to
9 do that.

10 Our next panel, Jesse Lang from the
11 Manhattan Borough President's Office, Christopher
12 Helwig from Neighborhood Defender Service in Harlem,
13 Rosalind Black from Legal Services, and Philip Duncan
14 from NMIC.

15 Thank you. Go ahead and start, whoever
16 would like to. We'll try to get the other people.
17 They might be in the overflow room. Here they come.

18 Yeah, go ahead.

19 CHRISTOPHER HELWIG: Well, thank you so
20 much for taking the time to hear from us. My name is
21 Christopher Helwig. I'm the Managing Attorney for the
22 Housing Defense Team at the Neighborhood Defender
23 Service of Harlem. We're a small community-based
24 office providing legal services in the Right to
25 Counsel program.

So, as you've already heard, Right to Counsel works, right? 89 percent of tenants who have a lawyer don't get evicted. They are able to keep their homes. But as you've also heard, the program really is in trouble. So, you're going to hear a lot more from my colleagues in a moment, but I want to focus on one particular ticking time bomb.

Fundamentally, funding for Right to Counsel providers has not kept pace with the rising cost of providing that representation. Our three-year contracts are structured so that our total funding is tied to our case rate, right? That amount that we receive for each case that we agree to take on. But the problem is that our costs are going up, but our case rates have stayed flat and will stay flat through the duration of this contract, and it's simply not sustainable. We're facing increased costs because the cases are longer and more complex now, and because of the growing cost of salaries and benefits. And the first problem is a great one. I mean, I'm really happy to have it, right? The HSTPA in 2019, the Good Cause Eviction Law in 2024 had meant that more tenants are able to stay in their homes, avoid displacement. That's fantastic. But it also means

that a good, ethical, zealous lawyer is going to need to do more litigation in each one of those cases. And just like we heard from the IBO a moment ago, right, there's been a fourfold increase in the number of cases that roll over from one year to the next, and the current contracts don't account for that at all.

The second problem, and that we've already been discussing, right, is hiring and retention. The expansion of Right to Counsel vastly, vastly increased the number of tenant lawyers that we need. But the job is hard, right? Being an eviction defense lawyer, right, is tough. It's emotionally draining. It's super complicated, and the kinds of laws you need to be able to grapple with are high level, it's a supreme court. So, burnout and attrition are just incredibly real problems that our offices are dealing with constantly, right? Being staffed up is an exciting thing, and we're like excited to tell each other, we're fully staffed this month, but it doesn't often last. So to hire and retain our incredible staff who do incredible work, we have to be able to offer them a competitive salary, and we have to be able to give them a regular raise, right, yearly. That's expected. Our CBAs

require it. It's the only way that we can retain and keep our folks. And then, of course, they needed benefits, and those benefits are getting more and more expensive every year, but our case rates are not increasing. So our costs are going up. Our funding does not. And as Council Member Krishnan was saying, right, case rates vary wildly across providers. So, right, some providers are getting a certain case rate. Other providers, especially the small, the new, the community-based providers, are getting a case rate that is well, well, well below the cost of actually representing our clients. So just to use my office as an example, right, we've been doing eviction defense since 2021. We've got 10 lawyers, two benefits specialists who are great at getting HRA to give our clients money, and two wonderful support staff. We've been doing fantastic work. But the contract that we have right now, the case rate we have right now, funds only about half of their salaries and benefits. So that means that for every dollar my office gets through the Right to Counsel program, I've got to go find another dollar from another contract or a private donation or some other source in order to pay my people, and that's not

sustainable. That's not sustainable in the short term, and it's really not sustainable in the long term. And so my ask, my proposal is that the City, and I know funding is something we've talked about forever, and it's not always a solvable problem, but we have to do something about it. We can't wait 18 months, because in the next 18 months, it's going to be the smallest, it's going to be the newest, and it's going to be the community-based providers who have that local knowledge that are going to feel this crunch, that are going to fold, or they're going to say, we simply can't afford to provide a Right to Counsel in our neighborhood anymore. And they're going to have to walk away from this program. And that would be an absolute tragedy, and that's the kind of thing that will move us so much further away from a real Right to Counsel. Thank you.

CHAIRPERSON BREWER: Thank you very much.
Who's next?

ROSALIND BLACK: I'm Rosalind Black, the Citywide Director of Housing at Legal Services, NYC. For over 50 years, our organization has been fighting poverty and seeking racial, social, and economic justice for low-income New Yorkers. And for over 50

2 years, we've also been protecting tenants at risk of
3 eviction and fighting for tenants' rights. Thank you
4 for today's hearing to shine a light on the Right to
5 Counsel program.

6 I'm going to focus my comments on the
7 need for the City to substantially increase Right to
8 Counsel funding so that every eligible tenant
9 receives representation in their eviction
10 proceedings. Since at least 2020, providers have been
11 sounding the alarm that while Right to Counsel is an
12 amazingly effective program, the funding level has
13 left tens of thousands of tenants each year without
14 lawyers. The disparity has only continued and
15 increased over time. In June, we finished the first
16 fiscal year of three-year contracts between providers
17 in the City, where Right to Counsel was set to be
18 funded at 136 million dollars a year, and we
19 understand the average case rate paid to providers
20 was about 4,100 dollars per case initially when the
21 contract started. So this means that at most, 33,000
22 cases per year can receive representation by
23 attorneys. And while 33,000 may sound like a large
24 number, the IBO report that came out starkly
25 underscored the disparity between the demand for

services and services funded, with that report finding that 50,000 tenants are eligible for Right to Counsel representation each year. So this guarantees at least one-third of eligible tenants will navigate Housing Court alone, but in reality, due to that 4,100-dollar case rate being insufficient, as my colleague discussed, the numbers are much more dire and only one-third of the tenants get representation.

I'd like to share a story of the impact of this disparity. A client of one of our agencies, Ms. G's first court date of her eviction case, she met a lawyer she thought would represent her. Because of funding and staffing limitations, however, the provider had to turn her away. So on the very next appearance, she agreed to pay money she didn't have or lose her home. When she inevitably couldn't pay, she got a marshal's notice of eviction. Her story would have ended there, but she had the good fortune to access a community intake for another provider, an intake not funded by Right to Counsel. There, she learned that the money she allegedly owed was owed by Section 8, and she never should have been brought to court in the first place. Armed with this information, she was able to save her home, but she

2 suffered through six unnecessary court appearances
3 and a near eviction. Throughout the ordeal, she kept
4 remarking, I thought I had a Right to Counsel, right.
5 The IBO report highlighted the failure of the funding
6 to keep up with the increased demand. While
7 eligibility increased 110 percent from 2022 through
8 2024, spending grew only 33 percent. With about
9 90,000 eviction filings so far this year and eviction
10 rates at the highest level since the pandemic, the
11 City is severely underfunding a program that is
12 objectively successful in moral and economic terms.
13 Every eviction prevented creates huge savings to the
14 City by avoiding shelter costs and protects the most
15 vulnerable New Yorkers. So, we ask the City
16 immediately increase funding so that every eligible
17 tenant gets representation.

18 CHAIRPERSON BREWER: Thank you. Who would
19 like to go next?

20 PHILIP DUNCAN: Hello. I believe I'm next
21 on the rotation. I'm Philip Duncan. I'm the Assistant
22 Director for Housing at Northern Manhattan
23 Improvement Corporation. We're a community-based
24 organization based in Washington Heights.

So, I'm here to give a little bit of context about the discussion regarding case rates and rollover cases, to talk about the complexity of eviction cases in New York City. And Chair Brewer, I appreciated your comments earlier that did recognize this complexity and how it really does impact, really, the bottom line and the extent of services we're able to provide. So, eviction cases may last years and may require appearances in multiple forms. The cases implicate city, state, and federal and common law, multiple bodies of civil and court procedure, and administrative rules and regulations, each particular to many different types of housing. Each different type of housing or subsidy, of which there are many, has its own rules, its own body of case law and regulations, and the law applying to each frequently changes. Often the defenses present to preserve a tenant's housing require an extensive investigation and skillful litigation, the result of which can be establishing an affordable long-term tenancy where it did not previously exist. But the reverse incentive of the current contracts to focus on quick and easy cases effectively punishes providers for going above and beyond. Often the best-

case outcomes only come after years of litigation. Complex holdovers proceedings may last years. Cases involving succession to a rent-regulated tenancy often require lengthy periods of discovery, and even non-payment proceedings may involve complicated issues requiring motion practice, discovery, and trial practice. And here I'm going to brag a little bit. My organization is now only reaching the end of a non-payment proceeding that commenced in 2016, and it was assigned to me as a staff attorney in 2017. And the central issue of the litigation was a challenge to the regulatory status of the apartment. During the course of the proceeding, I made dozens of court appearances, made multiple pre-trial motions, conducted a trial, submitted multiple post-trial memoranda, briefed and argued the landlord's appeal, and made multiple post-trial and post-appeal motions, including motions for sanctions and contempt. The landlord was held in contempt twice. As a result of this work, the court dismissed the petition, found that the landlord had fraudulently deregulated the apartment, awarded my client almost 200,000 dollars in overcharged damages, and reduced her rent in half. Yet under Right to Counsel, the funding for a case

2 like this is the exact same as a case where a
3 provider settles the case on a first appearance. So,
4 despite these perverse incentives, RTC providers
5 continue to provide this high-quality representation
6 to our clients. We know that these sorts of outcomes
7 are only possible with diligent, dedicated, and
8 knowledgeable representation, which we are committed
9 to provide. But I hope this does provide context when
10 we're talking about case rates and rollover cases
11 where we are able to actually count these cases
12 beyond that first fiscal year. Thank you.

13 CHAIRPERSON BREWER: Thank you very much.

14 Go ahead.

15 JESSE LANG: Thank you, Chair Brewer and
16 Council Member Krishnan, for being here today and for
17 holding this hearing. My name is Jesse Lang. I'm the
18 Housing Policy Analyst in the Manhattan Borough
19 President's Office, and I'm testifying today on
20 behalf of Borough President Mark Levine.

21 As I know you all know, Borough President
22 Levine championed Right to Counsel legislation as a
23 City Council Member and helped get the initial
24 legislation passed in 2017, which remains where he...

CHAIRPERSON BREWER: Council Member... this guy helped him a lot.

JESSE LANG: I know. And yeah, not a single-person effort for sure. And when this law was first passed in 2017, it was the first time that a city in the United States created a right for low-income tenants to have access to a lawyer in Housing Court. Since then, and with the program's citywide expansion in 2021, Right to Counsel has helped ensure that thousands of New Yorkers facing unfair or unreasonable eviction cases had the legal representation they needed so that they could stay in their homes. Prior to Right to Counsel, only about 30 percent of tenants facing eviction had legal representation in Housing Court. In the years after its passage, representation rate for tenants rose to 71 percent by the end of 2021. And these tenants were not only receiving the representation they needed, the representation really was working. Just last year, in 2024, 89 percent of households that had an attorney in Housing Court were able to stay in their homes. I deeply appreciate the work of the staff at the Office of Civil Justice and the non-profit legal service providers, who we are hearing from today, who

2 have helped make this first-in-the-nation law a vital
3 resource for struggling tenants. However, to ensure
4 that Right to Counsel can serve all eligible tenants,
5 the City must ensure that funding keeps up with the
6 growing demand for these legal services. In the midst
7 of our city's housing crisis, tenant representation
8 is one of the most important tools we have to keep
9 vulnerable tenants in their homes and protect against
10 displacement. But the unfortunate reality that we've
11 seen is that funding for this program has not grown
12 to meet the need. Since the pandemic era eviction
13 moratorium ended in January 2021, active eviction
14 cases have essentially returned to their pre-pandemic
15 baseline, and the number of cases eligible for Right
16 to Counsel services has more than tripled. However,
17 City funding has not grown proportionately, and
18 between 2019 and 2024, funding increased only from 63
19 million dollars to 144 million dollars. Though fully
20 funding and implementing this program would have
21 required 350 million dollars in additional funding in
22 the Fiscal Year 2026 budget, there was only a 15.6
23 million dollar increase from the prior year. I stood
24 with the Right to Counsel Coalition in calling for
25 fully funding this program in the Fiscal Year 2026

budget, and we share their concern about the consequences of the City failing to meet the need. The chronic lack of sufficient funding has put a tremendous strain on the non-profit organizations that the City relies on to provide these legal services. At the same time, case lengths have increased and the number of cases that are resolved quickly has gone down. Between January 2023 and January 2024, only about half of cases were either disposed or had a first major decision within the first six months of the case. This compares to pre-pandemic norms of around 90 percent. Additionally, though legal service providers have very little control over how quickly cases move through Housing Court, in 2023, HRA stopped reimbursing providers for rollovers, which you've heard already a few times here. When Right to Counsel was first established, HRA allowed unlimited rollovers, but in 2018, they reduced the allowable rollovers to 10 percent of cases, then they increased it to 15 percent, and then despite providers testifying that this limit was too low and was requiring providers to give uncompensated representation, HRA eliminated the allowance entirely in 2023. As a result of insufficient funding coupled

2 with burdensome contract requirements, we have seen a
3 troubling drop in representation and eviction
4 proceedings from a high of 71 percent in Fiscal Year
5 2021 to only 42 percent of cases in 2024. Our office
6 also did some recent analysis helped by Beta NYC, who
7 I know you're very familiar with, and we've actually
8 found that geographically across the city, there are
9 many community districts who have even lower rates of
10 representation, some as low as 14 percent. This has
11 meant that providers have increasingly needed to
12 resort to only brief advice rather than full
13 representation, and some tenants are going without
14 support entirely. The brief advice is helpful in some
15 circumstances, but it cannot replace the need for
16 full legal representation in court. Moving forward,
17 the City must do more to ensure access to legal
18 representation and help prevent unfair and
19 unnecessary evictions. First and foremost, this means
20 dramatically increasing funding for the program. The
21 City must also work with non-profit legal service
22 providers to ensure that existing and future
23 contracts provide enough resources to hire and retain
24 lawyers and other essential staff. This will allow
25 tenants to receive full representation and will help

reverse the reliance on brief advice, which we know should only be used sparingly. In addition, HRA must revisit the contractual limitation on rollover cases, which prevents lawyers from serving clients whose cases stretch beyond a single fiscal year.

As our city continues to navigate the worst housing crisis in its history, legal representation is an essential tool for keeping people in their homes. New York City led the nation when we passed Right to Counsel in 2017, and since then it's made a difference for thousands of vulnerable tenants. Now the City must make sure that we fully fund the program so that it can continue to provide the representation that tenants so badly need and deserve. Thank you for holding this hearing, and I look forward to working together, and I'm available for any questions.

CHAIRPERSON BREWER: Thank you very much, and thank you for Borough President's, soon-to-be Comptroller's, support on this issue, and along with his compatriot here, Council Member Krishnan. Thank you all very much. We're really serious about following up, so thank you. Thank you.

2 Our next is Jerome Pearson from Bronx
3 Works, Alfred Toussaint from CAMBA, Jonathan Fox from
4 New York Legal Assistance, NYLAG, and Joanna Laine
5 from Legal Aid.

6 Whomever would like to get started, go
7 ahead.

8 ALFRED TOUSSAINT: Good morning. Good
9 morning, Council Members. My name is Alfred
10 Toussaint, and I am the Director of Housing at CAMBA
11 Legal Services. We have offices in Brooklyn and
12 Staten Island.

13 I'd like to comment briefly on something
14 that we spoke of earlier regarding the 10 percent
15 penalty that's imposed on providers who fail to meet
16 their deliverable milestones. The current iteration
17 of the Right to Counsel contract contains a penalty
18 for providers who cannot meet 100 percent of their
19 contract goals. Such providers are ineligible to
20 receive 10 percent of allocated funding, and OCJ may
21 reduce funding to those providers in future years.
22 Operationally, the City only reimburses 90 percent of
23 providers' expenses until and only if it determines
24 that the provider achieved its performance
25 milestones, and this review occurs only twice during

the contract year and well after the expenses have been incurred. This method of implementation unduly burdens the non-profit providers who are incurring these actual expenses in real time. The uncertainty of this 10 percent funding also makes it impossible for organizations to do the necessary planning for investment in staffing, hiring, retention, and to combat the plan for attrition. Receiving only 90 percent of the dollar as expenses are incurred with the risk of never receiving reimbursement for the other 10 percent also destabilizes the program and its agencies. This destabilizing practice is not in the best interest of the City, the providers, or New York City tenants. In the context of a deeply underfunded contract in an economy where staff hiring, retention are difficult, meeting 100 percent of contract goals is unrealistic unless providers can obtain and contribute vast additional (TIMER CHIME) resources to subsidize the work. Equally problematic, it jeopardizes the very non-profit sector that the program relies upon to implement and maintain this critical program.

CHAIRPERSON BREWER: Can you sum up?

ALFRED TOUSSAINT: So, the essentially recommendation from the providers is that the City must cease imposing the 10 percent penalty when providers fail to meet certain performance metrics and cease withholding reimbursement for 10 percent of actual expenses because it undermines the Right to Counsel program and harms provider agencies. Thank you for the opportunity.

CHAIRPERSON BREWER: That's very helpful. Thank you so much.

Go ahead.

JONATHON FOX: Good morning, Chair Brewer and Council Member Krishnan. Thank you very much for holding this hearing. My name is Jonathan Fox. I am the Director of the Tenants' Rights Unit at the New York Legal Assistance Group, and we have contracts to provide Right to Counsel services in Brooklyn, Queens, and Manhattan.

I'm talking about the importance of that the Office of Court Administration and the Office of Civil Justice must collaborate with providers to improve RTC intake systems at Housing Court. The promise of the Right to Counsel is that all eligible tenants will get an attorney. This promise remains

2 unfulfilled as there have been serious implementation
3 challenges in each and every borough which thwart
4 legal services providers from connecting with
5 clients. Over the last eight years of RTC and many
6 decades prior, legal services providers have been
7 helping vulnerable clients navigate the daunting and
8 complex landscape that is Housing Court and housing
9 law. As a result, we are well-positioned to suggest
10 and assist with implementing a program that best
11 meets the needs of New York City tenants. While
12 providers, OCJ, and the court had a recent productive
13 collaborative meeting and there is the promise of
14 more meetings, a systematic approach to
15 implementation in which legal services providers, the
16 Office of Court Administration, and the Office of
17 Civil Justice meet regularly to work through
18 implementation challenges citywide and in each
19 borough would dramatically improve the effectiveness
20 and efficiency of the Right to Counsel program and
21 enable more tenants to connect with lawyers for legal
22 representation. A recent example from Queens
23 illustrates the negative consequences that can occur
24 for tenants. (TIMER CHIME) I'll just sum up briefly.
25 So, my written testimony has examples from each of

the different boroughs. Queens was particularly frustrating because we were switched to virtual intake with almost no notice, and it is resulting in a sharp decrease in the number of limited English proficiency tenants that we are able to connect with. Tenants have to scan a QR code to get to their first court appearance and that is, there's no language accessibility in that QR code scan. It's a really problematic thing for someone who is of limited English proficiency who they're at particular risk of eviction and have additional other challenges and so it would have been great if the legal services providers had been consulted before this program was, this virtual intake was decided, but it was a very decided and announced thing and we're sort of dealing with the ensuing chaos that's happened after that.

CHAIRPERSON BREWER: Thank you very much.

It was one of the questions I had that I didn't go into fully was asking of the City, so we know about this case and that's a fixable thing for God's sake that they should be able to fix. I mean, you know, okay, thank you. That's very helpful and all these suggestions we're going to take very, very seriously and I think you could see from the judges who were

here that they do want to make a difference, but you have to like pound them with what the challenges are. I'm good at pounding.

Go ahead. Thank you.

JOANNA LAINE: Thank you. Good afternoon.

My name is Joanna Laine, and I'm a Supervising Attorney in the Right to Counsel practice at the Legal Aid Society's Brooklyn office. Thank you so much for taking the time to hear from us today.

As you mentioned at the outset of the hearing, Chair Brewer, the federal political climate makes Right to Counsel especially urgent in this time. As SNAP benefits are about to be cut, it is likely that tenants will have to face the choice between paying rent or feeding their families. Immigrant tenants are especially vulnerable in fear that even going to court could put them at risk. So, we're in a grave political time, but at the same time, we want to emphasize that there are actually lots of reasons for optimism right here in New York City and it comes down to the tenant movement. The Right to Counsel law passed in 2017 was part of a historic tenant movement that has been at its strongest levels, perhaps even in the history of the

city. In addition to Right to Counsel, we now have excellent state laws to protect tenants and curb displacement, among them the Housing Stability and Tenant Protection Act of 2019 and the Good Cause Eviction Law of 2020. But every good law requires great lawyers to enforce it and we know that landlords are working very hard to roll back these laws in the courts as well as in the legislature. So, the City must fund Right to Counsel so that this historic opportunity to seize on what the tenant movement has accomplished doesn't slip through our fingers. It would be devastating if the City were to respond to the shortfall in RTC representation by asking legal services providers to do more with less. Overworked lawyers simply cannot give tenants the zealous representation that they deserve, and I know this because I lived it. Before I became a supervisor, I was an overworked staff attorney with six new cases per month and over 70 active cases at any given time. My colleagues and I were missing defenses, making mistakes, and burning out and ultimately leaving our organizations. I'm very proud to say that the Legal Aid Society took the caseload crisis seriously and in response to a 2023 study

2 conducted by a working group of OCA, Legal Aid
3 reduced the monthly caseload to no more than four new
4 cases per month and this is far from perfect but
5 we're already seeing the benefits of reduced
6 caseloads and my colleagues who are the newest
7 attorneys are able to bring excellent motions on
8 their cases and litigate cases fully, getting great
9 outcomes that were honestly inconceivable when I
10 first began practicing. It really does work and, you
11 know, I really appreciate all the City is doing to
12 pay attention to how to continue to implement it.
13 However, many of New York City's RTC lawyers are
14 still receiving six or more cases per month which is
15 completely unsustainable and that's because of the
16 inequity in case rates across legal services
17 providers. Across the board, including at the Legal
18 Aid Society, we still don't have adequate funding for
19 social workers or paralegals. New York City's tenants
20 deserve better and I know that you agree. The City
21 must fund a 7,500-dollar case rate for all providers.
22 We ask that the City fund rollover cases and we ask
23 that the City end the draconian 10 percent penalty
24 for providers who fall short of anticipated
25 performance. The providers also ask for regular

meetings with OCA and OCJ to work through all the implementation challenges that we've discussed today. By fully funding the Right (TIMER CHIME) to Counsel, I'll wrap up, the City can rise to the occasion of this historic moment and achieve true justice for New York City's tenants. Thank you very much.

CHAIRPERSON BREWER: Thank you. Thank you all very much. This is helpful to all of us to make the changes that are needed. Seriously, thank you.

JOANNA LAINE: Thank you.

CHAIRPERSON BREWER: Jenny Laurie from Housing Court Answers, Adalky Capellan, Right to Counsel, Peter Estes from ANHD, and Dan Evans from Goddard.

Go ahead and start. I don't know where the other folks are. They might be in the overflow room. Is that room... can they come in, the people from the overflow room?

JENNY LAURIE: Should I start or?

CHAIRPERSON BREWER: Yes. All right.

JENNY LAURIE: All right. Thank you, Council Member Brewer and Krishnan, for being here today and thank you, Chair, for holding this hearing. I'll submit written testimony with more details, but

I just want to explain a little bit about what we see. Housing Court Answers is a non-profit that provides assistance to unrepresented litigants over a hotline and through information tables in the Housing Courts. We don't provide legal representation. So, we spend a lot of time helping people connect to Right to Counsel, basically helping them connect to legal services, so I just want to focus my testimony on that and just say that I feel sometimes when I'm talking, I think they've all left, to the Office of Civil Justice that I'm being gaslighted. This is not the experience. The intake process that they describe is not the experience that we see for most unrepresented people, tenants going to Housing Court, especially in the Bronx and Queens where it's virtual. A lot of tenants don't get the process. They don't connect. If they do connect, they don't understand what happened. It's not explained to them clearly what's going on. If they don't speak English, they get very limited information and they're told in some vague way that someone will connect with them to do an intake and a lot of times that doesn't happen. I mean it's not possible that intake screening and connection to legal services is happening for

everyone who's eligible and at the same time something like 30 or 40 percent of eligible tenants are getting legal representation. So, I just want to emphasize that one point as sort of like the huge pain point that we see at Housing Court answers. Thank you.

CHAIRPERSON BREWER: Thank you very, very much.

I've been joined by Council Member Williams. She's from Queens.

DAN EVANS: Good afternoon. Thank you, Chair Brewer, for holding this hearing and for the opportunity to testify today. My name is Dan Evans. I'm the Program Director and an Attorney at the Goddard Riverside Law Project. The Law Project is a program under the Goddard Riverside Community Center, a settlement house working with over 20,000 New Yorkers a year from early childhood through older adulthood to strive towards a fair and just society where all people can make choices that lead to better lives for themselves and their families.

As part of this work, nearly 30 years ago Goddard Riverside and its partners were amongst the first in the community organizations to call for

2 universal access to legal services in Housing Court.
3 Today the Law Project provides range of services for
4 New Yorkers throughout Manhattan including through
5 City contract funding like universal access to
6 Housing Court, anti-harassment tenant protection or
7 AHTP funding, and then discretionary funding from
8 City Council. In Fiscal Year '24 alone, we served
9 over 1100 New Yorkers from legal advice all the way
10 through full representation. Passed in 2017, the
11 original RTC legislation required that the Office of
12 Civil Justice establish and oversee a program to
13 provide full legal representation to all tenants
14 facing eviction whose income does not exceed 200
15 percent of the federal property line. However, in
16 2020 RTC expansion was greatly accelerated to provide
17 full representation in emergency cases that were
18 emerging during the COVID-19 pandemic. This
19 acceleration outpaced funding. Additionally, Right to
20 Counsel funding has not grown at pace with the
21 eviction defense needs of the city and the contract
22 requirements do not offer flexibility to meet these
23 goals while creating balance for the workloads that
24 lawyers face. For instance, in years past, Right to
25 Counsel contracts used to allow the inclusion of

rollover cases and brief legal advice as part of the performance targets. This helped us hit contract targets while also helping fully cover the range of services that we can provide for our clients. Being unable to bill for either types of these services can indirectly make providing public eviction defense legal services less sustainable financially long term for social service providers. Brief legal advice is still time spent with a lawyer and some cases can be more complex for a variety of reasons and, as a result, may not reach a resolution within a fiscal year. We urge the City to allow rollover cases and brief legal advice to be counted as units of service towards Right to Counsel contracts. In addition, while Right to Counsel is supposed to provide services for all clients up to 200 percent of the FPL, the contract is not funded well enough for service providers to take on every case that qualifies. When tenants do receive full legal representation in Housing Court, most are able to avoid eviction and remain stably housed. Without the proper funding increases or flexibility to handle the high volume of eviction defense cases New York City is currently (TIMER CHIME) facing, service providers

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2 are often incentivized to take on some of the easier
3 eviction defenses cases in order to meet case caps.

4 And I'll wrap up by saying we greatly support the
5 Right to Counsel initiative in New York City and
6 believe the City's ability to work with tenants and
7 housing legal service providers to strengthen this
8 right so that every tenant who needs one can access a
9 tenant eviction defense lawyer. Thank you for the
10 opportunity to testify.

11 CHAIRPERSON BREWER: Thank you for all
12 your housing clinics.

13 DAN EVANS: Of course.

14 CHAIRPERSON BREWER: Go ahead.

15 ADALKY CAPELLAN: Good afternoon.

16 CHAIRPERSON BREWER: You got to push the
17 button.

18 ADALKY CAPELLAN: Thank you.

19 CHAIRPERSON BREWER: There you go.

20 ADALKY CAPELLAN: Good afternoon. My name
21 is Adalky Capellan, and I'm here with Khadija
22 Hussain. We're from Right to Counsel. Thank you for
23 the opportunity to testify about New York City's
24 Right to Counsel law. The Right to Counsel Coalition
25 is a tenant-led coalition that formed in 2014 to

2 disrupt Housing Court as a center of displacement and
3 to end eviction crisis threatening our families,
4 neighborhoods, and homes. After a hard-fought three-
5 year grassroots campaign, we made history. New York
6 became the first city in the nation to establish a
7 Right to Counsel, RTC, for tenants facing eviction.
8 Since then, RTC success has been undeniable.
9 Evictions have plummeted, landlords sued tenants
10 less, and 84 percent of tenants who had an RTC
11 attorney stayed in their homes. RTC has also helped
12 establish a more just case law, lowered rents,
13 stabilized apartments, and forced landlords to make
14 repairs. Evictions do more than just displace people.
15 They harm health, employment, education, and entire
16 communities. Studies show that RTC prevents those
17 harms. One recent study found that access to counsel
18 reduces adverse birth outcomes among Medicaid-insured
19 mothers, showing that evictions are also a matter of
20 public health. We also know that eviction
21 disproportionately impacts people of color,
22 especially Black women and children. With one out of
23 eight children in New York City experiencing
24 homelessness, the stakes cannot be higher. When
25 properly implemented, RTC prevents eviction, keeps

2 families housed, and strengthens communities. But
3 today, the Office of Civil Justice, OCJ, and the City
4 agency charged with enforcing RTC is failing to meet
5 its mandate. Since January of 2022, more than 107,000
6 households have faced eviction alone, and the
7 majority of them were eligible for RTC. Thousands of
8 New Yorkers are being forced from their homes, being
9 denied their rights, and losing cases they should
10 have won. This is a violation of due process and a
11 moral failure of the City. OCJ exists because tenants
12 organized and won this right. Under the de Blasio
13 Administration, OCJ worked collaboratively with the
14 courts and our coalition to enforce Local Law 136.
15 They were transparent, responsive, and committed to
16 uphold RTC. Under the Adams Administration, OCJ has
17 been retreated from that role, capitulating to the
18 court's position instead of enforcing tenants'
19 rights. The City must act now to fund, enforce, and
20 strengthen RTC.

21 So one, fully fund Right to Counsel.
22 Local law 136 is not fully funded. While the City has
23 increased funding over time, the current funding
24 levels still do not cover the full cost. Legal
25 service providers face untenable caseloads and

unsustainable retention rates. To meet current demands, the City must increase RTC funding by at least 350 million immediately to ensure that every eligible tenant... (TIMER CHIME) I'm sorry, there's still other points I want to make... eligible tenants have zealous representation. Establish a mechanism to adjust funding as the volume of cases changes. Plan proactively for higher costs when the number of cases increases.

Two, ensure OCJ's effective oversight and partnerships with tenants to strengthen RTC. OCJ is required by law to hold annual public hearings and release annual reports on RTC implementation. Under the Adams Administration, those reports have been delayed and hearings have been postponed and held virtually, limiting the public access and transparency. OCJ must resume in-person annual hearings on Right to Counsel, release timely public reports each year, meet regularly with our Coalition, not just with contracted legal providers, to ensure RTC implementation addresses the needs of tenants facing eviction. OCJ, once again, act as an advocate for tenants, not an arm of the court bureaucracy.

2 Number three, uphold tenants' rights in
3 Housing Court. The tenant must do their part to
4 reduce the volumes of eviction cases on court
5 calendars so that the number of cases matches the
6 capacity of legal service providers. Work with OCJ to
7 ensure that all eligible tenants receive their Right
8 to Counsel as they are entitled to. Adjourn cases
9 when there is no RTC attorney available until a
10 tenant secures counsel and their attorney has the
11 adequate time to prepare.

12 Four, support statewide Right to Counsel.
13 Expand RTC to cover all tenants of New York City and
14 across the state. Require courts to notify tenants of
15 their Right to Counsel and provide information on how
16 to connect with an attorney. Mandate adjournments
17 until tenants have secured counsel.

18 If these rules had already been in place,
19 the crisis we face in New York City today would not
20 exist. Right to Counsel keeps New Yorkers in their
21 homes and it's one of the most effective anti-
22 displacement and anti-homelessness tools the City has
23 ever had. We are calling for New York City Council to
24 be RTC champions and to publicly defend tenants'
25 Right to Counsel. In summary, we would add 350

million to the City's budget to fully fund RTC. Hold OCJ accountable for enforcing.

CHAIRPERSON BREWER: We got it.

ADALKY CAPELLAN: Thank you. I just want to make sure, but...

CHAIRPERSON BREWER: We got it. And you're going to submit that? Online?

ADALKY CAPELLAN: Yeah.

CHAIRPERSON BREWER: Thank you very much.

ADALKY CAPELLAN: Thank you.

CHAIRPERSON BREWER: Very helpful. Go ahead.

PETER ESTES: I want to echo the comments that all my colleagues on this panel have made so far. Thank you, Chair Brewer and the Members of the Committee, for the opportunity to testify today on the Right to Counsel program. My name is Peter Estes. I'm the Senior Housing Policy Associate for the Association for Neighborhood and Housing Development. Alongside many of our members, ANHD was part of the campaign to pass the universal access law that established the City's Right to Counsel program in 2017, and we continue to support the work to realize the law's full potential. We're here today to testify

2 in support of the Right to Counsel program to call on
3 the City to fully fund and support the program.

4 In establishing a Right to Counsel for
5 tenants facing eviction in 2017, New York City took a
6 bold step forward to do what had to be done and
7 spurred a national movement in the process. Though
8 odds in eviction cases are stacked against tenants,
9 Right to Counsel quickly proved itself to be an
10 effective tool in leveling the playing field.

11 Approximately 80 percent of represented tenants have
12 been able to remain in their homes and evictions
13 remain below where they were prior to the creation of
14 Right to Counsel. Evictions destabilize communities,
15 disrupt schools, jeopardize tenants' physical and
16 mental health, and lead to increased City spending on
17 social services so stemming the tide of evictions is
18 a good thing, not just for each tenant that remains
19 housed, but for our City at large. For years now,
20 though, Right to Counsel has not been adequately
21 funded, while Housing Court cases have moved too fast
22 to ensure that all eligible tenants receive
23 representation. We're at risk of forfeiting our
24 progress entirely. Since the end of the eviction
25 moratoria in January 2022, evictions have surged to

pre-pandemic levels; yet over the same time period, only 40 percent of tenants have had legal representation. More than 100,000 households are facing eviction alone, and most of them are eligible for RTC. Though the law was slated to be fully implemented by 2022, RTC has never been adequately funded. As need grows, we must provide robust funding to hire and retain enough attorneys to represent all eligible tenants, and so ANHD joins the RTC-NYC Coalition in calling on the City to fully fund Right to Counsel by adding at least 350 million to the annual budget. In the short term, it's essential that OCA paces cases deliberately to allow all tenants a real opportunity to secure an attorney through RTC and to meet the broader promise of the law. Thank you.

CHAIRPERSON BREWER: Thank you very much.

Jenny, I have one question, which is, we heard from several people about the problems with online at Bronx and Queens. So, is that something... people should have a choice. They don't have a choice?

JENNY LAURIE: Well, they do. In the Bronx, they can come in and, Judge Stoller's still

here, so he can correct me. So, in the Bronx, they can come in and do the virtual appearance through a Zoom, not Zoom, but Team setup in the court, but not in Queens. So, in Queens, as someone, I think, Jonathan Fox described, a tenant gets a letter, and there's a QR code on the letter, and they scan that and connect so there isn't a physical in-person intake in Queens. The other boroughs do, obviously. Manhattan (INAUDIBLE)

CHAIRPERSON BREWER: (INAUDIBLE) Something we need to work on then.

JENNY LAURIE: I mean, you think, like, I know everyone in this room can use a QR code and recognizes it, but that's not necessarily the population that's in Housing Court.

CHAIRPERSON BREWER: I don't think everybody can, and language is always going to be...

JENNY LAURIE: Yes, right. Interpretation is an issue, and the court is very good. I will acknowledge this. They're great at providing interpretation in the courtroom for the cases, but the folks in the hallways are not entitled to an interpreter and don't always have interpretation, so.

CHAIRPERSON BREWER: That's very helpful.
Something to work on.

JENNY LAURIE: Especially in Queens, where
you have, what, lots, yes.

CHAIRPERSON BREWER: That's helpful. Thank
you all very much, and you're going to get us your
testimony.

The next is Octavia Solano from CASA,
Oliver Thayer, Beth Finkle from AARP, and Asthania
LeFevre from Cooper Square.

Whomever would like to go first, go right
ahead.

BETH FINKLE: I think I was the first one
here this morning. If you don't mind, I was here at
9:30. I appreciate it, but if anybody else is, okay,
good. I'm going to make mine really fast because
you've had great panels of experts.

I'm Beth Finkle. I'm the State Director
for AARP New York. Really appreciate this, Gale, for
you to be convening this and the other Members of the
Committee. AARP has three quarters of a million
members in New York City, which is why we're here
today, but we also represent the three and a half
million people that are 50-plus in the five boroughs.

We worked very hard on the Right to Counsel law to begin with, and really, although we're pleased that it's in place, I'm glad that everyone here has brought up the ways that it needs to be improved and quickly. I'm not going to give you all the data on older adults because I know you know that really well.

CHAIRPERSON BREWER: I'm one of them, yes.

BETH FINKLE: 50 plus. You only have to be 50-plus. I think that what's most important here is that a right without access is really no right at all, and I think that's one message I want to get across to you. This is really important to me personally. My mother was displaced as a child by the New York City marshals in the Bronx. She never forgot it her whole life, and it's heartbreaking that families have to go through this, so I just want to thank all of you who are experts who are out in the field and actually doing this and just say that, from AARP's perspective, this is incredibly important work, and I just want to say thank you to all of us.

CHAIRPERSON BREWER: Well, thank you very much, and thank you all the members from AARP who are here today.

BETH FINKLE: Thank you.

CHAIRPERSON BREWER: You were here early before me. Thank you. That was early. You were earlier. Thank you.

Whoever would like to go next?

OLIVER THAYER: Yeah. Absolutely. We're actually...

ASTHANIA LEFEVRE: We're going to have a joint statement.

OLIVER THAYER: We have a joint statement, so if it goes, it won't go much, but if it goes slightly over two minutes, please forgive us because this is our thoughts. It's just easier this way. We live together.

Thank you very much, Chair Brewer and the Committee, for hearing us out. This is Asthanian LeFevre. My name is Oliver Thayer, and we live in a stabilized unit in Manhattan under a shadow landlord who has made a post-pandemic hobby out of documented harassment, negligence, and for over a year now, dragging us to court repeatedly. At the courthouse, the line of people waiting to go through security to face eviction wraps around the entire block. All of us are defendants in a city that currently has

150,000 open HRA violations. That's as of this morning. Before seeing a judge, most of us will be speaking to the plaintiff's attorneys in the chaotic hallways, isolated and defenseless. We are the hardworking New Yorkers, diverse in ethnicity and backgrounds. We blow into our hands in the frozen morning air and wait, all facing the same threat. Most of us don't know how the justice system works, what the laws are, or what our rights are. We don't know what resources exist and what their purposes even could be. As a result, we are controlled by the fear of the very thing that is happening to us, subservient and cowering beneath a building our tax dollars pay for. Hours go by, and we're told by a jaded court clerk to run as fast as we can from the courtroom to an elevator. With a little luck, we'll catch the attention of one of the few attorneys present before they leave the building indefinitely at noon, sometimes later, sometimes earlier. Once upstairs, we ask overworked, underpaid, exhausted lawyers to please explain the situation, to please help us, to help our families. But why would we be chosen over anyone else from that long, winding line outside? Don't call us, we'll call you. We overhear a

conversation about a new Taqueria truck on White Street. Rather than being honored by the City as is mandated by law to protect tenants' Right to Counsel is treated similarly to the homeless, stepped over and forgotten to get to shinier things. Stepped over and forgotten by a brutal court system grinding through tenants as quickly as possible on behalf of landlords. We're told there's a housing crisis, but one person's crisis is another's windfall. So, whatever you do, if you are a tenant, thoroughly document all proof of landlord negligence, harassment, and financial fraud committed through an ever-shifting network of shell companies whose owners rely on (TIMER CHIME) and profit from the displacement of New Yorkers.

CHAIRPERSON BREWER: Do you want to add to it? Go ahead.

ASTHANIA LEFEVRE: No. I just agree with everything that he's saying.

OLIVER THAYER: It was co-written.

ASTHANIA LEFEVRE: Yeah. So, it's just like I'm just nodding my head in agreement.

OLIVER THAYER: It's our co-statement that we've been going over. This is the last little part.

ASTHANIA LEFEVRE: It's just that we've been going through this for about like a year, and it's like over a year and a half, and definitely this statement is like basically a year and a half of buildup and things that we've been really wanting to say, and we're just happy to have this opportunity to finally say it.

OLIVER THAYER: That's it.

CHAIRPERSON BREWER: Thank you. We can probably try to follow up offline.

OLIVER THAYER: There's one final sentence.

CHAIRPERSON BREWER: Sure, go ahead.

OLIVER THAYER: Thank you. Survival has a steep learning curve when our only resource is to be our own counsel in the face of those unwilling to be held accountable for a system they intentionally break, but they will not break us.

CHAIRPERSON BREWER: Thank you very much.

ASTHANIA LEFEVRE: Thank you so much.

CHAIRPERSON BREWER: Thank you. Go ahead.

OCTAVIA SOLANO: (SPEAKING FOREIGN LANGUAGE)

2 CHAIRPERSON BREWER: I mean, I know. I
3 translate sometimes. It's very hard. So, go ahead,
4 sir.

5 INTERPRETER: My name is Octavia Solano,
6 and I'm here to talk about tenants' rights to
7 counsel, and I am a member of CASA. She started off
8 by saying that before she lived in the Bronx, she
9 lived in Manhattan for 30 years. At that time, she
10 had an eviction case, but she didn't have an
11 attorney, and she was suffering from cancer. She thus
12 far has three cancer operations since then, and I'm
13 going to stop there. I was trying to write more
14 notes.

15 OCTAVIA SOLANO: (SPEAKING FOREIGN
16 LANGUAGE)

17 INTERPRETER: While I was living in the
18 Bronx, I also was suffering from a Housing Court
19 case, and she was able to discover CASA. She got
20 connected with us, and she started learning about her
21 rights and how she could get access to legal advice
22 to be prepared for a Housing Court case and protect
23 her home.

24 OCTAVIA SOLANO: (SPEAKING FOREIGN
25 LANGUAGE)

INTERPRETER: She was saying that one of the reasons why I continue to fight is to help others that are facing the same situations as me by not having an attorney. I want to make sure that everyone has the Right to Counsel and that these programs continue to exist so it can protect all New York City tenants.

CHAIRPERSON BREWER: Thank you very much. Gracias. Thank you.

Michael Diller, who is from UAW, Atusa Mozaffari, also from UAW, and Chandler Hart-McGonigle, also from UAW.

Thank you very much. Yay, UAW. Sit anywhere you want.

Whoever would like to go first, go ahead.

CHANDLER HART-MCGONIGLE: Okay. Good morning. Thank you to the City Council Committee on Oversight and Investigations for the opportunity to provide testimony today and for your commitment to this program. My name is Chandler Hart-McGonigle. I'm a Staff Attorney at the Legal Aid Society, and we're here today on behalf of our union, the Legal Aid Society Attorney United Chapter, which is a part of the Association for Legal Aid Attorneys, the UAW

Local 2325. We're composed of 3,000 advocates and attorneys in the legal sector, fighting for housing, economic and disability, immigration justice, and more.

We're here today to express our support for the joint testimony of the Right to Counsel legal service providers and to provide feedback that's informed by our observations and experiences as the frontline advocates providing eviction defense services. The Right to Counsel program has been chronically underfunded since its initial expansion in 2019 to cover all eligible tenants in every borough, and legal services providers just don't have the capacity to take on even half of all eligible tenants' cases. Eviction rates are now on the rise, and it results in preventable and unnecessary evictions. We appreciate the efforts of HRA OCJ to improve data collection in order to target improvements to the program, and as union staff attorneys, our experience is reflected in the findings in the IBO and Comptroller's reports that have come out in the past year, which are able to estimate that at least 40 percent of eligible tenants are not served by Right to Counsel. We are also

pleased to hear a consensus evolving around some three important factors that can improve Right to Counsel, which seem to be upstream interventions, structural court house interventions, and of course more funding so that attorneys can dedicate their limited time and resources to the cases that actually really do need intensive legal support. Staff attorneys and advocates believe in the potential of a true Right to Counsel, but now that there are still so many common patterns of preventable, unnecessary evictions, like tenants who have paid all of their portion of the rent but are being sued or evicted for their Section 8 portion or a CityFHEPS that is not within their control or responsibility, tenants who have FEPS or CityFHEPS subsidies that have inadvertently stopped paying or been suspended temporarily for benefits issues. Some of these tenants have shares of zero dollars and are finding themselves in Housing Court to try to resolve their cases alone without the help of people who can help navigate the system with HRA, and cases where default judgments (TIMER CHIME) are taken or an easy one-shot deal could resolve a small amount of arrears.

CHAIRPERSON BREWER: Thank you very much.

Next.

ATUSA MOZAFFARI: Thank you. We won't belabor the point, as you heard from many of the other providers as well as IBO and OCJ, the cases that we are now involved in far extend beyond one year. They're rarely summary in nature, and as other providers explained, the complexity of the cases that we see beyond non-payments and holdovers, resulting in whether or not subsidies are in play or rent regulation status and the various rules and laws that compound the necessary substantive legal issues. Obviously, the cases take far more time, but additionally, far more resources. The attorneys on the front lines who are doing this work are not only doing the substantive legal work, they're also doing the advocacy work. They're liaising with community organizers, other non-profits, charities and grants, as well as HRA, in order to assist clients in the most holistic manner to preserve their housing. The scope of our work as legal advocates extends far beyond appearing in court and filing motions and preparing for trial. Obviously, we're doing this extended advocacy, but we lack additional resources. We are often interpreters and social workers and

paralegals and investigators on these cases as well.

By expanding Right to Counsel to not only meet the

scope so that all eligible tenants are actually

afforded the opportunity and access to justice with

full legal representation and not just brief legal

services, we can ensure that those additional

resources help the entire household, whether it be an

individual or a household with minor children or

adults. Any eligible tenant within 200 percent of

federal poverty line, one day universal will mean

truly universal. We are not yet at that day. I will

also just say that the majority of the Right to

Counsel attorneys and advocates are unionized, as

Chandler already mentioned. The City Council has

obviously, the IBO made note of this when there are

late payments on contracts. I believe the Comptroller

produced a report earlier this summer about non-

profit non-payment or the contract terms are

themselves limited to three years without progressive

plans for when the imminent expiration of those terms

fall on us or the failure to fully fund the program

at its outset or as the program continues and

evolves, really limits the success of the program to

begin with. It impacts not only the staff who are

already here and whether or not we're able to retain them, but it further impacts the ability to offer fair and competitive salaries that would attract new attorneys and new classes because the majority of the tenant advocates and attorneys who are doing this work came here with a passion to defend the most vulnerable of New York City. We do this work knowing that we will be underpaid and overworked, but we have to make it in such (TIMER CHIME) a way that the funding is sufficient to avoid the burnout so that it can fully reach its potential because we do believe in the Right to Counsel model. We want to see it succeed and it's within the power of this Committee as well as a broader City Council to actually ensure its success, preserve housing, and preserve families. As Chair already mentioned, the effects of an eviction are traumatic. They're violent. There's rarely any way to recover from it. We were joined by a member of the community who addressed that issue as much. If Right to Counsel is to succeed, if it's, of course, if it's to be a civil parallel to Gideon, the City Council has an obligation to fully fund it, to expand it further so that all cases can get not only full representation but those triage cases that HRA

2 has created those three potential avenues for so that
3 no one experiences homelessness, no one has to deal
4 with the displacement and the long-term effects on
5 their health, and the lack of funding for Right to
6 Counsel is truly exacerbating a crisis that we can
7 prevent.

8 CHAIRPERSON BREWER: We know. We got that
9 part.

10 ATUSA MOZAFFARI: Yes. We appreciate it.
11 Thank you for the time.

12 CHAIRPERSON BREWER: Thank you. Go ahead.

13 MICHAEL DILLER: Thank you, Chair Brewer.
14 My colleagues covered our materials, so I'm here in
15 support of them, but thank you.

16 CHAIRPERSON BREWER: Thank you very much
17 and thank you for your work recently. It was very
18 appreciated. Thank you.

19 ATUSA MOZAFFARI: Thank you for shouting
20 out our efforts.

21 CHAIRPERSON BREWER: The next is Comfort
22 Kumi from CASA, Stephanie Diaz from CASA, Mario
23 Todialo (phonetic) from CASA, Vokma Ginez from CASA,
24 and Laura Goran (phonetic) from CASA.
25

Whomever would like to start. Oh, here comes everybody. Okay. Thank you.

Whomever would like to start, go ahead.

STEPHANIE DIAZ: Good afternoon, Chair Brewer and fellow New Yorkers. My name is Stephanie Diaz, and I'm here today not only as a resident of Bronx District 16, but as a mother, community advocate, and someone who is experiencing firsthand the fear and trauma that grips families when they face eviction court alone. Every day, tenants like myself walk into Housing Court terrified, unrepresented, and overwhelmed. Meanwhile, landlords arrive with attorneys ready to take advantage of the fact that tenants do not understand legalese or know their rights. This is injustice disguised as procedure. This is why Right to Counsel is not just policy. It is a lifeline. It is the difference between families sleeping in their homes or spending a night in a shelter. It's the difference between a child being able to finish school year in their neighborhood or being uprooted overnight. When people have the rights to legal representation, they have a chance to fight the corrupt tactics landlords are using to kick out tenants they no longer see as

profitable. They understand their rights. They can negotiate fair terms, and most importantly, they can stay in their homes. The Right to Counsel has prevented thousands of unnecessary evictions. In the Bronx alone, during the fiscal year of 2024, tenants that were represented in the Bronx were stayed in their home... it was 93 percent that stayed in their home and won their cases. It saves the City money, it strengthens neighborhoods, and it upholds the very values that New York stands for, which is justice, compassion, and community. But when this right is underfunded or weakened, we are telling low-income families that justice depends on the size of your wallet. So, I'm asking you today, as a mother who wants to see her children grow up in a city that protects its people, to fully fund the Right to Counsel and advocate for statewide Right to Counsel to be passed and funded. Because behind every case number (TIMER CHIME) is a family, a story, a life worth fighting for. When we protect housing rights, we protect hope, and when we stand for Right to Counsel, we're saying loud and clear, justice belongs to everyone, not just the privileged. Thank you.

CHAIRPERSON BREWER: Thank you very much.

Well said.

Who's next?

COMFORT KUMI: Hello. Good morning,
Committee.

CHAIRPERSON BREWER: Good morning.

COMFORT KUMI: We thank you all for giving
us the time and opportunity to come here this
morning, you know, to point our views. My name is
Comfort Kumi. I'm part of CASA in the Bronx. I had an
issue a year exactly ago. I was in court in November
2024. I am a tenant that first week I paid my rent.
My landlord's secretary cashed my check, and they
were demanding the money from me again. So, we went
to court. And I just want to say, thanks to Right to
Counsel, I had to get somewhere, you know, to solve
the situation. I just want to say, I thank you all.
But what I'm saying is that on that day, we went no
lawyer. So how do the Committee now do the right way
to find some response and resources for the lawyers,
so we can get lawyers to go to the court. When we go
to court, we have lawyers to support us as tenants,
you know, so we can win our cases, you know, the
right way. How is that funding going to go up? I

would like to beg for you all to help for them to hire more lawyers. I went to the court by myself, and there were no lawyer for me, but I still said I will, you know, talk for myself. So, I'm begging the Council of New York to find a resource of hiring more lawyers so tenants can have lawyers and be out of the harassment of this landlord's department, harassing us.

On another second issue, I want the Committee to find a way to tell landlords. Three months ago, just three months now, I've been in my apartment for about 30 years. And, you know, my lease always two years. My lease is not due until next year. At this point, the landlord, I think, you know, sold the apartment to another landlord. Now, this landlord that came three months ago wants to break my lease. So I am, you know, begging the Committee to reinforce something in writing and handing it to the landlords that if a tenant's lease, if it's not due (TIMER CHIME) yet, they cannot just come within two months or three months to say, you know, I'm giving you a new lease to sign and then they increase the rent again. Thank you all for listening to me.

CHAIRPERSON BREWER: Thank you very much
for your stories. Go ahead.

There you go.

VOKMA GINEZ: Hello. My name is Vokma
Ginez. I'm a member of CASA, but I'm a member of many
different communities. I care about my community. I
am involved heavily in the educational aspect. I
advocate for other people. I do also for Writers
Alliance. I do with our CEJ, Parent in Action
Committee so I'm part of very many Committees.

I came here today regarding my housing. I
came here to move from Long Island in 2006. And since
then, I've been harassed by, you know, landlords. And
I never, like, I think used to depend on the
government or anything like that. I used to work in
the hospital for 10 years prior. But again, I came
here, I met CASA in 2015. And I was harassed by my
landlord because, again, like an advocate that I am,
and how I care about my community and my building
because of inadequate heating, and they tried to
harass me and bully me into telling me that I did not
pay my rent when I literally had direct deposit
receipts for my rent. So, they harassed me, and that
was a scare tactic that landlords use a lot for a lot

of tenants. And I didn't figure that out until, you know, I came here. Also, they continued to harass me. I was unable, thanks to these laws that are being in place, had I not had legal representation or organizations like CASA, where they provide legal counsel for us, I would have not been able to state my case. You know, I didn't know that also they owed me tons of money. I had money, like, backlogged, like, for many years. And that they, you know, that they owed me. So, I'm coming here now to you guys to beg you that you pass the local law, and you continue to give us and give other people like me and working class or people that are under public assistance help because we need it. Our landlords are, you know, violating, have multiple violations, and they continue to get more buildings, and they harass and bully each of us. Like, currently, right now, our elevator's been broken, and now we're going to go maybe, like, for three months without an elevator. We have a 10th floor facility. So now all of us, you know, tenants have to, you know, walk up the stairs. Thank God I live in the second floor, but I feel bad for my other neighbors. You know, and then meanwhile, our glasses are getting broken. We have constant

criminal activity coming on all the time. It's not like an isolated incident. It's happening every two months, you know, and like, and it's really bad. So our, you know, our management is not keeping us safe. The cameras are not working properly. There's been theft of our packages. So, there's a lot of things that they're doing and they're violating. So, I thank you again very much for listening to us.

CHAIRPERSON BREWER: Thank you all. We are going to work on more funding and everything else that came up today, but your stories are impactful. Thank you.

Public testimony. I now open the hearing for public testimony. I remind members of the public that this is a government proceeding and that decorum shall be observed at all times. As such, members of the public shall remain silent at all times.

The witness table is reserved for people who wish to testify. No video recording or photography is allowed from the witness table. Further, members of the public may not present audio or video recordings as testimony, but may submit transcripts of such recordings to the Sergeant-at-Arms for inclusion in the hearing record.

If you wish to speak in today's hearing, please fill out an appearance card, if you haven't already, with the Sergeant-at-Arms and wait to be recognized. When recognized, you will have two minutes to speak on today's oversight hearing topic, Right to Counsel in Housing Court.

If you have a written statement or additional written testimony you wish to submit for the record, please provide a copy of that testimony to the Sergeant-at-Arms. You may also email written testimony to testimony@counsel.nyc.gov within 72 hours of the close of this hearing. Audio and video recordings will not be accepted.

And for in-person panelists, those who are in the room, please come up to the table once your name has been called.

And now I will call the first in-person panel, Michele Anne Blondmonville, Lead for Humanity, and then Katarzyna Dover, Timothy Paulson, and Christopher Johnson.

Thank you very much.

MICHELE ANNE BLONDMONVILLE: Hello. My name is Michele Anne Blondmonville, and I'm a health educator for 40 years and an adjunct lecturer at NYU,

trainer American Red Cross, and various amenity companies in the city.

First, thank you for your servitude in these difficult times. I'm speaking on behalf of everyday people who are Havana syndrome or anomalous health incident victims. Some knowingly and unknowingly, with the glowing awareness of the benefits afforded to our diplomat counterparts, we hold fast that notion that one day we too will be recognized and one day free from torture, pain, and invisibility, and the weaponization of technology. Havana syndrome includes remote access to the biology of a human being. Everyday people, Havana syndrome victims, is comprised of diagnosed Havana syndrome victims who have unlawfully been experimented on and endured targeting in various nefarious manners. A lot of these building managers have FCC licenses to experiment on their tenants, and that needs to be stopped. These heinous crimes include but are not limited to organized stalking, smear campaigns, noise harassment, electronic assaults with directed energy weapons, non-consensual human experimentation socially and technologically with AI and other various technologies. They are put on a legal list

2 unknowingly that are distributed to various agencies
3 for them to be experimented on for vindictive
4 reasons, technological research, and political
5 vindictiveness. No one should have their brain
6 accessed or their (TIMER CHIME) biometrics accessed.
7 We are asking for laws like the one California law SB
8 1223 and Colorado House Bill 241058 to protect our
9 biological data.

10 CHAIRPERSON BREWER: Can you wrap up?

11 MICHELE ANNE BLONDMONVILLE: Yes, and for
12 the building managers to have laws as well that they
13 are not participating and getting paid to participate
14 in these heinous crimes.

15 CHAIRPERSON BREWER: Thank you very much.

16 Next. You want to go, sir? Go ahead.
17 Yeah, push the button. Yep, there you go. No, one
18 more time. Push. There you go.

19 TIMOTHY PAULSON: Okay. There we go. My
20 name is Tim Paulson. I live in the East Village.
21 Thank you for your time today, Gale Brewer, and I'm
22 speaking on the Right to Counsel.

23 On a 90-degree morning on January 23,
24 2025, I woke to a hard knock on the door. A few
25 minutes later, I found myself facing a city marshal

who broke into my kitchen with a credit card and some WD-40 with no warrant. I said I was sick. He said he'd get an ambulance. Ten minutes later, there were a bunch of FDNY and NYPD backing up warrantless break-in guy. I was evicted by mistake, possibly unlawfully, but what was I going to do? I needed a stay from a judge. I went to Housing Court only to find a handwritten sign saying there would be no free public lawyers for the days of my case. I wound up facing the judge and my rapacious landlord's attorney on my own. I had no way of knowing these guys had moved so fast, (INAUDIBLE), my landlord, that they grabbed the wrong template for my case. They said my rent-stabilized home of 37 years was not rent regulated. The case could have been thrown out, but I'm not a lawyer, I didn't know. That hour in court was as ugly as the eviction. I later got back into my place and had my stuff restored to me, cats included, solely due to the sweat and genius of Legal Aid Society, who also won my 38,000-dollar two-year delayed one-shot deal. Pro-bono lawyers will clock overtime, that's Legal Aid Society. If equality and the law is the bedrock of democracy, the Right to Counsel is what it sits on. When (TIMER CHIME) the

poor have to go to their own court, there's no justice possible. Today, in our city, the Right to Counsel remains unfunded. I make this demand as a New Yorker, fund the Right to Counsel.

CHAIRPERSON BREWER: Thank you very much. I appreciate your testifying today.

Go ahead.

KATARZYNA DOVER: Good evening. My name is Katarzyna Dover. I represent Bronx. I am one of these people who do not qualify for the free assistance. I used to have a lawyer on my HPD case. Nonetheless, because proceedings take so long, I had to let this lawyer go because I would be on public assistance by now so I am representing myself as a pro se in the case. I would like to offer some observation as someone who is representing themselves as a pro se in a HPD case. So, in terms of funding for lawyers, I would like to offer some food for thought, and it goes like this. I noticed the court is very willing to impose the civic fines for noncompliance. But when it comes to executing these fines, court finds some technicality and these fines are hardly ever actually executed. In my case, those fines are substantial. It's 82,000 dollars plus additional 40,000 dollars,

so 120. I think that would make one salary for one fine lawyer to represent 70 cases. And that's just one example. I would like to ask for investigation into how many fines are imposed versus how many fines are actually...

CHAIRPERSON BREWER: Collected.

KATARZYNA DOVER: Collected because this is the source of the money that City could have for these programs, and I don't know if anyone is actually looking at it.

Another issue that I find (TIMER CHIME) that would be very constructive in terms of cutting the long line that's forming every morning in front of the courthouse is as follows. Once the C-type violations or any violations are imposed, if the judge could order the opposing party to take responsibility to pay rent for the person that has to relocate to allow repairs to be executed. Because the only thing I noticed that works is fines and money. In my case, lawyers did not show up to court unless the fines were imposed. Repairs were not scheduled unless the fines were imposed. And now, I am as a pro se put into position of fighting for the City so the fines would be imposed. Because if they are not

imposed, I cannot seek the relief in contempt proceedings. That's why I got roped into this whole thing. Otherwise, it's actually, I'm a shareholder, it's against me to have these fines imposed, but you do understand the point. So, I would like to ask for these two things. The investigation, where the money goes, why it's not enforced. And the second one, to give the judge free hand that he can order if, the landlord is responsible, and start paying right away from his pocket for people's relocation. Their repairs will be executed much faster and that line would not be that long. Thank you very much.

CHAIRPERSON BREWER: Thank you very much.

Go ahead, Mr. Johnson.

CHRISTOPHER LEON JOHNSON: Yeah. Hello, Chair Brewer. My name is Christopher Leon Johnson. A little disclaimer, I think that you should have gave us the same amount of time you gave those non-profits. I think it was unfair how you treated this panel, unlike you treat the non-profits. I understand that the non-profits own the City Council, but if they get three minutes and four minutes, we should get the same amount of time to speak. Especially that lady right there, she had a lot to say. You should

have gave her time to speak. That was wrong for you, Mrs. Brewer.

I want to make it clear that, look, I support Right to Counsel. What needs to start happening, since you're the Oversight Investigation Chair, you need to ask Legal Aid, like what are they doing with the money that they're getting from the City Council to do these cases? A lot of these non-profits that was here, they already have Right to Counsel rights to do, like to protect tenants, but they do the bare minimum to save their butts when it comes to getting funding from the City Council. This union right here, they do the bare minimum. I know how this goes. I'm calling the City Council to really have another hearing, and start calling and have a special hearing with all these non-profits, like Legal Aid Society, and all these other non-profits, and ask them, we give you all this money, what are you doing with the money to help out these tenants? Because what I'm hearing from a lot of people, especially Anthony Sabella (phonetic), he told me last night, that what they do is they do the bare minimum for the tenants, and they just say, oh, we'll pay you, we'll just stay no two months, and then

they'll kick you out, and that's not right. You give all these non-profits all this money, and they're not doing the right thing. So I'm saying, going forward, that all these non-profits need to be audited when it comes to this stuff. We could fund RTC all we want, 30 million, 50 million, but they're not doing the right thing. Just taking that money and line their pockets up while the tenants suffer. It does no justice. So like I said, thank you so much, and enjoy your day. Thank you.

CHAIRPERSON BREWER: Thank you very much. Thank you very much, panel. I appreciate it.

I'm glad you got back in your apartment, sir.

We will now turn to virtual panelists.

For virtual panelists, once your name is called, a Member of our Staff will unmute you, and the Sergeant-at-Arms will set the timer and give you the go-ahead to begin. Please wait for the Sergeant to announce that you may begin before delivering your testimony.

I will call our first virtual panelist, Mbaki Thiam.

SERGEANT-AT-ARMS: Starting time.

1 MBAKI THIAM: Hello.

2 CHAIRPERSON BREWER: We can hear you.

3 MBAKI THIAM: Can you hear me?

4 CHAIRPERSON BREWER: Yes, we can hear you.

5 MBAKI THIAM: Okay. Yeah, I was just
6 making sure it was my turn to speak because I didn't
7 hear you.

8 My name is Mbaki Thiam. I'm the Housing
9 and Health Community Organizer at the Center for
10 Independence of the Disabled in New York. I advocate
11 for people with disabilities in the five boroughs of
12 New York City.

13 I'm stepping in this hearing because of
14 the importance of people with disabilities to stay
15 together with their family and be represented when
16 they have to face Housing Court, when they have to be
17 in court against their landlord. So, it is also very,
18 very important to us because we need to know about
19 the program. People with disabilities need to know
20 and understand their rights to be represented before
21 being subjected to addiction. So, we demand
22 organizations that receive the Right to Counsel
23 funding to expand the program and develop an outreach
24
25

strategy that's very inclusive for people with disabilities.

Also, I'm also here to urge the City to provide more funding for this program and expand it so everyone who is in Housing Court and who is entitled to have a legal representative or a lawyer will be able to have it without having difficulties. We also urge the City and the organizations who are receiving the funding to also provide different communications or ways of communication that's inclusive to people with disabilities, like sign language or Braille or captioning in case they have meetings in this program or hearings.

I will submit a written testimony, but I wanted to take a moment and thank (TIMER CHIME) Council Member Gale Brewer for providing us the opportunity to testify. Thank you.

CHAIRPERSON BREWER: Thank you very much.

Thank you for making the time to testify.

We've now heard from everyone who has signed up to testify.

If we inadvertently missed anyone who would like to in person, please visit the Sergeant's table and complete a witness slip.

If we inadvertently missed anyone who would like to testify virtually, please use the raised hand function in Zoom and a Member of our Staff will call on you in the order of hands raised.

I will now read the names of those who registered to testify but have not yet filled out a witness slip. Jerome Fearson (phonetic), Mario Diallo (phonetic), Laura Ewan (phonetic), Osama Morona Hope (phonetic), Flatbush Tenant Association, Pilar De Jesus, Ilan Rabinowich (phonetic), John Kelly (phonetic), and Alex Stein.

Seeing no one else, I would like to note again that written testimony which will be reviewed in full by Committee Staff may be submitted to the record up to 72 hours after the close of this hearing by emailing it to testimony@council.nyc.gov.

I want to thank everyone who testified. I want to say very explicitly that we called on this hearing because we know a lot has to be done and we are very serious about the suggestions that were made today. I think there was interest from the City and the court about following up and we will do so. Thank you all very much.

This hearing is concluded. [GAVEL]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date November 11, 2025