

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE OF COURTS AND
LEGAL SERVICES

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September 26, 2016
Start: 10:34 a.m.
Recess: 5:15 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Rory I. Lancman
Chairperson

COUNCIL MEMBERS:

Andrew Cohen
Vanessa L. Gibson
Ben Kallos
Carlos Menchaca
Paul Vallone
Barry S. Grodenchik
Mark Levine
Elizabeth S. Crowley
Brad Lander
Mark Treyger
Helen K. Rosenthal
Ydanis Rodriguez

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

Johnathan Lippman
Latham and Watkins Law Firm

Ruben Diaz
Bronx Borough President

Steven Banks
NYC Department of Social Services Commissioner

Jordan Dressler
Civil Justice Coordinator at HRA

Gale Brewer
Manhattan Borough President

Jesus Louis Cardoso [sp?]

Randy Dillard

Carmen Vega Rivera [sp?]

Leyla Martinez
Bronx resident

Andrew Scherer
Impact Center for Public Interest Law at New
York Law School

Neil Steinkamp
Stout Risius Ross

Ray Roth
Stout Risius Ross

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

John Kiernan
President of New York City Bar Association

Diana Sen
President of the Network of Bar Leaders

Joe Rosenberg
Catholic Community Relations Council

Andrew Lehrer
Managing Attorney for Housing at Catholic
Migration Services

Manuel Rodriguez
Reverend

Edward Campanelli
HousingWorks

Elizabeth Strojan
Enterprise Community Partners in New York

Edward Ubiera
Local Initiatives Support Corporation

Thomas Waters
Community Service Society of New York

Eduardo Paez
Catholic Migration Services

Debbie Stevens
Tenant

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

David Udell
National Coalition for Civil Right to Counsel

Risa Kaufman
Columbia Law School Human Rights Institute

Lily Cadino [sp?]
1199 Downstate Division

Beth Goldman
New York Legal Assistance Group

Leah Goodridge
MFY Legal Services

Adrienne Holder
Legal Aid Society

Edward Josephson
Legal Services NYC

Scott Sommers
UAW Region 9A New York Director

Joan Beranbaum
Director and Chief Counsel of DC 37 Municipal
Employees Legal Services

Giselle Routhier
Coalition for the Homeless

Olga Apt-Dudfield
Montefiore Medical Center

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

Fatisha Pinkney [sp?]
Lead Safe House resident

Katelyn Hosey
LiveOn New York

Taylor James
Legal Aid Society UAW Local 2325

Aya Tasaki
Poverty Justice Solutions Fellow at Community
Development Project at Urban Justice Center

Jenny Laurie
Housing Court Answers Now

Harry DeRienzo
Banana Kelly

Elizabeth Brown
NYC Independent Budget Office

Ignacio Jaureguilorda
Poverty Justice Solutions

Steven Hasty
Bronx Defenders Civil Action Practice

Ezi Ukegbu
Brooklyn Legal Services Corporation

Charles Nunez
Community Advocate at Youth Represent

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

Tahica Fredericks
Banana Kelly

Wanda Swinney
Banana Kelly

Vivian Slonnenfeld [sp?]
Metropolitan Council on Housing

Matthew Abuelo
Metropolitan Council on Housing

Elvis Santana
Banana Kelly

Emmanuel Pardilla
Northwest Bronx Community and Clergy

Angela Pham
Metropolitan Council on Housing

George Satiroff
CASA

Anna Reyes

Lutella Dordan [sp?]

Lourdes Garcia
CASA

Dave Shubrin
CASA

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

Chris Chalfant [sp?]

Katy Dwarte [sp?]

Lourdes de la Cruz

Valerie Stevens
CASA

Elizabeth Thompson
Kingsbridge Heights Neighborhood Improvement
Association

Fitzroy Christian
CASA

Elizabeth Hellman [sp?]

Earnest Martinez
University Settlement

Pablo
Behalf of Dionne Hawkins

Ayisha Oglivie
Manhattan Community Board 12

Lucy Arroyo
Bronx resident

Hemmer Pascale
CASA

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

Lisa Young Ruben
Paralegal Advocate

Althea Matthews
CASA

Madeline Mendez
Bronx resident

Adelina Saint Clair

Rochelle Thompson
First Lady of Jazz in Harlem

Monique Murray
CASA

Hillary Exter
Urban Justice Center

Jose Rentas

Beverly Creighton
CASA leader

Richard Flores

CHAIRPERSON LANCMAN: 14A, a Local Law to amend the Administrative Code of the City of New York in relation to providing legal counsel for low income eligible tenants who are subject to eviction, ejectment or foreclosure proceedings. Over 50 years ago the Supreme held in Gideon vs. Wainwright that the Constitution guaranteed a right to counsel for all criminal defendants who faced the prospect of imprisonment. In doing so, the court recognized the necessity of legal representation to protect individuals at risk of loss of liberty through criminal conviction. The Constitutional right to counsel has not been extended to civil cases, even though the stakes in those cases can be every bit as substantial. This logic is particularly strong in Housing Court. Civil Housing judgements can result in life-altering evictions, ejectments and foreclosures. Providing legal representation to low income New Yorkers has the potential to be dramatic in these cases. Particularly grateful that we will be hearing testimony from former Chief Judge Johnathan Lippman who more than anyone else in the State of New York has raised awareness and fought the fight to, in practical terms, recognize the

1 importance of applying the principles of Gideon vs.
2 Wainwright in the civil arena. We're going to hear
3 testimony today about this issue, but one startling
4 statistic should drive home just how much of a
5 disadvantage low income New Yorkers are at in Housing
6 Court. According to statistics kept by the New York
7 City Housing Court, in 2013, 99 percent of landlords
8 in the eviction proceedings were represented by an
9 attorney. By contrast, just one percent of tenants
10 had legal representation. Since 2014, as the result
11 of city efforts to expand access to legal assistance
12 for low income tenants, the rate of legal
13 representation for tenants in Housing Court has risen
14 to 27 percent. In turn, we have seen residential
15 evictions decline by 24 percent. The correlation
16 between representation by counsel and the ability to
17 stay in one's home is crystal clear. While this is
18 certainly progress, when three-fourths of tenants
19 still don't have representation in Housing Court,
20 it's clear that we have a lot more work to do. This
21 demonstrates the immense potential for value added in
22 providing legal representation for low income New
23 Yorkers facing civil legal issues. Until now,
24 indigent civil legal services have been managed
25

2 through a patchwork of programs and entities, and it
3 is long overdue for the City to undertake a
4 comprehensive effort to continue the positive work of
5 expanding civil legal representation for low income
6 New Yorkers. With that, I would like to invite the
7 sponsor of the legislation, Council Member Mark
8 Levine, to say a few opening remarks.

9 COUNCIL MEMBER LEVINE: Thank you very
10 much, Mr. Chair. Thank you for being an incredible
11 partner in this legislative process and for your
12 strong leadership of the committee. We're here to
13 address a very serious issue this morning. We're
14 here to address a crisis. That crisis is the threat
15 of eviction faced by tens of thousands of tenants,
16 our fellow New Yorkers who are on an incredibly
17 uneven playing field in a place where the standard
18 should be fairness, but there is no fairness in an
19 eviction proceeding, when the landlord has an
20 attorney and the tenant does not, and that sadly is
21 precisely the situation faced by the vast majority of
22 tenants in Housing Court in New York City today. The
23 results of this injustice are predictable, an
24 epidemic of evictions; 22,000 last year alone. The
25 good news is we know how to bring down this painfully

2 high number. We know that when you provide a lawyer
3 to a tenant, their chances of avoiding eviction
4 improve dramatically. Anyone who doubts this only
5 has to look at the numbers. Over the past two years,
6 thanks to an incredible commitment from both the
7 Mayor and the City Council, we have dramatically
8 increased our funding for anti-eviction legal
9 services, and this has resulted in a 24 percent drop
10 in the number of evictions compared to two years ago.
11 This is an astounding result and one we should all be
12 proud of, but let's not spend too much time patting
13 ourselves on the back, because even today 73 percent
14 of low income tenants are still facing eviction
15 proceedings without an attorney. Our bill, Intro 214,
16 would change that. It would give every low income
17 tenant the right to an attorney, and that will be a
18 game change here in New York City that will
19 reverberate across the nation. The moral case alone
20 is enough for us to pass this bill, but I hope this
21 hearing today will also focus on the financial case,
22 because establishing a right to counsel is an
23 investment that will save our city millions of
24 dollars every year. The math is not that
25 complicated. It cost around 2,500 dollars to provide

1 a tenant a lawyer, but if that same tenant were to
2 have no lawyer and would be evicted, and as happens
3 in so many cases when families are evicted, were to
4 wind up homeless, it would cost the City tens of
5 thousands of dollars in shelter costs, in extra
6 services in schools, in extra emergency room visits,
7 and increased applications for unemployment benefits,
8 and increased mental health services and more. And
9 since over half of evictions in rent regulated units,
10 and we know those units often go market rate after
11 they're vacated. When we invest in lawyers to
12 prevent evictions we save thousands of affordable
13 apartments, which otherwise the City would have to
14 spend millions of dollars to replace. But don't take
15 my word for it. Look at what the experts say. The
16 New York City Bar Association this year commissioned
17 a report by the respected financial analytics firm
18 Stout Risius Ross which concluded that Intro 214
19 would ultimately save New York City no less than 320
20 million dollars each year. So for moral and
21 financial reasons, I urge my colleagues to support
22 this bill. Thank you, Mr. Chair.

24 COUNCIL MEMBER LANCMAN: Thank you,
25 Council Member Levine. We're also joined by Council

2 Member Vanessa Gibson from the Bronx who is also one
3 of the sponsors and prime movers behind this
4 legislation, and I'd like to invite her to say a few
5 words, but before she does, let me also recognize
6 that we've been joined by Council Members Brad
7 Lander, Ben Kallos, Carolos Menchaca, excuse me, and
8 Mark Treyger. Council Member Gibson?

9 CHAIRPERSON GIBSON: Thank you so much
10 and good morning, everyone. This is a packed house
11 for a very important reason. Thank you to my Chair,
12 Chair Rory Lancman who chairs the Committee on Courts
13 and Legal Services. It's great to be here. I welcome
14 each and every one of you. I am Council Member
15 Vanessa Gibson of the 16th District in the borough of
16 the Bronx, and I am proud to join here as a member of
17 the Committee on Courts and Legal Services joining
18 with Chair Lancman and my fellow co-sponsor, Council
19 Member Mark Levine, and all of the members who have
20 proudly signed on to Intro 214. This is a bill that
21 will give a voice to countless New Yorkers facing
22 harassment, eviction and homelessness as a result of
23 inadequate access to counsel. I am so proud that
24 today has finally arrived after lots of relentless
25 advocacy, tenants coming forward, testimony, emails,

1 demonstrations, rallies, walking the streets, talking
2 to residents. Today has arrived. I want to thank
3 our Speaker, Melissa Mark-Viverito, and many others
4 for allowing this hearing to happen today. Simply
5 put, ladies and gentleman, our Housing Court system
6 is broken. Tenants with little legal knowledge find
7 themselves up against unscrupulous landlords with
8 corporate lawyers and are practically set up to fail.
9 That isn't right. Nowhere is the breakdown of Housing
10 Court and the system more apparent than in the
11 district I represent in the West Bronx. My district
12 is among one of the poorest communities in our city.
13 It yields a substantial share of New York's Housing
14 Court cases and has an increasing number of homeless
15 individuals and families. That isn't right. Instead
16 of focusing on keeping people in their homes, the
17 lopsided Housing Court system has made it easier for
18 landlords to evict tenants and drive up rental
19 prices. That isn't right. Despite working two and
20 sometimes three jobs, many of our families in this
21 city are faced with the growing threat of eviction.
22 The district I represent is home to one of the
23 largest concentrations of students living in
24 temporary housing in School District Nine. That
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1 isn't right. At a time when the Bronx is
2 experiencing unprecedented attention and investment,
3 this is a particular tragic reality for many of the
4 residents I represent and one that I believe is
5 absolutely preventable. Many studies have shown that
6 a tenant with legal counsel will increase their
7 chance of winning their case in Housing Court, of
8 staying in their home, and staying out of the
9 expensive shelter system. By the Administration's
10 own admission, the money recently invested in
11 providing civil legal services and lawyers for
12 tenants in Housing Court has dropped the eviction
13 rate by over 20 percent. This is good, and we
14 commend the Administration for these incredible
15 steps, but we can do better, and we will do better.
16 A guaranteed right to counsel for low income families
17 is the clear next step in our efforts to fight
18 homelessness and combat the impacts of income
19 inequality. Intro 214 will reintroduce justice to
20 the Housing Court justice system and reaffirm our
21 efforts and our commitment to put an end for once and
22 all to the tale of two cities. Intro 214 provides
23 stability. It gives families hope. It gives them
24 another chance to realize that government can
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2 actually work on their behalf and in their favor. I
3 want to thank once again all of our colleagues.
4 There are 42 members of this body that believe in
5 Intro 214, and my partner in this process, Council
6 Member Mark Levine, his leadership and tireless
7 advocacy-- northern Manhattan and Bronx, we are
8 united in this front, because Mark and I represent
9 many families that face eviction every day. They
10 come from our communities. They look like us, and
11 they have a testimony and a story to tell. And not
12 only do I think about those advocates and families,
13 but I think about the children, the children that
14 have no choice but to be stuck in the endless cycle
15 of homelessness. So, I want to thank the Right to
16 Counsel Coalition, all the advocates and many leaders
17 who are here. From my great borough I want to
18 recognize my Borough President Ruben Diaz, Junior, as
19 well as CASA and many others. This is really an
20 important and historic day for tenants, and I could
21 not be more prouder to be here with all of you
22 advocating on this very important legislation. I'm
23 overjoyed to see so many people here in our balcony
24 in support of Intro 214 who believe in this concept,
25 who believe in this message, who believe in this

2 vision. We have many experts and leaders who are
3 here with us to speak about this bill. So, without
4 further ado I thank you all for being here and
5 joining us, and I will turn this back over to our
6 Chair, Chair Rory Lancman. Thank you.

7 COUNCIL MEMBER LANCMAN: Thank you,
8 Council Member. Let me also recognize that we've
9 been joined by Council Member Elizabeth Crowley.
10 With that, we'd like to begin hearing testimony. We
11 will start with former Chief Judge Johnathan Lippman.
12 Judge, if you wouldn't mind being sworn in, we could
13 proceed. Do you swear or affirm that the testimony
14 you're about to give is the truth, the whole truth
15 and nothing but the truth? Thank you very much.
16 Judge Lippman?

17 JOHNATHAN LIPPMAN: It is a pleasure to
18 be here. I'm Johnathan Lippman. I'm of Counsel to
19 the firm of Latham and Watkins for the last 40 years
20 plus. I was an employee of the Unified Court System,
21 and a judge of the Court Claims, a judge of the
22 Supreme Court, the Chief Administrative Judge of the
23 State Courts, the presiding Justice of the Appellate
24 Division First Department, and for the last seven
25 years until January 1, the Chief Judge of the State

1 of New York. I'm delighted to be here in full
2 support of Intro 214. I want to commend the Chairman
3 Rory Lancman for this emphasis on the issue of legal
4 services and his focus, the Speaker for making sure
5 that this hearing took place, Mark Levine, Vanessa
6 Gibson for their tireless support of this bill, and
7 for all of the Council Members who have been so vocal
8 in support of 214. Let me first start by saying what
9 could not be more obvious to me, and that is that
10 there is a crisis in access to justice in this city,
11 in this state, and in this country where literally
12 poor people and people of modest means are falling
13 off a cliff because they cannot obtain legal
14 representation in fighting for the necessities of
15 life, the roof over their heads, their physical
16 safety, their livelihoods, and the well-being of
17 their families. The legal services corporation in
18 Washington is under attack. The poverty level hovers
19 at 20 percent and more, and legal service providers
20 in this city and around the country turn away more
21 people than they can help. In fact, in the heart of
22 the economic crisis of just a few years ago, the
23 Legal Aid Society, the most oldest, most venerable
24 legal aid organization in the country was turning
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1 away eight of nine people who came to them for help.
2 This has produced a justice gap between the finite
3 legal resources available and the desperate need for
4 legal services by the poor, the disadvantaged and the
5 vulnerable. As Chief Judge, in response to this I
6 mad the focus of my tenure to ensure that everyone
7 gets their day in court and that justice is not
8 determined by the amount of money in your pocket.
9 The constitutional mission of the judiciaries to
10 foster equal justice, and there is absolutely no
11 doubt that without that legal system or justice
12 system just doesn't mean anything. The two pillars of
13 my efforts over the years and behalf of Access to
14 Justice and Legal Services has been public funding
15 for legal services as one pillar and the other one
16 being pro-bono work by the Bar, assuring that the Bar
17 lives up to the nobility of our profession. On the
18 public funding front, I truly believe that the new
19 frontier in legal services support is funding at the
20 state and local level. This is the place where 95
21 percent of our citizens come into contact with the
22 justice system, not the federal courts, but our city
23 and state courts here in New York and around the
24 country. The approach that we took was two-fold, and
25

2 I think it very much applies to the dialogue today
3 that you're going to have about 214. On the one hand
4 that supporting legal services for the poor is a
5 moral imperative. It is the right thing to do.
6 Equal justice is the bedrock of our society and our
7 justice system. On the second way of looking at
8 this, I truly believe that the bottom line of our
9 economy and our society is served by funding, public
10 funding, of legal services. Surveys that we produced
11 at the state level show that for every dollar
12 invested in civil legal services for the poor, ten
13 dollars is returned to the city and the state, reduce
14 social services costs, reduce incarceration costs,
15 more federal dollars coming to the city and to the
16 state. As Chief Judge, I'm proud that we put money
17 for legal services right smack in the middle of the
18 judiciary budget, because again, without equal
19 justice, we might as well close the doors of our
20 courthouses. It doesn't mean anything to be open for
21 business if the playing field is so unlevel that
22 people who are poor, people who are not powerful and
23 people who are not connected cannot obtain justice in
24 the courts. And I'm proud that we went from
25 virtually zero dollars for state support for legal

1 services to this year 100 million dollars that we
2 give out in grants to legal service providers around
3 the state, the majority of which comes here to New
4 York City. I am also proud on pro-bono work that the
5 bar is doing its part, that we have a 50-hour
6 requirement in New York that aspiring lawyers must do
7 50 hours of pro-bono work before they can be admitted
8 to the bar, because if lawyers, especially our young
9 new lawyers don't embrace the core values of our
10 profession and that serving others and helping
11 others, then they're not going to be a lawyer in the
12 state or the city of New York. We also have our pro-
13 bono scholars program, our poverty justice solutions.
14 We've changed the rules for foreclosure cases and
15 consumer credit cases in the courts. We have
16 programs with non-lawyers, you know, our navigator
17 program, legal and program help to provide legal
18 assistance. In New York City, I am so proud of this
19 city government, Mayor de Blasio, Commissioner Banks,
20 the City Council, Speaker Mark-Viverito, you have all
21 been so tremendous in putting a focus on this issue,
22 including the establishment of this particular
23 committee. And the combination of the 60 to 70
24 million, I believe it's 62-63 million given to
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2 housing cases in New York. The 50 some odd percent
3 of the monies, 50 million some odd dollars that come
4 to New York from the state judiciary, a great bulk of
5 it going to housing cases, all of these monies
6 together with the support that the City Council has
7 provided has made startling changes in the Housing
8 Court in New York City where just recently Mayor de
9 Blasio announced that 27 percent of the people in
10 Housing Court, tenants, are now represented. And
11 remember, we started from virtually zero. We used to
12 lament that 99 percent of the people in the New York
13 City Housing Court are unrepresented. What a
14 disgrace that was, and what a sea change has taken
15 place. But this is an absolutely tremendous
16 achievement, but I have to tell you that we cannot
17 rest on our laurels [sic]. Too many people are
18 suffering because the playing field is still not
19 level. The most vulnerable in our society, the most
20 important thing that they have in life is the roof
21 over their heads, and they do not have legal
22 representation to ensure that they keep it. So, now
23 is a historic opportunity. We have shown what a
24 difference legal representation makes. Evictions are
25 down over 20 percent. A tenant is 77 percent is less

2 likely to be evicted from their home if they have
3 legal representation. This saves lives. This is a
4 life and death situation. Now, New York City can
5 change the dynamic and access to justice for the
6 entire country. There is a revolution in access to
7 justice going on. We are changing the dialogue. We
8 are shifting the landscape and access to justice. We
9 are re-prioritizing, and everyone should understand
10 that legal services for the poor is equally as
11 important as housing and hospitals and schools and
12 all the things that we hold dear in society. We
13 don't say that "Gee, we don't have money this year,
14 so we can't tend to our sick and we can't educate our
15 children." And we can't say, "Gee, we don't have
16 quite enough money to provide legal representation
17 for those in need. The public is understanding how
18 important legal services for the poor is, and I
19 equate this to what happened in the criminal side
20 with Gideon versus Wainwright, the seminal [sic] case
21 which says that if you're liberty is at stake, you
22 get a lawyer. Well, 20 years before Gideon, the
23 Supreme Court of the United States in Bets [sic]
24 versus Brady said even when you're liberty is at
25 stake, no lawyer. What happened in the 20 years

1 between Betts versus Brady and Gideon versus
2 Wainwright? The dialogue changed. The public
3 understanding of this issue changed to the point
4 where 25 attorney generals of the different states
5 put in amicus briefs and Gideon supporting a right to
6 counsel. That is what's happening on the civil side,
7 that there are 1,000 flowers blooming around this
8 city, around this country on access to justice. The
9 public is understanding. If 20 years ago you asked
10 should someone have a lawyer if their home was going
11 to be foreclosed on or they were going to be evicted,
12 20 years people would have said, "What? Who?
13 Lawyer?" Today, if you go out to the street, after
14 the economic crisis and all the work that we've all
15 done over the years, and you ask should someone get a
16 lawyer if their home is going to be taken away from
17 them, 90 some odd percent would say absolutely. And
18 that's what happened on the criminal side and that's
19 what's happening here, and that is what intro 214 is
20 all about. It ensures that at 200 percent of poverty
21 level, everybody gets a lawyer if they're going to be
22 evicted or foreclose-- if their home was going to be
23 foreclosed on. This is the legal representation that
24 they deserve, that everyone deserves in terms of the
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1 basics of life. New York City can be the first place
2 in the United States of America to have a true right
3 to counsel bill in the most important area in terms
4 of the meaning of life. Again, the roof over
5 someone's head, their housing needs, the harm to
6 human beings is so great when they lose their homes.
7 I don't underestimate, and I think this is a key
8 issue here. I don't underestimate the cost of this
9 bill, which may be estimated, and we really don't
10 know exactly, at around 200 million dollars, but what
11 I do know is that independent studies have shown that
12 the savings will far exceed the cost of this bill in
13 terms of shelter savings, replacing affordable
14 housing, the health and employment issues that affect
15 all of our citizens. It's not even close in my view.
16 And I'm someone who was overseeing a two and a half
17 billion dollar budget at the state judiciary level
18 for so many years, and I strongly believe, and I
19 cannot emphasize enough, that this is the best
20 possible investment that New York City can make, that
21 it's an investment in the people of this city and
22 their lives and paying them the respect that they
23 deserve as human beings. You're going to hear
24 testimony later about the dollars, the independent
25

1 studies and all of those issues, but let me say to
2 you, that I believe that in the end this is not an
3 issue of dollars and cents. It cannot just be an
4 issue of dollar and cents. What this is about is the
5 human toll of people not being able to afford legal
6 representation and not getting justice. What this is
7 about is the biblical admonition in the old testament
8 that tells us, "Justice, justice, shall you pursue
9 for rich and poor, high and low alike." This is what
10 the justice system is all about. This is about
11 ensuring that the scales of lady justice are
12 exquisitely balanced for each and every person who
13 comes into our justice system seeking that concept of
14 justice, making it real and tangible for every single
15 person. I know from speaking around the country,
16 around New York City, around this state, around the
17 country about access to justice, that everybody looks
18 to New York City for leadership on legal
19 representation of the vulnerable and the
20 disadvantaged, and I know that this bill will be a
21 landmark in the "Right to Counsel Movement" and an
22 equal justice that will literally rival the impact of
23 the US Supreme Court case in Gideon versus Wainwright
24 on the criminal part of the justice system. And I
25

2 know that by passing this bill the consequences, the
3 reverberations will be heard around this country and
4 everyone will understand that in New York City
5 justice is not determined by the amount of money in
6 your pocket. This bill is absolutely critical to the
7 viability, the strength, the independence of our
8 judicial system, and I urge you to support Intro 214.
9 Thank you.

10 [applause]

11 CHAIRPERSON LANCMAN: Thank you, Judge.

12 JOHNATHAN LIPPMAN: Thank you.

13 CHAIRPERSON LANCMAN: As always and for
14 everything that you've done on this issue over a long
15 career, particularly as during your tenure as Chief
16 Judge. Let me mention that we have been joined by
17 Council Member Antonio Reynoso, Council Member
18 Mathieu Eugene, and if I did not get him before,
19 Council Member Andy Cohen from the Bronx. Council
20 Member Levine, do you have questions of the Chief
21 Judge? Does anyone have questions of the Chief
22 Judge? You're up.

23 JOHNATHAN LIPPMAN: I used to ask the
24 questions, Councilman. Now I try to answer them.

2 COUNCIL MEMBER LEVINE: Mr. Chief Judge,
3 I'm so relieved that I spoke before you, because you
4 would have been an impossible act to follow. The
5 power of your words are going to resonate for a very
6 long time.

7 JOHNATHAN LIPPMAN: Thank you.

8 COUNCIL MEMBER LEVINE: I think you made
9 the case for the moral argument with a force that's
10 virtually impossible to refute. You correctly
11 identified the debate over the financial impact of
12 this bill as a major point of contention, and as
13 someone who, as you pointed out, has managed a
14 multibillion dollar budget. As someone who has-- is
15 quite familiar with the research on this, could you
16 explain to the average New Yorker how it could be
17 that spending money on providing attorneys could
18 actually save tax payers in the long run?

19 JOHNATHAN LIPPMAN: Well, thank you, and
20 I think it's a very good question. I would say
21 literally when people lack representation, relating
22 to the basic life, the basics of life, their world
23 falls apart. They-- you lose your home. Your kids
24 can't go to the same school anymore. Your job is at
25 risk. You can go on welfare. You can-- there is so

2 many different things that your life is impacted by
3 not having the roof over your head. So, we have done
4 studies to take a look at what the investment is,
5 what it means and what is clear is that not only is
6 it the best investment that you could make, and we've
7 had testimony from the State Comptroller saying that
8 is the absolutely best investment of the state. In
9 New York City, I think it's fair to say that for
10 every dollar that you invest to represent people,
11 that dollar will be multiplied up to, and our studies
12 show, ten times that one-- every dollar gets 10
13 dollars in support again, reduced social services,
14 incarceration, federal dollars coming to the state.
15 In particular, in relation to New York City's cost in
16 the Housing Court, the shelter costs, replacement of
17 affordable housing, health services, so many services
18 to human beings that are affected. Again, I don't
19 think it is debatable, Councilman that this cost
20 which is not a small amount of money will be returned
21 over and over again, and it won't be something that
22 takes years and years to do. It will happen right
23 away because he is saving people's lives, and this
24 translates to saving tremendous costs for the City of
25 New York.

2 COUNCIL MEMBER LEVINE: Thank you, again,
3 Judge Lippman, for the power of your words.

4 JOHNATHAN LIPPMAN: Thank you.

5 COUNCIL MEMBER LEVINE: Thank you, Mr.
6 Chair.

7 COUNCIL MEMBER KALLOS: Chair Lancman,
8 just one quick point if I could? Oh, down here.
9 Councilman Kallos

10 COUNCIL MEMBER LANCMAN: Oh, we've got a
11 list. You're on the list. Council Member Gibson?

12 CHAIRPERSON GIBSON: Thank you very much,
13 Chair Lancman, and welcome and thank you once again
14 Chief Judge Lippman. You have always been such a
15 trailblazer in this effort. I just had two very
16 quick questions. In my opening I talked about
17 students living in temporary housing and how we have
18 several districts throughout the city that the DOE
19 has identified as having the greatest challenges.
20 You talked a lot about the collateral consequences,
21 and you know, we talk about eviction and recognizing
22 that it means being put out of your home, but there
23 is so many other factors that flow from that like a
24 domino effect. I wanted to ask, in your experience
25 working with OCA and the tremendous amount of work

2 that we have done reforming the entire court system,
3 this is one part of it, but there is so many other
4 things that we need to do. So I wanted to ask from
5 your perspective, Intro 214 is an important
6 ingredient in this conversation, but what other
7 suggestions do you think we need to consider as an
8 Administration working with the state to focus on
9 reforming court? When I went on a recent visit to
10 Bronx Housing Court I was appalled at the treatment
11 of residents, those that didn't speak English and how
12 they had to, you know, go through the system. I
13 mean, it was really a zoo, and I feel bad for anyone
14 that goes into that court and really doesn't
15 understand what's happening. So can you just tell us
16 a little bit about some of the other things we need
17 to work on in court?

18 JOHNATHAN LIPPMAN: I think one you
19 mentioned right off the bat is court facilities, and
20 the courts should represent the important work that's
21 done in those buildings, and when you have
22 dilapidated facilities, it, you know, discredits the
23 entire majesty of what the law is all about. I also
24 think that we have work to do in terms of the
25 diversity of our bench, of our court system employees

2 where the justice system should look like the people
3 that we serve, and I think to some degree we have
4 significant work left to be done in the court system,
5 in the political system, to ensure that that's the
6 case. I would also say that while this would be
7 again the seminal event in the United States of
8 America, passing this Right to Counsel Bill, it is in
9 this-- again, and I think the first fundamental of
10 life housing. We need to continue to press for
11 increased legal services for the poor beyond the
12 Right to Counsel which we need and must have in the
13 Housing Court, and I think that we cannot lose sight
14 of the fact that people throughout the court system--
15 we had 1.8 million people last year without
16 representation in the New York courts, 1.8 million
17 people. It cannot be that a court system, a justice
18 system that prides itself on equal justice, that we
19 can allow that to continue. So, I say to you again,
20 there's nothing more important than this bill in the
21 country in terms of legal representation and access
22 to justice, but even this is only the beginning of
23 our efforts to upgrade the justice system, make sure
24 there's a level playing field, make sure that the
25 courts have the resources to treat people the right

2 way with the dignity and respect and make sure that
3 the court system in every way is representative of
4 the population it serves.

5 CHAIRPERSON GIBSON: Thank you so much,
6 Judge. Your expertise has been instrumental in this
7 process, and I want to thank you on a personal level
8 on behalf of the residents I represent in the Bronx
9 for all of your work. I think, you know, you said it
10 best. Justice should not be achieved by the amount
11 of money you have in your pocket, and for many of us
12 this is deeply personal because I think about the
13 children. Their housing status should not determine
14 their academic success.

15 JOHNATHAN LIPPMAN: Absolutely.

16 COUNCIL MEMBER GIBSON: It's simply
17 wrong. It's unacceptable, and I am committed and,
18 you know, your work and your continued advocacy
19 working and helping us with OCA is going to be
20 instrumental. So, I thank you for your testimony.
21 Thank you for being here, and looking forward to the
22 continued partnership. Thank you,--

23 JOHNATHAN LIPPMAN: [interposing] Thank
24 you, Council--

25 COUNCIL MEMBER GIBSON: Chair Lancman.

2 CHAIRPERSON LANCMAN: Thank you. Now we're
3 going to go through questions of Council Members who
4 are in attendance. Let's try to limit it to two
5 questions first go around, and if anyone has any
6 truly compelling questions after that, we can do a
7 second round. Council Member Vallone?

8 CHAIRPERSON VALLONE: Good morning.
9 Thank you, Chair. Chief Judge, I think I'm coming up
10 on my 25th anniversary as a lawyer, and I remember
11 our days back on Sunset [sic] Boulevard, and I'm only
12 very thankful for the rise that you have done to this
13 state and the credibility you've brought to the bar.

14 JOHNATHAN LIPPMAN: Thank you.

15 CHAIRPERSON VALLONE: Thank you for all
16 that you've done and now that you're continuing to do
17 for all of us. I guess being on that side and seeing
18 the litigation part of it and the motion practice and
19 the adjournments and the amount of time that it takes
20 for each one of these critical cases to be heard with
21 the hopeful passing of a bill like this, there's
22 going to be, I would think, an additional burden on
23 the Housing Court system to handle this with just the
24 increased amount of litigation and motion practice.
25 And so my question to supplement what you've already

2 said is, do you think the Housing Court and the way
3 it stands today can handle this or do you envision a
4 future process maybe that can expedite or speed
5 through some of the everyday delays--

6 JOHNATHAN LIPPMAN: [interposing] Right.

7 CHAIRPERSON VALLONE: that are
8 encountered during this process? It'd be a great
9 benefit to all the tenants and the landlords to have
10 a quick resolution.

11 JOHNATHAN LIPPMAN: Thanks. You know, I
12 think it's such an interesting question because to me
13 not having a counsel on one side increases the delays
14 and the logistics of running a major court like that.
15 So, while I do think the whole way we operate will
16 change where both sides have an attorney, but I also
17 believe that you can't imagine the amount of-- you
18 can imagine the amount of resources that go into
19 dealing with unrepresented tenants and clients
20 throughout the court system. so, my belief is that
21 having attorneys on both sides will expedite the
22 process, and while you're right, there will be
23 sometimes increased motion practice or whatever, the
24 things that lawyers do, I also think you'll see less
25 proceedings that are frivolous and that, you know,

2 really don't have merit because the lawyer knows that
3 there's a lawyer on the other side and that there's a
4 level playing field. So, I do think that in many
5 ways the process will be better and we will be able
6 to streamline that court to make it easier, obviously
7 most importantly for the litigant who comes in or the
8 person's whose home is being-- might be evicted from,
9 but for both sides, the landlord's side, the tenant's
10 side. Things will move much better, more seamlessly,
11 although agreed we're going to make some changes
12 recognizing that people-- that there are lawyers on
13 both sides and it's not this lopsided process that
14 you have now that I would also say puts a great
15 pressure on the judge. The judge's job is to be the
16 neutral arbiter and yet the job is to also see that
17 justice is done.

18 COUNCIL MEMBER LANCMAN: Terrific, thank
19 you. Next we will hear from Council Member Ben
20 Kallos.

21 COUNCIL MEMBER KALLOS: Thank you, Chair
22 Lancman, and to the authors Council Member Levine and
23 Gibson. I'm proud to be a co-sponsor as well as the
24 Vice Chair of the Progressive Caucus which has added
25 this to our campaign platform, a campaign we intend

2 to see passed this year. Thank you, Judge Lippman.
3 How's it sitting there without the robe on?

4 JOHNATHAN LIPPMAN: It's okay, really. I
5 like it.

6 COUNCIL MEMBER KALLOS: And so--

7 JOHNATHAN LIPPMAN: [interposing] You
8 guys maybe should-- guys in quotes, should wear
9 robes, you know. Go ahead. I'm only kidding.

10 COUNCIL MEMBER KALLOS: In terms of the
11 United States Constitution versus the New York State
12 Constitution, you've spoken a lot about Gideon versus
13 Wainwright and that reading of the sixth amendment,
14 but this state of New York, thanks to some of the
15 people sitting in this room, has a right to shelter
16 under Article 17--

17 JOHNATHAN LIPPMAN: [interposing] Right.

18 COUNCIL MEMBER KALLOS: Social Welfare.
19 I see some smiles on the front row. Can you speak to
20 how this impact, what the relationship is, why the
21 courts weren't able to expand that article into a
22 similar right as Gideon had to Callahan, and why this
23 law is actually necessary, and what impact it would
24 have for tenants who instead of having to find the

2 right program in the right place can just walk into
3 court and say, "I need a lawyer."

4 JOHNATHAN LIPPMAN: Well, let me say it's
5 a great question. You know, I believe that the right
6 to counsel can happen in three different ways. It
7 can happen by constitution, and if you look at the
8 recent cases at the federal level, Turner versus
9 Rogers, I won't expect it in the next few years, but
10 they would have said the same thing about criminal
11 right to counsel, you know, a number of decades
12 before Gideon. But aside from constitution, it can
13 happen by statute and it can happen by policy. So, I
14 believe what's happening now in this city and in this
15 country is that those two areas are what we're
16 focusing on because to get a constitutional right it
17 takes time and it evolves, and the law, our common
18 law stayed here in New York, the law evolves, and
19 what I think has to happen on the state level-- I
20 don't know if you're aware, there's a joint
21 resolution of the legislature that says people in
22 need are entitled to legal representation or
23 effective legal assistance. So, that's a public
24 policy, but New York City, you can really make the
25 difference. If we don't have, and we don't yet of a

2 constitutional right, in effect you're creating a
3 statutory right, and I believe that all of these
4 things together, the policy and issues, these
5 particularly legislation will be promoted not only in
6 and of themselves the benefits that we get, saving
7 peoples' lives, human beings' lives, I think it will
8 contribute to ultimately one day playing off the kind
9 of thing that you're talking about, a constitutional
10 right whether it is in housing matter or whether it
11 is in the broader realm of civil justice and whether
12 people in need fighting for the basics are entitled
13 to counsel. And I-- so I think it all fits together,
14 and but this step that you will take by passing this
15 bill is monumental, and I use that word advisedly.

16 COUNCIL MEMBER KALLOS: And one
17 additional question is with so many people going to
18 Housing Court and hopefully being able to stay in
19 their units, for those who end up having to leave
20 their units, is there any concern about a list being
21 used to discriminate against tenants and whether or
22 not we should have a human right for going to Housing
23 Court so that people cannot discriminate against you
24 for going to Housing Court and support for
25 legislation that would enact that?

2 JOHNATHAN LIPPMAN: Well, I believe
3 absolutely. As you know, we've talked a little bit
4 about this that there shouldn't be a black list that
5 hurts tenants and hurts their ability to again live
6 meaningful lives, and I think discrimination in any
7 form, but to me, you know, is wrong and something
8 that we obviously just rebel from, and it's so
9 contrary to what this country is all about. But I
10 think the first step, to me, is level the playing
11 field. Let's do that and then we won't need to be--
12 there's still-- look, discrimination is so pervasive
13 in so many areas and we have to always be vigilant,
14 but the first step, level the playing field and we go
15 from there, and that's what 214 is all about.

16 COUNCIL MEMBER KALLOS: Agreed and thank
17 you.

18 JOHNATHAN LIPPMAN: Thank you.

19 CHAIRPERSON LANCMAN: Thank you. Let me
20 also mention we've been joined by Council Member
21 Helen Rosenthal, and now we will turn to Council
22 Member Elizabeth Crowley for questions.

23 COUNCIL MEMBER CROWLEY: Thank you, Chair
24 Lancman. Good morning, Judge.

25 JOHNATHAN LIPPMAN: Good morning.

2 COUNCIL MEMBER CROWLEY: Thank you for
3 your testimony. You're very convincing. I am signed
4 on as a co-sponsor and believe in this bill and the
5 right of New Yorkers to have the counsel that they
6 need in Housing Court. I'm just not sure how many
7 more we'll be able to serve and to the extent of
8 that, and in your testimony and in answering
9 questions, you allude to other civil rights. And
10 now, do you firmly believe that housing is more
11 important than having representation for employment
12 or in Family Court? And also, you talk about a cost
13 savings, and so if we only have a certain amount to
14 spend in the budget, and right now we're spending
15 about 62 million, and if we're only serving one out
16 of nine in need, is it going to cost us eight or 10
17 times as much as we're spending?

18 JOHNATHAN LIPPMAN: No, I don't think so.

19 COUNCIL MEMBER CROWLEY: So, around
20 about, we don't have a fiscal impact of the bill just
21 yet, and then how long should we wait before we
22 provide other necessary civil services?

23 JOHNATHAN LIPPMAN: Well, let me say you
24 have to start somewhere, and that the history of all
25 of this is that on the criminal side you have Gideon

1 versus Wainwright, and I must say you can have the
2 right; if you don't provide the resources, the right
3 doesn't mean anything. And 50 years after Gideon,
4 more than 50 years, around the country it is very
5 uneven in terms of making the promise of Gideon real.
6 The other thing that you'll have at this point-- is
7 very limited-- in custody cases. If they're going to
8 take your children away, you get an attorney. So
9 those are two areas, one very broad in the criminal.
10 To me, the next frontier, the first place that I
11 would go is housing. It doesn't diminish the
12 importance of these other areas. In fact, the way I
13 tried to in my efforts as the Chief Judge, I tried to
14 characterize it as necessities, essentials of life,
15 roof over your head, physical safety, domestic
16 violence-type situations, issues relating to your
17 livelihood, issues relating to your family. But
18 again, I think that we have to get our priorities
19 straight. To me, the basics-- to me, it does make
20 sense that the next step is housing, and I believe
21 that all these here, that every human being when
22 they're dealing with the basics of life should have
23 an attorney, a legal representation or at the very
24 least effective legal assistance. So, I think it's a
25

2 first step, but a first giant step, and in terms of
3 what it costs, I don't believe that you're going to
4 hear testimony later today that'll talk about-- and
5 Commissioner Banks will tell you that they're just
6 ramping up a lot of this representation. So what
7 you're getting exactly from the dollars that you're
8 providing now between the money from the state
9 judiciary, the money from the Administration and the
10 City Council, we don't really know exactly, you know,
11 what that money buys, but I do think as you get more
12 and more representation, you're going to get less
13 eviction proceedings. And my belief, and it's the
14 roughest of numbers, and you can have people more
15 expert in the New York City financial community and
16 some of these independent studies, I think you're
17 talking realistically in the 200 million dollar
18 range, but I urge you to look at some of the
19 individual-- independent studies that show far, far
20 greater savings, shelter costs, replacing affordable
21 housing and some of the social services cost. So, I,
22 again, this is my view. You be wise stewards of the
23 fiscal stability of the city by making this
24 investment. It's a good investment, I believe. We
25 return to the city over and over again. But again,

2 let me emphasize to you, we can fuzz around about
3 what exactly the dollars are because no one knows
4 exactly, but my belief is in the end this is not
5 about dollars and cents, that you'll have to in the
6 first instance believe, make that commitment to help
7 the vulnerable, the disadvantaged with legal
8 representation that saves their lives and with the
9 general understating, and I believe you'd be on
10 pretty-- a firm footing, that this investment will be
11 more than returned by the lives that you save and the
12 money that New York City saves from doing so. Thank
13 you.

14 CHAIRPERSON LANCMAN: Thank you. Council
15 Member Lander here? Okay. I know people have to
16 jump out for other meetings. Council Member Andrew
17 Cohen?

18 COUNCIL MEMBER COHEN: Thank you, Chair.
19 Good to see you, Judge.

20 JOHNATHAN LIPPMAN: Good to see you.

21 COUNCIL MEMBER COHEN: You know, I'm
22 going to take just two seconds. I was a Court
23 Attorney in Civil Court and I was a Law Secretary in
24 Bronx Supreme Court--

2 JOHNATHAN LIPPMAN: [interposing] Why did
3 you give all that up for to become a councilman?

4 COUNCIL MEMBER COHEN: I don't know, but
5 I will tell you that--

6 JOHNATHAN LIPPMAN: [interposing] Only
7 kidding. Only kidding.

8 COUNCIL MEMBER COHEN: to give credit to
9 the judiciary, people should know that the court
10 system certainly, you know, where I was involved, I
11 witnessed the court system really making herculean
12 efforts to make sure pro-se's [sic] got treated
13 fairly by the system.

14 JOHNATHAN LIPPMAN: Yes.

15 COUNCIL MEMBER COHEN: But obviously,
16 that's not the best way to do it. Having the parties
17 represented would be, well, more equitable, but--

18 JOHNATHAN LIPPMAN: [interposing]
19 Definitely.

20 COUNCIL MEMBER COHEN: I do think that
21 people should know how many of our judges, how hard
22 they work to make sure that people--

23 JOHNATHAN LIPPMAN: [interposing] They
24 sure do.

2 COUNCIL MEMBER COHEN: who are not
3 represented get treated fairly. Council Member
4 Gibson described Bronx Housing Court as a zoo. It is
5 my understanding that they actually give out butter
6 when you go in so that they could squeeze all the
7 people into Housing Court, because it is so insanely
8 crowded there.

9 JOHNATHAN LIPPMAN: And let me just add,
10 just stop you for one second and say when that court
11 was first built years ago, we thought this was the
12 state of the art, this modern new building, and now
13 as you say, it's become obsolete in many ways.

14 COUNCIL MEMBER COHEN: You know what
15 [sic], and I know you sort of answered in the context
16 of Council Member Vallone's, but you know, in some
17 ways maybe motion practice might reduce the
18 appearance, the need for appearances. I'm wondering
19 what you think the impact might be on--

20 JOHNATHAN LIPPMAN: [interposing] I agree
21 with that. I think in general there are too many
22 appearances in our New York City and New York State
23 courts for that matter, and having lawyers there, I
24 would hope, will ease the process, because as I think
25 you're implying that when people come in and they

2 don't know where the hell they are, what they're
3 doing, the judge tries to be helpful, and you wind
4 up-- things are not efficient. You wind up having
5 lots of appearances inconveniencing the litigant and
6 not necessarily moving the case forward. So, I
7 believe in lawyers, and I think that it should be
8 very helpful in that regard. But again, antiquated
9 facilities is something that we also have to address.
10 And remember, New York City is the landlord for the
11 court facilities. So, it's not acceptable for any of
12 us that we allow some of these facilities to be so
13 not appropriate for the, you know, the function that
14 it's supposed to provide.

15 COUNCIL MEMBER COHEN: The Bronx County
16 Housing Court, like you said, is a very nice
17 building, but it is not large enough to handle what's
18 going on there.

19 JOHNATHAN LIPPMAN: There is no quest--
20 because again, housing has become so important in
21 this city for the lifeblood of New York City.

22 COUNCIL MEMBER COHEN: I will just say I
23 agreed with everything in your testimony, and my own
24 experience-- this is going to frighten lawyers in the
25 chamber here today, but on occasion I do go to

2 Housing Court with constituents where sometimes, you
3 know, I've seen-- they come in with these horrible
4 one-sided stipulations.

5 JOHNATHAN LIPPMAN: Yes.

6 COUNCIL MEMBER COHEN: And I just-- I
7 just find that I cannot abide it, and I do find
8 shockingly when, you know, an attorney and a City
9 Council Member shows up on behalf of a tenant that
10 things move a lot better. So, I think that, you
11 know, that should not have to be the case.

12 JOHNATHAN LIPPMAN: It should happen in
13 every case in every day of the week, and fairness is
14 what the court system is supposed to be about, the
15 justice system. That's the first question. Is it
16 fair?

17 COUNCIL MEMBER COHEN: Thank you for your
18 testimony. Thank you, Chair.

19 CHAIRPERSON LANCMAN: Thank you. Next we
20 will hear from Council Member Antonio Reynoso.

21 COUNCIL MEMBER REYNOSO: Thank you,
22 Chair, for this hearing and all the co-sponsors for
23 the work that they're doing here, and thank you,
24 Judge--

2 JOHNATHAN LIPPMAN: [interposing] Thank
3 you.

4 COUNCIL MEMBER REYNOSO: for being with
5 us. First off, I want to make a quick statement.
6 Someone asked me to explain to them in layman's
7 terms-- well, a constituent, in layman's terms
8 exactly what was happening here, and I told them no
9 matter who you are and where you come from, if you
10 have a case against the landlord or the landlord has
11 a case against you,--

12 JOHNATHAN LIPPMAN: [interposing] Right.

13 COUNCIL MEMBER REYNOSO: that you would
14 have a Marty Needleman by your side is how I
15 explained that, and they understood it right away.
16 They said, "Oh--

17 JOHNATHAN LIPPMAN: [interposing] I think
18 that's a good analogy.

19 COUNCIL MEMBER REYNOSO: They said,
20 "Marty, Marty." I'm like, "Yes, you get a Marty."
21 So they're excited about it. The next thing I wanted
22 to ask is, if you could help me or for the millions
23 watching at home that are watching the City Council
24 hearing, just go through--

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JOHNATHAN LIPPMAN: [interposing] More than the debate tonight, we have people watching?

COUNCIL MEMBER REYNOSO: I'm not sure. I'm not sure, but I hear we're competing.

JOHNATHAN LIPPMAN: Okay, good.

COUNCIL MEMBER REYNOSO: Can you go through the day of a tenant that has to run through Housing Court that's probably never been there before of what it looks like? And I'm just hearing some stories in the Bronx, for example, that people wait in line outside in the winter to trying to get into Housing Court. Just what a day in the life of a tenant trying to figure this out goes through, if you could help me.

JOHNATHAN LIPPMAN: Well, I've never had to do it, but I have a good idea of what goes on. I think as you say, first of all, you got to find the courthouse. You're not-- no one's with you. You know, you're intimidated before you start. This is the court and you're going to see a judge or whatever. Then you'll have to come in, figure out where is your proceeding going to be heard. You have a piece of paper with you maybe, but you don't understand what it means. Maybe you speak a

2 different language, and you know, it's difficult to
3 figure out exactly what this-- what's going to happen
4 to you. You go into-- you finally find your
5 courtroom, wandering around. A building as crowded as
6 it is, it also is imposing, you know, to you. You
7 come into the courtroom. There's a courtroom full of
8 people like we have here. When is your case going to
9 be heard? And you get up without a lawyer and you--
10 you know, when they call your case, and you say to
11 the judge, you know, whatever it is. "Gee, I paid
12 the rent." Or, "I don't know why I'm here." Or
13 whatever it is, and the judge tries to be helpful.
14 The-- sometimes the opposing counsel, the landlord's
15 counsel tries to be helpful. There are people trying
16 to settle things out in the hallways, you know, like
17 a market with your life, dealing with your life, and
18 more than likely they're going to tell you, "Well,
19 you didn't pay rent for x amount." Come back on so
20 and so date, and you'll start all over again. And if
21 you had a lawyer, that lawyer would be going into
22 court with you, into that courtroom reassuring you
23 that, you know, it's going to be okay. Let us try and
24 resolve this. Fifty percent of the time or more,
25 talking to the other lawyer and working it out before

2 you even have to appear in front of the judge. And
3 to put a human being through the other process, when
4 I think for a relatively modest investment when you
5 look at what you're dealing with, to be able to treat
6 human beings with dignity and respect would make all
7 the difference in the world.

8 COUNCIL MEMBER REYNOSO: Thank you for
9 that, and regardless of economic analysis, I don't
10 think justice has a price. So, I'll be supporting
11 this. Thank you.

12 JOHNATHAN LIPPMAN: Thank you.

13 COUNCIL MEMBER REYNOSO: Thank you.

14 CHAIRPERSON LANCMAN: Thank you. Council
15 Member Carlos Menchaca?

16 COUNCIL MEMBER MENCHACA: Thank you,
17 Chair, and it's an honor, Judge Lippman, to have you
18 here today before us.

19 JOHNATHAN LIPPMAN: Thank you.

20 COUNCIL MEMBER MENCHACA: And I'm going
21 to-- I'm Chair of the Immigration Committee, and
22 we're doing a lot of work, and really you've been a
23 pioneer in so many ways--

24 JOHNATHAN LIPPMAN: [interposing] Thank
25 you.

2 COUNCIL MEMBER MENCHACA: of the work
3 that we're trying to do in all the courts for all New
4 Yorkers. My question is really to tell us a little
5 bit about the fabric of the immigrant--

6 JOHNATHAN LIPPMAN: [interposing] Yeah.

7 COUNCIL MEMBER MENCHACA: in the courts,
8 and really thinking about a kind of texture that I
9 think we're all thinking about. Immigrants have the
10 added, and you mentioned it earlier in Council Member
11 Reynoso's question--

12 JOHNATHAN LIPPMAN: [interposing] Yeah.

13 COUNCIL MEMBER MENCHACA: about the
14 language barrier. And so, two things in your
15 response. So I want to get a sense of the texture of
16 the immigrant--

17 JOHNATHAN LIPPMAN: [interposing] Yeah.

18 COUNCIL MEMBER MENCHACA: through Housing
19 Court, and then secondly, really thinking about the
20 immigrant as a New Yorker that has multiple barriers.

21 JOHNATHAN LIPPMAN: I agree.

22 COUNCIL MEMBER MENCHACA: So tell us a
23 little bit about that.

24 JOHNATHAN LIPPMAN: Well, let me say I
25 think that first of all, legal representation and

2 immigration cases themselves, putting aside the
3 immigrant who's coming into the courthouse, is such
4 an important issue, and you know, we've been working,
5 my friend Judge Katzman [sp?] on the federal side,
6 there's a wonderful program to represent people in
7 immigration cases, and we've been working with the
8 monies that we have on the state and city side to
9 sort of parlay those monies. Because the two issues
10 are related in that immigration has collateral
11 consequences. So when someone is involved in an
12 immigration case, they may not realize that something
13 that happened in the state or city courts is going to
14 impact on their immigration. You know, if you're
15 convicted of a minor crime, for instance, it can
16 result in automatic deportation, but yet, if you
17 didn't have a lawyer and you didn't understand what
18 you're agreeing to, you had no idea, and you would
19 have handled the case differently if you knew what
20 was going to happen to you. So, I think on the one
21 side of it is the whole immigration area and what
22 happens in the courts, how it relates to immigration
23 your immigration status. And then the other side is
24 exactly what you're talking about. You have people
25 who come into the courthouses with language barriers

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or worse when they don't have a good sense of context as to what our court system is about and how it works, and I think that in no time whatsoever you can compound the problems that immigrants have if they lose their housing or whatever it is you make being an immigrant-- and it is a city of immigrants. We understand that, but by the same token, there's certain built-in liabilities that you'll have, immigrant trying to navigate the courts. And that's why one of the things we've tried to do in addition to full scale legal representation is to use non-lawyers that we have who can at least know the ropes, give moral support to an immigrant or a person who just, you know, may have language barriers or whatever problem, and I think that can be helpful. But I think we need a more, coherent, concerted strategy as to how to help immigrants in the court, and we should be working together at the state and city level and federal for that matter, because immigration is a federal issue, to ensure that immigrants are again treated the way human beings deserved to be treated.

2 COUNCIL MEMBER MENCHACA: I agree with
3 you 100 percent, and while it's a federal issue, the
4 City of New York has been doing everything it could--

5 JOHNATHAN LIPPMAN: [interposing] I know.

6 COUNCIL MEMBER MENCHACA: with partners
7 like you and Judge Katzman. The final question is,
8 the city's immigrant population is growing beyond--
9 it's at historic highs.

10 JOHNATHAN LIPPMAN: I know.

11 COUNCIL MEMBER MENCHACA: What about the--
12 - you mentioned 1.8 million people in courts right
13 now that don't have representation.

14 JOHNATHAN LIPPMAN: Right.

15 COUNCIL MEMBER MENCHACA: How many of
16 those do you think are immigrants in that catch 1.8
17 million?

18 JOHNATHAN LIPPMAN: You know, I don't know
19 the numbers. We may have it. I'm not sure that we
20 do, but I will say this, I think it is significant.
21 You know, because again we're talking about
22 immigrants come in, often don't have a lot of money,
23 don't know how to obtain legal representation. Even
24 if you can get free legal services, often don't know
25 how to get it. So, I would say that it's

2 significant, but exactly what the total is we can try
3 and get it, and it's something we should know.

4 COUNCIL MEMBER MENCHACA: Great. Well,
5 let's work together on that.

6 JOHNATHAN LIPPMAN: Absolutely.

7 COUNCIL MEMBER MENCHACA: That way we can
8 push this bill with a real tribute to our immigrant
9 population. Thank you so much.

10 JOHNATHAN LIPPMAN: Thank you

11 CHAIRPERSON LANCMAN: Thank you. Council
12 Member Mathieu Eugene?

13 COUNCIL MEMBER EUGENE: Thank you very
14 much, Mr. Chair. To Judge, thank you very much for
15 your testimony. It seemed that when I heard that in
16 the Bronx, for example, in the court, you know,
17 overcrowded, and I remember several times people, my
18 constituents, come to my office or so even after
19 they went to court. They come back because they
20 don't have a clue what they went through.

21 JOHNATHAN LIPPMAN: Yes.

22 COUNCIL MEMBER EUGENE: They don't know
23 what's going on even when we provide them with legal
24 assistance, you know, those organizations that are

2 providing free legal assistance. They still don't
3 understand the system.

4 JOHNATHAN LIPPMAN: Yes.

5 COUNCIL MEMBER EUGENE: I believe that we
6 are dealing with an issue of awareness, education.

7 JOHNATHAN LIPPMAN: Yes, I agree with
8 you.

9 COUNCIL MEMBER EUGENE: I think it needs
10 people to help them navigate through the system.

11 JOHNATHAN LIPPMAN: I agree.

12 COUNCIL MEMBER EUGENE: You know, the
13 justice system is a very tough one, especially as my
14 colleague just mentioned, especially for immigrant
15 people. So what do you believe, what do you think
16 that we should do to ensure? Even though the cons--
17 the tenant or the--

18 JOHNATHAN LIPPMAN: [interposing] Right.

19 COUNCIL MEMBER EUGENE: the people they
20 have [inaudible] but they got to be ready before the
21 date of the court.

22 JOHNATHAN LIPPMAN: Yeah.

23 COUNCIL MEMBER EUGENE: Some of the time
24 their contact with them actually the same day in
25 court.

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COMMITTEE ON COURTS AND LEGAL SERVICES

JOHNATHAN LIPPMAN: Yes.

COUNCIL MEMBER EUGENE: So, what would you suggest we City Council Members we can do to work together with the judges and the system to make sure that our constituents be ready even before the date of the court in order for them to be able to understand the system and to be prepared and to get justice?

JOHNATHAN LIPPMAN: I think, and I say this sincerely, the first thing to do is pass this bill, because the more resources we can provide to ensure that people are represented the better is. You know, the legal service providers, it's only in recent years with the judiciary funding, with the funding coming out of the city that have even been able to approach this issue so that they could speak with the tenant or the litigant, whatever the kind of case is. You're 100 percent right, before they get to court. That's what the program is about with using the non-lawyers that we talked about who have a training in this particular niche. So, I think it's a total approach that combines more money for legal service providers, more forms of effective assistance even beyond having the lawyer, the ability to have

2 storefronts where people can come and talk about it.
3 One of the things, we have a program called Legal
4 Hand in a few of the communities in the City where
5 people can come talk about their case before it even
6 approaches coming to court. And language barriers,
7 making sure we have language interpretation. So, I
8 think it's a comprehensive program that's
9 appropriately funded that combines legal
10 representation which is the most important thing, but
11 also ancillary resources for our providers, for
12 people who are providing assistance short of a
13 lawyer, but yet information, storefronts, help
14 centers; all of that is necessary, and I think the
15 council should be working with the city and state
16 court system to ensure that that takes place. So,
17 it's not going to happen in a day, but I think the
18 things that you are doing now, this bill and so many
19 other things that are happening around the city and
20 state are making it better, but we're not near close
21 to where we want to be.

22 COUNCIL MEMBER EUGENE: Thank you very
23 much to you, Judge. My second question and last one
24 is, the Office of Civil Justice's 2016 Annual Report
25 found that two-third of eviction proceeding in New

2 York City is concentrated in the Bronx and Brooklyn.
3 What can you tell us about this-- the factors
4 associated to this finding--

5 JOHNATHAN LIPPMAN: [interposing] I think--
6 - I'm sorry.

7 COUNCIL MEMBER EUGENE: Yes. And also,
8 can this funding be in education to us through all
9 the resources should be allocated when we pass this
10 bill?

11 JOHNATHAN LIPPMAN: You mean to a service,
12 yeah.

13 COUNCIL MEMBER EUGENE: Yes.

14 JOHNATHAN LIPPMAN: I think it's related
15 to two issues in the Housing Court, anyway. One,
16 it's relating to economic factors and the level of
17 poverty or what percent of the poverty level or how
18 many people are in each borough, and I think it also
19 depends on the housing stock in the City, and that's
20 why the things that are done at the state level--
21 city level, relating to the quality of the housing is
22 so important. And then so, I think we have to be
23 able to analyze that, and you're absolutely right,
24 the bottom line of your question is you put the
25 resources where the need is. I mean, that's the

2 bottom line. So, when you pass a bill like this, you
3 set the criteria as to who gets assistance.

4 COUNCIL MEMBER EUGENE: Thank you very
5 much, Chief Judge, and Mr. Chair, thank you very
6 much.

7 JOHNATHAN LIPPMAN: Thank you.

8 COUNCIL MEMBER EUGENE: Thank you.

9 CHAIRPERSON LANCMAN: Thank you. Next, I
10 want to acknowledge the presence of Council Member
11 Ydanis Rodriguez who also has questions. Oh, I'm
12 sorry, just for the Admin. Judge, that concludes our
13 questioning of you. Thank you so much for being here
14 today, for everything that you do for the legal
15 system, and we look forward to continuing this
16 partnership. Thank you very much.

17 JOHNATHAN LIPPMAN: Thank you, Council
18 Member Lancman. Thank you all. Appreciate you
19 having me. Bye-bye.

20 CHAIRPERSON LANCMAN: Alright. Next
21 we're going to have the Bronx Borough President Ruben
22 Diaz who wants to share some testimony with us.

23 RUBEN DIAZ: And thank you.

24 CHAIRPERSON LANCMAN: We do the swearing
25 in thing here. We're not in the Assembly anymore.

2 RUBEN DIAZ: I know, I know.

3 CHAIRPERSON LANCMAN: So, if you don't
4 mind.

5 RUBEN DIAZ: But nonetheless, it's good
6 to see you, Mr. Chairman, and I just want you to know
7 that while this is a citywide issue, certainly the
8 Bronx has been mentioned on a number of occasions
9 this morning, and your leadership to bring this bill
10 to this hearing is dually noted. I'm very happy to
11 be here today.

12 CHAIRPERSON LANCMAN: Ruben, let's do-- we
13 got to swear you in.

14 RUBEN DIAZ: You got to swear me?

15 CHAIRPERSON LANCMAN: Yeah, we do. Sorry.
16 Do you swear or affirm the testimony you're about to
17 give is the truth, the whole truth and nothing but
18 the truth?

19 RUBEN DIAZ: Yes.

20 CHAIRPERSON LANCMAN: Go.

21 RUBEN DIAZ: So help me God. It's good
22 to be here. Is this on? Is it on? Okay, there we
23 go. So, with so many of you who are already signed
24 onto this bill and so many of our constituents, I
25 know that this morning out in front of City Hall we

2 were joined by so many different organizations,
3 especially ones from my home borough, namely CASA and
4 others, we are here and I'm here this morning to
5 voice my support for Intro 214 which would provide
6 the most vulnerable among us with free legal
7 requirements in Housing Court. There is an
8 undeniable homelessness, and for that matter, a
9 displacement crisis in this city, one that
10 underscores the importance of increased
11 representation of low-income tenants in eviction
12 proceedings. Anyone doubting that causal
13 relationship between evictions and possessions of the
14 dwellings of low-income tenants and homelessness need
15 only look at the available data, which shows that
16 thousands of families have faced eviction at the time
17 they entered the shelter system. Intro 214 which is
18 co-authored by Mark Levine, Councilman Mark Levine
19 and Councilwoman Vanessa Gibson, would create the
20 blueprint for providing attorneys to New York City
21 tenants facing eviction, ejection and foreclosure
22 proceedings. The bill would provide improved access
23 to justice for individuals with incomes up to 200
24 percent of the Federal poverty level. According to
25 data compiled by Housing Court Answers, the total

1 number of residential evictions and possessions in
2 New York City in 2015 was 21,988. Of those
3 evictions, 7,401 were carried out in The Bronx, with
4 7,033 in Brooklyn, 3,939 in Queens, 2,898 in
5 Manhattan, and 717 in Staten Island. Evictions
6 clearly concern every corner of the city. It is
7 imperative that we take an expansive approach to
8 solving the housing problem. We can, and we need to
9 do, and we are doing more around job creation. I said
10 this earlier. We're doing more on getting people a
11 living wage. And new affordable housing, we're doing
12 a lot of that, but that is not the only answer, or
13 those aren't the only answers. I support Intro 214
14 because this legislation both promotes administration
15 of justice and has considerable fiscal merits. The
16 financial reasons for providing counsel must be
17 fleshed out in light of a recent analysis that
18 projects tremendous cost savings to the City from
19 this bill. Litigants in housing court should play on
20 a fair field, not one where one party has legal
21 expertise and where the other does not know their
22 rights or have access to the same procedural
23 strategies. For example, The Independent Budget
24 Office's December 2014 memorandum on Intro 214 cites

1 a New York City study that showed that there was a 77
2 percent decrease in warrants of eviction issued when
3 tenants had an attorney in housing court versus when
4 they did not. Homelessness and displacement is all
5 too often the unnecessary and unfair result of this
6 inequity in representation, and it comes-- and I know
7 that we've been talking about cost, but ladies and
8 gentleman, make no doubt about it, it comes with a
9 high human cost, at great human cost. The deck
10 remains stacked against low-income tenants, most of
11 whom do not have attorneys, because most landlords or
12 property owners have representation on their side in
13 housing courts. Any analysis of the financial
14 benefits of this legislation must account for the
15 fiscal cost of supporting the homeless and of
16 replacing lost rent-regulated apartments that have
17 become market-rate apartments. A recent study
18 released by the New York City Bar Association found
19 that Intro 214 would save the city 320 million
20 annually, 20 million dollars annually, after
21 accounting for the need to replace rent regulated
22 apartments with other affordable housing and for the
23 state and federal funding that would be saved on
24 shelter costs and other preventative services.
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2 Additionally, Intro 214 would increase access to
3 justice in foreclosure proceedings, which have
4 wrought havoc on this country over the past decade.
5 The benefits of this proposed law are considerable,
6 and could help keep New Yorkers in their homes. Too
7 many families become homeless and/or displaced
8 because they don't have an advocate in court or
9 someone to get them connected with housing financial
10 assistance, like the FEPS program, that would allow
11 them to simply keep their homes. Justice requires
12 protecting our most vulnerable from unnecessary
13 eviction and the resulting plight of homelessness.
14 As I said earlier this year during my State of the
15 Borough Address and so many, many different times
16 since, we can do more to both promote fairness in
17 these proceedings and provide representation for the
18 underserved. We can pass Intro 214. Thank you.

19 [applause]

20 CHAIRPERSON LANCMAN: Mr. Bronx Borough
21 President, well stated, and we thank you very much
22 for your testimony. Does anyone have any questions?
23 Seeing none, and--

24 RUBEN DIAZ: [interposing] Thank you very
25 much.

2 CHAIRPERSON LANCMAN: not a lack-- does
3 not reflect the lack of interest in what you have to
4 say, but--

5 RUBEN DIAZ: [interposing] The City is up
6 next.

7 CHAIRPERSON LANCMAN: Got it.

8 RUBEN DIAZ: Okay, thank you all, and--

9 CHAIRPERSON LANCMAN: [interposing] Thank
10 you very much.

11 RUBEN DIAZ: hopefully we can get this
12 done soon.

13 CHAIRPERSON LANCMAN: Thank you. Thank
14 you very much. Next we will invite HRA to come and
15 testify. I think so, yeah. Good morning. Could you
16 raise your right hand so you can be sworn in? Swear
17 or affirm that the testimony you're about to give is
18 the truth, the whole truth and nothing but the truth?

19 COMMISSIONER BANKS: I do.

20 CHAIRPERSON LANCMAN: Thank you very
21 much. Welcome.

22 COMMISSIONER BANKS: Good morning still.
23 Good morning, Chairman Lancman, Council Members
24 Gibson, Levine as prime sponsors of the legislation,
25 members of the committee. Thank you for inviting me

1 to testify before you today to discuss the Office of
2 Civil Justice at the New York City Human Resources
3 Administration and this legislation. My name is
4 Steven Banks, and I'm the New York City Department of
5 Social Services Commissioner, and I'm joined by
6 Jordan Dressler, the City's first Civil Justice
7 Coordinator based at HRA. In my role as Commissioner
8 of the Department of Social Services, I oversee the
9 New York City Human Resources Administration which
10 houses the Office of Civil Justice and the Department
11 of Homeless Services. HRA is the nation's largest
12 social services agency assisting over three million
13 New Yorkers annually through the administration of
14 more than 12 major public assistance programs and
15 plays a key role in advancing one of this
16 Administration's chief priority, reducing income
17 inequality and leveling the playing field for all New
18 Yorkers. In my testimony today, I will discuss the
19 City's extraordinary investment in civil legal
20 assistance for low-income tenants as one of the tools
21 this Administration is utilizing in combating
22 poverty, addressing income inequality and reducing
23 homelessness. I will discuss the work of the Office
24 of Civil Justice and present recent findings from our
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1 first Annual Report, which demonstrate that the
2 justice gap for New York City tenants facing eviction
3 in New York City's housing courts is beginning to
4 narrow, due in large part to the unprecedented
5 investments in access to civil legal services and
6 other tenant supports by the de Blasio
7 Administration, the New York City Council and the
8 State Judiciary. We are reviewing the impact of the
9 proposed legislation regarding the provision of
10 counsel in Housing Court on the programs that we have
11 funded and that are still ramping up. As a result of
12 the ten-fold increase in tenant representation
13 funding from this Administration, the legal services
14 community is in the process of expanding the
15 availability of counsel for low-income tenants in
16 Housing Court. Even before these programs have been
17 fully implemented, the percentage of represented
18 tenants has already increased from one percent,
19 reported by the Judiciary for 2013, to 27 percent, as
20 we reported last month, and evictions by City
21 Marshals are down by 24 percent. The programs will be
22 fully implemented during Fiscal 2017 and we expect
23 the percentage of represented tenants in Housing
24 Court to continue to increase. We look forward to
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1 hearing the testimony today as we evaluate the next
2 steps that our City should take given the
3 unprecedented commitment that we have already made to
4 expand legal representation for tenants so far. We
5 also hope that our testimony today will be useful to
6 you as we proceed with discussions with you about
7 this legislation. In 2015, Mayor de Blasio and the
8 New York City Council amended the City Charter with
9 the signing and passage of Local Law 61, which
10 created the Office of Civil Justice. For the first
11 time, New York City has a permanent office to oversee
12 the City's civil justice services and monitor the
13 progress and effectiveness of these programs. The
14 establishment of the Office of Civil Justice was the
15 latest part of our effort to enhance and coordinate
16 these services at HRA that began at the start of the
17 Administration in 2014. In addition to consolidating
18 contracts under one roof and establishing the Office
19 of Civil Justice at HRA to oversee performance and
20 progress, New York City has steadily and
21 substantially increased investment in these programs
22 since 2014, and today the City is a national leader
23 in providing civil legal services for low-income
24 people. In Fiscal Year 2017, for the first time New
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2 York City's overall investment in civil legal
3 services for low-income City residents will exceed
4 100 million dollars. This fiscal year, Mayoral
5 programs exceeding 83 million and City Council awards
6 of nearly 28 million will fund free legal services
7 for low-income New Yorkers across a range of areas,
8 including immigration, access to benefits, support
9 for survivors of domestic violence, assistance for
10 veterans and the focus of today's hearing: anti-
11 eviction legal services and other legal assistance
12 for low-income tenants. The provision of quality
13 legal representation for thousands of the City's low-
14 income tenants facing eviction and displacement is a
15 key component of our civil legal services
16 initiatives. Mayoral funding for tenant legal
17 services in Fiscal 17 is approximately 62 million
18 dollars, 10 times the level in Fiscal Year 13. HRA's
19 Homelessness Prevention Law Project is the primary
20 vehicle for our anti-eviction legal services.
21 Through this program, HRA contracts with a dozen non-
22 profit legal services providers, including both large
23 citywide providers and smaller community-based
24 organizations, to provide free legal representation
25 and advice to low-income tenants at risk of

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2 homelessness because of eviction. Through this
3 program, legal services providers in each borough
4 provide assistance and in-court representation of
5 tenants in Housing Court eviction proceedings,
6 Housing Part actions seeking repairs, proceedings
7 following illegal lockouts or evictions, and
8 administrative hearings that may result in the loss
9 of tenancy or deregulation of the rental unit. This
10 program primarily targets low-income families with
11 children who are at risk of eviction, with households
12 without children making up a small portion of the
13 caseload. This program was funded at approximately
14 4.9 million in FY13, but starting with the de Blasio
15 Administration's first budget in FY14, funding for
16 this program has substantially increased. In FY17,
17 this anti-eviction program is funded at 25.8 million
18 dollars, providing legal services for low-income
19 tenant respondents in eviction cases throughout the
20 City, with additional expanded legal services
21 targeting specific high-need neighborhoods. The
22 Expanded Legal Services component of this program is
23 intended to essentially provide universal legal
24 representation for low-income tenants facing eviction
25 from their homes in 10 zones across the City,

2 targeted because they include the most at-risk
3 households facing eviction and homelessness as
4 reflected in rates of entry to the shelter system
5 from those 10 areas. In Housing Court, all tenants
6 whose eviction cases involve a residence in one of
7 these target zones are offered the opportunity upon
8 their first appearance in court to meet with HRA
9 staff on site for an initial screening and
10 determination of income eligibility. Eligible tenants
11 are in turn referred to one of the contracted legal
12 services providers for immediate screening and
13 intake, in most cases also at the courthouse, where,
14 barring a conflict of interest or other extraordinary
15 factor, the tenant is provided free legal defense on
16 the eviction case. HRA's anti-eviction legal
17 services initiatives also include the Housing Help
18 Program, HHP. In this program, the Legal Aid
19 Society, the sole provider selected through a
20 competitive bidding process, employs a court-based
21 open door model and offers full representation and
22 brief legal services coupled with social work
23 services that include assessment, counseling,
24 referrals, and benefits advocacy. The Legal Aid
25 Society's HHP work is funded by HRA at 3 million

1 dollars for Fiscal 17 and is also supported by grant
2 funding from the Robin Hood Foundation. Eligibility
3 for HHP services is limited to low-income clients who
4 reside in one of a number of high risk ZIP codes, as
5 determined by rates of shelter entry in these areas.
6
7 In total, HRA's anti-eviction legal services are
8 expected to serve approximately 20,000 households in
9 FY17. In addition, the Anti-Harassment and Tenant
10 Protection program legal services was launched by HRA
11 by the Administration in January of 2016. Whereas the
12 anti-eviction legal services programs target tenants
13 who are already involved in housing court
14 proceedings, this new program provides resources for
15 tenant outreach and pre-litigation services with the
16 goal of preventing eviction and displacement. In
17 addition to full representation and brief legal
18 assistance for Housing Court and administrative
19 proceedings, this Anti-Harassment legal services
20 providers program offer community education,
21 landlord-tenant mediation, and counsel on cooperative
22 tenant actions and building-wide lawsuits. Currently,
23 the Anti-Harassment Legal Services are targeted to
24 seven neighborhoods across the City that have been
25 identified as posing a high risk for landlord

1 harassment or tenant displacement. The Anti-
2 Harassment Legal Services providers work closely with
3 the City's Tenant Support Unit to assist households
4 identified through TSU's outreach campaigns as in
5 need of legal assistance. The Anti-Harassment Legal
6 Services program was launched in FY15 with a 4.6
7 million additional startup allocation, was funded at
8 18 million dollars in FY16. It will be funded at
9 32.9 million dollars in FY17. The program is expected
10 to serve approximately 13,000 households in FY17. In
11 total, through the Administration's investment of
12 nearly 62 million dollars in tenant legal services,
13 we expect that approximately 100,000 low-income New
14 Yorkers in 33,000 households will receive free legal
15 advice, assistance and representation this year.
16 These programs are part of the Administration's
17 effort to preserve and expand the availability of
18 affordable housing for New Yorkers. Affordable
19 housing, a precious resource, and it is permanently
20 lost to the City when tenants are evicted from rent-
21 regulated and rent-controlled apartments and rent is
22 increased above affordable levels. Protecting these
23 affordable units throughout New York City for
24 families and seniors and protecting tenants in small
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1 buildings is critical. And the financial and human
2 costs that we avert when tenants avoid eviction and
3 preserve their tenancies are substantial; every
4 family that stays in its home spares the City the
5 expense of emergency shelter services, and more
6 importantly spares the family the trauma of
7 homelessness, including disruption of education,
8 employment and medical care. Our legal services
9 programs are aimed at keeping these New Yorkers in
10 their homes, preventing displacement and preserving
11 and protecting the City's affordable housing stock.
12 And we are already seeing results from our programs
13 to protect tenants. As part of Office of Civil
14 Justice's first Annual Report this summer, we sought
15 to update the research on the availability of legal
16 assistance for tenants facing eviction in Housing
17 Court. We partnered with the State Office of Court
18 Administration to undertake a new analysis to assess
19 the current prevalence of legal representation among
20 tenants in court for eviction cases and the need for
21 counsel that remains. We found that a substantially
22 higher proportion of tenants in court for eviction
23 cases now have legal representation than ever before.
24 The data further indicate that among tenants with
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1 representation, more than half are low-income tenants
2 served through not-for-profit legal assistance
3 programs. Even before our housing legal assistance
4 programs are implemented fully this year, more than
5 one in four tenants in court facing an eviction case
6 in New York City, 27 percent, is now represented by a
7 lawyer, a marked increase compared to the Office of
8 Court Administration's findings that in calendar year
9 2013 only one percent of tenants in New York City
10 Housing Court were represented by attorneys. More
11 than half of the in-court representation for tenants
12 is provided by non-profit legal services
13 organizations for low-income New Yorkers. Meanwhile,
14 only one percent of landlords in eviction proceedings
15 appeared in court without counsel. These results
16 suggest that we are on the right track with this
17 investment. Furthermore, we see very encouraging
18 signs that by making access to legal representation
19 more widely available, we are realizing concrete
20 improvement in the courts and in the lives of New
21 Yorkers. Residential evictions by city marshals
22 declined 24 percent in 2015 compared to 2013, a
23 period during which New York City substantially
24 increased funding for legal services for low-income
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1 tenants as well as other rental support programs.
2
3 During 2015, orders to show cause in the City's
4 Housing Courts, motions by tenants to reverse a
5 court's order of eviction, also declined by 14
6 percent, while the volume of residential eviction
7 cases filed remained largely stable, suggesting
8 increased efficiency in the courts with the increase
9 in legal representation. The investment of resources
10 in legal representation for civil legal services is
11 taking hold and in 2017 providers will fully ramp up
12 their services. Also in 2017, the Office of Civil
13 Justice will be releasing its second Annual Report
14 and along with it the City's first five-year plan for
15 increasing and enhancing civil legal services for
16 low-income New Yorkers. We expect that the expansion
17 and full funding of services will mean that even more
18 tenants in need will have the assistance of quality
19 legal representation and a more level playing field
20 in court. However, we also know as with other new
21 and expanding programs, we must study the impact
22 carefully to fully understand the results of the
23 funding increases and how they relate to other
24 investments this Administration has made with respect
25 to fighting income inequality. To complement these

2 direct investments in legal services as part of HRA's
3 overall reform effort, we created the HRA
4 Homelessness Prevention Administration. While HRA
5 has always provided some homelessness prevention
6 services, over the past two years we consolidated all
7 of the HRA homelessness prevention programs into a
8 single unit, most recently, as a result of the
9 Mayor's 90-day review of homeless services, including
10 Homebase. Homebase plays a critical preventative
11 role, and in addition of transferring the unit from
12 DHS to HRA, we are expanding the scope of Homebase as
13 the first point of entry for those at risk of
14 homelessness so that people can be served in their
15 home borough. Further, we are realigning the roles of
16 HRA staff at Homebase to prevent evictions and
17 provide assistance. This integration will reduce
18 inefficiencies and allow for more seamless and
19 effective client service delivery. Staff will also
20 use data analytics to proactively target prevention
21 services for the most at-risk. There will be
22 expanded onsite processing and triage for HRA
23 benefits, including public assistance and rental
24 assistance and Homebase not-for-profit staff will
25 expand their case management services to include

1 family mediation, educational advancement, employment
2 and financial literacy services. Additionally,
3 within the HRA Homelessness Prevention
4 Administration, the Early Intervention Outreach Team
5 receives early warning referrals from Housing Court
6 Judges, early warning referrals from NYCHA for tenant
7 arrears cases, Adult Protective Services referrals
8 and referrals from New York City marshals. This HRA
9 team also works closely with the City's Tenant
10 Support Unit to refer low-income New Yorkers to legal
11 services providers under contract with HRA to help
12 them avert eviction, displacement and homelessness.
13 Another key component of HRA's homelessness
14 prevention work is rental assistance. The HRA budget
15 reflects the Administration's continuing
16 comprehensive initiatives to prevent and alleviate
17 homelessness within the City, which has built-up over
18 many years. During this same time, the
19 Administration restored rental assistance programs
20 that had been eliminated in 2011 in the State budget
21 in order to increase services to prevent and
22 alleviate homelessness. Rental assistance programs
23 to keep families in their homes and help those in
24 shelter exit to permanent housing and are both better
25

2 for families and individuals and cheaper for
3 taxpayers. After Advantage, the State and City's
4 rental assistance program supporting thousands of
5 families, was cut in 2011, the City's shelter
6 population increased exponentially from about 37,000
7 to nearly 51,000 between 2011 and 2014. Over the past
8 two years, the new rental assistance programs and
9 other permanent housing efforts have enabled 40,000
10 children and adults in nearly 14,000 households to
11 avert entry into or move out of City shelters. We've
12 also helped more people with emergency rent
13 assistance, keeping thousands of New Yorkers in their
14 homes. In FY13, HRA provided rent arrears to 42,000
15 households at a cost of 124.1 million dollars. In
16 FY15, HRA provided rent arrears to nearly 53,000
17 households at a cost of 180.7 million. The increase
18 in spending of 46 percent resulted from increased
19 monthly rents that families and individuals now have
20 to pay, additional households being found eligible
21 due to the increasing gap between rents and income,
22 and enhanced targeting of these services to prevent
23 homelessness through partnerships with community-
24 based organizations. From January 2014 through June
25 2016, about 131,000 households, including about

2 390,000 people, received emergency rental assistance
3 to help them stay in their homes, averaging about
4 3,600 dollars per case, which is much less than the
5 41,000 dollars a year for a family in shelter.
6 Providing legal services and rental assistance is
7 much less expensive than the cost of a homeless
8 shelter. And, of course, no price can be put on
9 averting the human costs of homelessness. I am very
10 pleased to see that our efforts to help those in
11 danger of losing their homes avoid eviction are
12 taking hold. There is certainly more to do, and we
13 look forward to continuing to work with the Council
14 to address the issues that are presented at this
15 hearing and in this legislation. Thank you for this
16 opportunity to testify today and to share the
17 progress. I look forward to your questions and
18 continuing to work with you on the issues presented
19 by the legislation.

20 CHAIRPERSON LANCMAN: Thank you very
21 much. Now, we'll have questions from Council Member
22 Mark Levine.

23 COUNCIL MEMBER LEVINE: Thank you,
24 Commissioner, for your testimony and for your
25 incredible commitment to this issue. The resources

2 your agency's devoted has brought about unprecedented
3 expansion of access to legal services by tenants.
4 It's really an incredible accomplishment, and we're
5 grateful to be partnering with you. You explained
6 multiple sources of funding that comprised the
7 current 62 million dollar pot. I wonder what portion
8 of that comes from money invested in the
9 neighborhoods that we're going to be up-zoning?

10 COMMISSIONER BANKS: Thirty--
11 approximately 33 million dollars is targeted to those
12 particular neighborhoods so far.

13 COUNCIL MEMBER LEVINE: So, that's about
14 six neighborhoods, is that right?

15 COMMISSIONER BANKS: Seven, seven
16 neighborhoods.

17 COUNCIL MEMBER LEVINE: And the Mayor's
18 committed to ultimately up-zoning 15 neighborhoods,
19 is that correct?

20 COMMISSIONER BANKS: I know there's a lot
21 of information out in the public domain. There's
22 certainly been a commitment to upzone additional
23 neighborhoods, and I think as I've testified before,
24 as we proceed, we'll continue to look at what level
25

2 of funding if any is needed in neighborhoods for
3 legal services.

4 COUNCIL MEMBER LEVINE: So, there's not a
5 commitment to fund legal resources at similar levels
6 in additional up-scale neighborhoods?

7 COMMISSIONER BANKS: Well, again, I know
8 we went through this a little bit at our budget
9 hearing, each neighborhood we made the determination
10 about the funding level based upon the numbers of
11 court filings from those neighborhoods. So the
12 funding levels have varied depending on what the
13 number of court filings have been historically in
14 those neighborhoods. So, as a neighborhood is
15 announced, we will evaluate whether we've already
16 provided dollars in that particular neighborhood
17 through one of the other programs, the anti-eviction
18 program in particular, and if not, what the number of
19 filings are and then therefore what amount of legal
20 services might be appropriate or not.

21 COUNCIL MEMBER LEVINE: Great. You made
22 a very powerful statement in your closing lines that
23 it's more cost effective to pay for a lawyer up
24 front, than to pay for a homeless shelter on the back
25 end, and you went on to say you can't put a price on

2 preventing homelessness, sentiments that I think I
3 wholeheartedly agree with. Have you been able to
4 quantify just how much we save by avoiding
5 homelessness through eviction prevention?

6 COMMISSIONER BANKS: Well, certainly the
7 provision of legal services to prevent evictions, to
8 provision of rental assistance, to prevention of
9 rental arrears are all part of the strategies that
10 we've implemented over these last months that have
11 broken the trajectory that we inherited. As, I think
12 as you know, in prior hearings we testified that our
13 shelter system now would be much larger, in fact. It
14 would be 67,000 men, women and children in the system
15 today. It's approximately 7,000 fewer people as a
16 result of all of these investments, and as you know,
17 we're continuing to ramp up the legal services
18 program. We're only about part way through the full
19 implementation by the providers, and we expect the
20 full implementation this year. So, in terms of
21 investments, it's having an impact already, but of
22 course there are other factors that lead people to
23 shelter. About 30 percent of the people seeking
24 shelter are coming to us as a result of a history of
25 domestic violence, and about another half, 60 percent

2 of the family seeking shelter in particular are
3 coming for economic reasons. They're unable to rent
4 apartments because of the gap between income and
5 rent. So, we're very focused on addressing
6 preventable evictions. The programs that we have
7 implemented have been very targeted to those
8 communities where there are high rates of shelter
9 entry. We've essentially got universal
10 representation in those neighborhoods, and we're
11 continuing to evaluate what further steps we should
12 take and look forward to working with you as we
13 analyze exactly that cost benefit analysis that I
14 know Judge Lippman talked about and many of your
15 questions have been aimed at addressing.

16 COUNCIL MEMBER LEVINE: Right. Am I
17 right that we're spending a billion dollars or more
18 on the shelter system right now?

19 COMMISSIONER BANKS: Yes, one of the
20 things that's important that have focused on that we
21 have a legal right to shelter in New York City. It's
22 an obligation provided--

23 COUNCIL MEMBER LEVINE: [interposing]
24 Thank you for that.

2 COMMISSIONER BANKS: It's an obligation
3 to provide shelter to men, women and children whether
4 they're in households with only an adult or
5 households with children, and people come to our
6 system for a whole range of reasons, eviction being
7 only one of them. The fact that it is only one of
8 them, however, hasn't deterred us from implementing
9 these strategies over these past years. Mental
10 health is a significant driver. Discharge from state
11 prison is a significant driver. Domestic violence,
12 as I described, is another significant driver. So,
13 there are many factors that result in the need to
14 provide a roof over people's head. It's far
15 preferable than having people on the streets, and
16 that's why we're committed to ensuring we have a roof
17 over everyone's head. Preventing evictions is part
18 of our strategy, however, of managing to address
19 homelessness in a way that hasn't been done
20 previously in this city.

21 COUNCIL MEMBER LEVINE: So we're currently
22 putting 62 million dollars towards this incredibly
23 important work. We believe the Mayor is going to
24 upzone additional neighborhoods, seven or eight.
25 That could be another 40 million or so. We could

2 easily be at 100 million just by those commitments
3 total. That may cover half the low-income tenants
4 already, continuing to chip away at the net cost of
5 moving to a full representation model, correct?

6 COMMISSIONER BANKS: Well, also again,
7 looking at what we're currently doing, we've been
8 able to with our terrific partners, the not-for-
9 profit agencies, they've been provided with a
10 dramatic amount of additional funding, and they have
11 hired substantial numbers of additional lawyers and
12 paralegals as part of their team approach. They're
13 about halfway towards implementing the funding that
14 we've already allocated, and as you do point out
15 there are additional programs that we'll be
16 evaluating for expansion as well. So this is all part
17 of the evaluation of the next steps that we should
18 take, and part of the discussion with you and the
19 rest of the council in terms of steps that we have
20 taken. What will full ramp up look like? We are at
21 this point with the investments that the Mayor's made
22 and the investment that the Chief Judge made and the
23 current Chief Judge is making, we're at a place where
24 we've got-- we went from one percent representation
25 to 27 percent representation. And that is before we

2 have even fully implemented the full program that we
3 funded, and that's certainly going to be part of the
4 conversation with you and your colleagues about where
5 do we go from here.

6 COUNCIL MEMBER LEVINE: That's just a
7 huge point that I don't want to let pass. We have
8 only implemented half of the additional resources
9 that we devoted, 62 million, and we're already
10 representing 27 percent of low income tenants. When
11 that's fully implemented, maybe we'll be double that,
12 and then when the additional money comes online for
13 future upzone neighborhoods, we could be at two-
14 thirds of low income tenants. That makes it
15 incredibly reasonable and cost effective than to go
16 the final mile and create a right to counsel for all
17 low income tenants, does it not?

18 COMMISSIONER BANKS: It's one of the
19 reasons why hearings like this are important. We are
20 putting forth information. There'll be other people
21 who testify, put forth information. It's a
22 legislative process. We will certainly be pursuing
23 discussion with you. You'll be pursuing discussions
24 with us. The providers will be fully ramped up
25 during the course of this year. That was the

2 trajectory when we let out a request for proposals in
3 terms of the phased in approach. It's an approach
4 that's worked previously, for example, the Criminal
5 Defense Case caps, and we are-- expect to be fully
6 implemented during the course of the year, and then
7 we'll be able to evaluate what the remaining need is
8 as we continue to move forward.

9 COUNCIL MEMBER LEVINE: Alright. I'm
10 going to yield the floor to my colleagues. I may be
11 back for a second round. Thank you, Commissioner.
12 Thank you, Mr. Chair.

13 CHAIRPERSON LANCMAN: Thank you. Council
14 Member Gibson?

15 CHAIRPERSON GIBSON: Thank you. Thank
16 you very much. Thank you Commissioner Banks to you
17 and your staff, Office of Civil Justice. We've done
18 a tremendous amount of work to get to where we are,
19 and by no stretch are we trying to undermine that.
20 Certainly, the investments that we have seen through
21 Civil Legal Services, 100 million dollars, about 83
22 million from the Administration, almost 28 from the
23 City Council, incredible. I think we all agree in
24 concept that the universal approach is something that
25 we think should happen. I guess I'm trying to

2 understand a little bit of how we take the next step.
3 We've looked. OCJ did a survey, did a recent
4 evaluation. We've seen that evictions across the
5 City have gone down about 24 to 28 percent. How much
6 more do we need to see invested before we can say
7 that the universal right to counsel is something that
8 we can all truly support?

9 COMMISSIONER BANKS: Well, I think one of
10 the keys is to see what the remaining need is once
11 the investments that we've already made are fully
12 implemented. As we indicated in 10 key zones, we've
13 essentially provided substantial funding so that
14 there can be effectively universal representation.
15 We will see much more as the providers continue with
16 the implementation what the remaining need, and
17 you're considering an important piece of legislation.
18 We're in a-- obviously, going to pursue discussions
19 with you. You're going to pursue discussions with
20 us, and I think we all want to know what's the
21 remaining need, and we'll see much more when we see
22 the full implementation of the programs that we've
23 already put in place.

24

25

2 COUNCIL MEMBER GIBSON: We have-- is
3 there a timeframe on that we have now in terms of
4 full implementation? Are we going through FY 18?

5 COMMISSIONER BANKS: No, we expect to see--
6 - these programs were announced just over a year ago.
7 The providers took substantial steps in implementing
8 the programs over the course of last year, and
9 they're on a course to complete implementation this
10 year. I think we will continue to evaluate what that
11 means in terms of every day experience of tenants in
12 court. We've provided a lot more information than
13 any of us knew before about the percentage of
14 representation, and I think over the course of this
15 coming period of time, you and we will see what the
16 remaining need is once the existing programs are
17 fully implemented.

18 COUNCIL MEMBER GIBSON: And how does the
19 work we're doing relate to the phasing out cluster
20 and scatter site? You know it's something I'm very
21 passionate about. The 3-4,000 families that are in
22 the program, over 50 percent come from the Bronx,
23 from the district I represent. So, what I'm
24 wondering is how does civil legal services and
25 prevention relate to many of those families, because

2 we should be transitioning them out of cluster and
3 scatter site and moving them into permanent housing.
4 Is that happening, or are we moving them in other
5 types of units?

6 COMMISSIONER BANKS: Well, just for the
7 record, the cluster program is the 16-year program in
8 which the City through multiple administrations
9 rented apartments--

10 COUNCIL MEMBER GIBSON: [interposing]
11 Right.

12 COMMISSIONER BANKS: that otherwise would
13 have been in the low rent housing stock and used them
14 as affordable-- used them as shelter instead of
15 affordable housing, and we announced as part of the
16 90-day review earlier this year that we would phase
17 out the use of clusters. We've already eliminated 250
18 of them, and working together with the Legal Aid
19 Society have been able to restore some units to the
20 permanent housing rent stock, and look forward to
21 working with you and your colleagues on buildings in
22 your community. We would like to be able to enable
23 the families in those units to remain in them and
24 upgrade the conditions as tenants as opposed to
25 shelter residents, and that's part of the strategy

2 that we are pursuing wherever possible. Where we
3 cannot do that, we're going to need to be replacing
4 those shelter units with more purposeful shelter in
5 order to meet the needs of the families, but our
6 first priority is to try to convert the existing
7 shelter units back to low rent housing, upgrade them
8 and enable the families to remain in place.

9 COUNCIL MEMBER GIBSON: Okay. Do you
10 have an idea or some sort of a percentage breakdown
11 of the number of evictions that we see, and you
12 describe different scenarios of domestic violence,
13 income, harassment, illegal evictions, do you have
14 any percentages where we can see where-- of the
15 evictions we see across the city, the majority of
16 them are in this category versus another category.

17 COMMISSIONER BANKS: Well, we're looking
18 at it from the entry into the shelter system.

19 COUNCIL MEMBER GIBSON: Okay.

20 COMMISSIONER BANKS: And that entry into
21 the shelter system, about 11 to 12 percent of entries
22 currently into shelter as a result of-- are as a
23 result of an eviction over the last 12 months. We
24 looked very carefully at that piece of information,
25 because for such an individual we might be able to

2 restore them to their housing with one of our legal
3 services providers or they are eligible for the state
4 Family Eviction Prevention Supplement in order to
5 obtain housing, State FEPS or the City FEPS program.
6 And so again, if you look at entries to shelter, 30
7 percent are individuals that have a history of
8 domestic violence, although only a third of those
9 families meet the state statutory requirements for
10 eligibility for domestic violence shelter and then
11 the remaining 60 or so percent of shelter entries are
12 related to economics and people that are unable to
13 find affordable housing, but not directly from
14 evictions.

15 COUNCIL MEMBER GIBSON: And I think it's
16 safe to assume that the population that we're talking
17 about that are entering the shelter for various
18 factors are also the same families that are, while
19 they're not in the shelter, but many of them are
20 facing eviction in terms of living in their
21 apartment, receiving notices, going through
22 harassment. Are we looking at those numbers as well
23 to try to capture those families?

24 COMMISSIONER BANKS: Well, just again, to
25 be clear for the record, because I want to make sure

2 you have the full information, currently shelter
3 entries due to eviction through a Housing Court
4 proceeding--

5 COUNCIL MEMBER GIBSON: [interposing]
6 Right.

7 COMMISSIONER BANKS: are 11 to 12 percent
8 of the shelter entries for families.

9 COUNCIL MEMBER GIBSON: Okay. And I know
10 my other colleague has a question. One final
11 question that I wanted to ask. Justice Lippman
12 talked about some of the other factors that we have
13 to deal with and consider when you look at Housing
14 Court. What is the relationship that we have in the
15 City, and what are we doing to work with the state on
16 addressing a lot of those issues? So, it's great
17 that we're trying to make sure that families and
18 residents have legal representation, but we also know
19 that when we go into the court, many of them face the
20 same language access challenges of trying to navigate
21 through the court system.

22 COMMISSIONER BANKS: Well, the judiciary
23 and the State Office of Court Administration
24 particularly have been very good partners in our
25 implementation of the legal services programs.

2 They've been very helpful in terms of the studying of
3 the data that led us to be able to issue the report
4 last month showing the increase in tenant
5 representation, and we'll continue to work with them
6 on some of the other issues that are beyond the scope
7 of our focus on legal services, because I do agree
8 with you that our clients face other challenges
9 beyond simply legal services, and we want to work
10 with our state partners to address those challenges.

11 COUNCIL MEMBER GIBSON: Any legal issues
12 that we have considered on this bill? I know that
13 there was some talk about that before. Is the
14 Administration looking at this from a legal
15 perspective thinking that legally we cannot force and
16 mandate universal right to counsel?

17 COMMISSIONER BANKS: Well, I think that's
18 certainly a big part of the conversations that we
19 have with you. We've been very focused on what the
20 remaining needs are as a point of discussion in terms
21 of what is the best next step we all should take and
22 other issues with respect to the bill I know will be
23 part of those conversations.

24 COUNCIL MEMBER GIBSON: Okay. Thank you
25 very much, Commissioner. I will get back to further

2 questions. Your leadership has been instrumental, and
3 certainly I give the Administration tremendous
4 credit. We have invested millions and millions of
5 dollars. I think it's legal. It's reasonable. It's
6 practical for us to take another step forward,
7 because to mem, like, we should never question or put
8 a price tag on the value of a family. We spend way
9 too much money keeping families in the shelter
10 system, and you know, and I've been a recipient in my
11 district of countless facilities that you know about
12 and I know about, and so I want to get to a place
13 where those shelters can be replaced with permanent
14 housing, because the district I represent deserves
15 it. They need it, and we simply don't have time to
16 wait. So, I appreciate your presence here and the
17 work that we're doing, and I want to take it a step
18 further and get universal right to counsel. Thank
19 you.

20 [applause]

21 CHAIRPERSON LANCMAN: Thank you, ma'am.
22 Thank you, Council Member Gibson, and now we have--

23 [off mic comments]

24 CHAIRPERSON LANCMAN: Council Member
25 Ydanis Rodriguez.

2 COUNCIL MEMBER RODRIGUEZ: Thank you. so,
3 thank you, Commissioner, for the great job not only
4 as a current Commissioner but also in your previous
5 role, and for mainly your background is the best
6 guarantee that any tenants or any New York have that
7 we have the best Commissioner that fix and to your
8 responsibility. You know, that we can go to-- as a
9 city, you know, it's a shame how when you deal-- when
10 we as a city deal with a lot of issues, we get to
11 discuss, you know, the current situation, but
12 unfortunately we have created a condition in the city
13 that sometimes we don't take responsibility. The
14 crisis of housing has been creating the last century
15 is not something knew. It's not a issue that is only
16 affecting the current Administration. So, when we
17 have developers or landlords and that they don't
18 reflect the good one. You know, we have the good and
19 the bad apple everywhere. We have landlords that
20 they do a good job, that they collect the rent and
21 our people, they work hard to pay the rent. I can
22 tell you that my father, when he was alive, one of
23 the first thing that he did was to work hard to get
24 his money in order to pay his rent the first day of
25 the month, and unfortunately, in our city we lived

2 the advantaged and the [inaudible], they're only bad
3 actors. You know, that they use bad tactics to push
4 our tenants out, and I think that, you know, this is
5 a crisis. This is the epidemic that we face, and I
6 would like to thank all of you, especially the
7 advocates, the tenant representatives, those of you
8 who are the voice of the voiceless. You are speaking
9 for millions of New Yorkers that live in underserved
10 community, that their rights are not respected. And
11 for me, knowing that the two colleague, Council
12 Member Gibson and Levine, had the vision to say we
13 need to provide a secure, free legal services to our
14 tenants regardless of who the Administration is,
15 because we have an Administration today that care for
16 the tenants. But what will happen eight years from
17 now? We don't know, and I think that that's for me
18 the challenge and the question. And I have some
19 concern. What is the ratio of judge [sic] and
20 tenants that we are-- that we have today? Like, what
21 I heard from lawyers, neighbor who live in my
22 buildings is, when they go to work in a Housing Court
23 they say I have a lot, you know, feeling-- I don't
24 how those judge they're working, because they're
25 dealing with so many cases that sometimes they don't

2 have the quality time to provide the best outcome.

3 So, if we enact this new law, and of course we
4 should, how will we need to increase the number of
5 judge to take care of those numbers of cases that we
6 will increase?

7 COMMISSIONER BANKS: First of all, thank
8 you for your very kind words and your comments. As
9 part of our implementation of the programs that we
10 have put in place, we're certainly working very
11 closely with the State Office of Court Administration
12 and the Housing Court to address the impact of having
13 additional lawyers. We have seen a 14 percent
14 decrease in the numbers of orders to show cause
15 filed, which does reflect a positive influence of
16 having a lawyer in these cases, and I think as we
17 continue to implement the programs that we've already
18 funded, it's part of the importance of having a good
19 working relationship with the State Office of Court
20 Administration.

21 COUNCIL MEMBER RODRIGUEZ: But what about
22 judges?

23 COMMISSIONER BANKS: There are
24 approximately 51 Housing Court judges in the City,
25 and those are appointed by the State Office of Court

2 Administration, and those are issues that relate to
3 the numbers of those judges that are part of state
4 law.

5 COUNCIL MEMBER RODRIGUEZ: Have the City
6 made any assessment on if we will have the right to
7 counsel law act in the last 10 years, how many
8 apartments could we save?

9 COMMISSIONER BANKS: Well I think what we
10 know is during the past two years when we had
11 implemented a 10-fold increase in legal services that
12 were not even fully implemented yet, that we saw a 24
13 percent decrease in evictions by City Marshals. So
14 we have the data based upon the current experience of
15 implementing a 10-fold increase in the services just
16 had that effect.

17 COUNCIL MEMBER RODRIGUEZ: I want to, you
18 know, highlight that the district that both Council
19 Member Levine represent in some of his area,
20 Community Board 12 from 155th all the way up to
21 Mulberry [sic] Hill, that Community Board 12, we have
22 the largest regulated apartments in the City of New
23 York and the second after Buffalo [sic]. How is the
24 City looking at that particular Community Board since
25 we are, you know, as the target of many landlords,

2 how they trying to make the profits? We have cases
3 such as 78 Taylor [sic] Street with 81 empty
4 apartments, not because tenants left those apartments
5 voluntarily, yet, because landlords been using bad
6 tactic there.

7 COMMISSIONER BANKS: Well, through the--
8 through our program, Anti-harassment program, we've
9 invested in 1.8 million dollars in Inwood, for
10 example, and I think that is an important investment
11 to address many of the issues that you have
12 highlighted. We have legal services providers that
13 have already helped substantial numbers of households
14 in that community, and a number of them referred by
15 your office and Council Member Levine's as well, and
16 we'll keep working with both of you.

17 COUNCIL MEMBER RODRIGUEZ: I just, of
18 course, I know that this bill when it will come law,
19 assuming that we will continue working hard, we will
20 gain the support of the advocates, the rest of the
21 colleagues, and the Mayor will sign it. So, we will
22 not have to ask the question on, you know, how are we
23 doing to provide legal representation. I know because
24 since we are dealing with limited resources, let's
25 say at Community Board 12, the Northern Manhattan

2 Improvement Corporation, they've been only getting a
3 contract to provide services to one zip code, 10034.
4 So, what-- I have 10040, 10033, 10032, and of course,
5 like, don't take me wrong, you know, I know that
6 today we have the best support as a community, but we
7 are still dealing with that situation. We don't have
8 enough resources to provide, you know, the free legal
9 lawyer to every single tenant.

10 COMMISSIONER BANKS: As you know, we're in
11 the process of implementing these programs, and we'll
12 know a lot more when they're fully implemented this
13 year about what the remaining need is, and we're
14 certainly committed to working with you and the
15 Council in the discussions about the legislation as
16 to what's the best way to move forward.

17 COUNCIL MEMBER RODRIGUEZ: Great. Thank
18 you, Commissioner.

19 CHAIRPERSON LANCMAN: Thank you. Next up,
20 Council Member Carlos Menchaca.

21 COUNCIL MEMBER MENCHACA: Thank you,
22 Chair. Thank you, Commissioner for coming in this
23 morning and talking with us a little bit about this
24 bill. I'm going to return to some of the work, some
25 of the conversation we had with Judge Lippman on

2 looking at the immigrant community, and if you can
3 tell us a little bit about your response. As you said
4 in your testimony, you aren't reviewing the impact of
5 this legislation. And can you kind of put this into
6 context with some of the other work we've been doing
7 in partnership, but also with the real leadership of
8 the City Council around other needs for legislation
9 representation in immigration courts for our
10 immigrants? And clearly, an immigrant family that
11 has multiple status within this family will have an
12 Immigration Court, civil, criminal, housing-- Can you
13 tell us a little bit about how this bill could impact
14 this and how you're looking at it from your
15 perspective at the Administration?

16 COMMISSIONER BANKS: Well, I think in a--
17 first of all, we appreciate the support from the
18 Council for the immigration legal services programs
19 that we see a complementary to the ones that are in
20 our baseline budget. So, of the 83 million dollars
21 in Mayoral funding for legal services, 62 million is
22 for housing related legal services, and a substantial
23 portion of that remaining funding is for immigration
24 representation which together with you funding is
25 beginning to I think also have an impact. I think

2 you're right in a city in which such a high
3 percentage of New Yorkers are immigrants to focus on
4 the fact that among the tenants that are coming to
5 court with representation as a result of the
6 programs, and still without representation as the
7 programs continue to be wrapped up are immigrants,
8 and the programs that we are funding outside of
9 Housing Court and that you are funding outside of
10 Housing Court can be part of a more comprehensive
11 approach to address problems ranging from housing to
12 status to benefits received, and I think it's all
13 part of the reason why we and you wanted there to be
14 an office of Civil Justice that would issue annual
15 reports and look at emerging needs. We dedicated the
16 first report just out last month to focusing on
17 housing given the legislation, given the importance
18 of housing and given the Administration's
19 investments, but we certainly want to work with the
20 Immigration Committee of the Council and continue to
21 look at the immigration area as well since, you know,
22 people come to legal services providers with a full
23 range of needs. Today is about housing and other
24 hearings have been about other immigration needs.
25 So, I appreciate your question, and I know it's been

2 a conversation we've been having for a while, and
3 with some progress being made and more to be made.

4 COUNCIL MEMBER MENCHACA: So, it sounds
5 like you're just confirming that we are looking at
6 it, you are reviewing it and you'll be coming back to
7 us--

8 COMMISSIONER BANKS: [interposing] Yes.

9 COUNCIL MEMBER MENCHACA: with more
10 information. Do you have a sense about when that is?

11 COMMISSIONER BANKS: Well, I think as we
12 continue to do our annual report and in our own
13 budget process, we'll have a clearer picture moving
14 forward, and as always we'll want to brief you in
15 advance of that, and take-- and have your input which
16 has been very valuable.

17 COUNCIL MEMBER MENCHACA: So, no timeline
18 yet, but soon. Okay.

19 COMMISSIONER BANKS: That's a good bottom
20 line to look at it.

21 COUNCIL MEMBER MENCHACA: Okay. The
22 other piece to this is really about accountability
23 and responsibility. So this bill really kind of
24 looks to be a successful move. We're all kind of
25 looking at it, and I think we're all at least looking

2 at it with positive and productive eyes. Who then
3 would be responsible for that coordination after we
4 pass this bill and then start looking at the impacts
5 in other courts for our immigrant communities? And
6 so, who-- what single person would be the champion,
7 the work coordinator for that coordination?

8 COMMISSIONER BANKS: Well, all of our
9 housing efforts, housing representation efforts to
10 date are now-- they were first consolidated at HRA
11 and then became part of the Office of Civil Justice,
12 and with me here today is Jordan Dressler who's the
13 first Civil Justice Coordinator for the City as a
14 result of that legislation that the Council passed
15 and the Mayor enacted, and so it will be our
16 responsibility through the Office of Civil Justice
17 and our first coordinator and a great coordinator
18 will have responsibility for the oversight in this
19 area, and we'll take the same approach that we've
20 taken so far to the programs, which is to use the
21 procurement process in a transparent way to work with
22 the providers and obtain aggressive but reasonable
23 schedules and timetables for implementation to ensure
24 the quality is there as we implement. No one wants
25 to see a diminution of the traditional quality of the

2 services provided by these longstanding providers,
3 and so we want to make sure that the implementation
4 reflects hiring, training, supervision, and
5 appropriate experience in terms of representation. I
6 think we all can learn a lot from what it meant to
7 implement Gideon in the criminal context, and to
8 ensure that as we have been implementing these
9 programs over the last two years, we're very focused
10 on quality.

11 COUNCIL MEMBER MENCHACA: And then final
12 question on the-- there are many factors that are
13 going to come into understanding the cost, including
14 not just funding the lawyers, but making sure there's
15 access in every community, language access, how to
16 bring the services into communities that are-- that
17 have constant barriers to public accessible programs,
18 but one in particular, and I'm thinking about the
19 reimbursement rates across the board for lawyers, is
20 this something that you're reviewing as well as we
21 think about this bill and what the final cost would
22 be for representation. And I know you've done some
23 really good work already on some of these silos of
24 legal work. Can you tell us a little bit about that

2 as part of the review for this piece of legislation
3 and the final cost?

4 COMMISSIONER BANKS: I mean, the programs
5 that we have implemented over the last two years have
6 increased the case rate from what it was historically
7 in recognition that the expansion would require
8 additional dollars to provide much higher volume of
9 service, and one of the things that we're very much
10 focused on, though, is how much more need remains and
11 then what impact will that have upon cost in terms of
12 taking into account space and other issues that come
13 up in terms of the implementation of this kind of
14 fundamental change of going from, first of all, six
15 million to 62 million and then considering what next
16 steps should be taken. I mean, the number of lawyers
17 and paralegals as reported to us by our providers
18 through our investments and the judiciary's
19 investments have increased from 200 or so full-time
20 equivalence to 500 full-time equivalence. That's a
21 substantial expansion of services, but has to be
22 managed in a way that reflects all the intended cost
23 of that kind of expansion, and that's only to the
24 point that we're at now, let alone continued
25 expansion.

2 COUNCIL MEMBER MENCHACA: I think the
3 underscored point here is that as we expand for
4 justice, in the name of justice for our tenants, that
5 we look at the whole system as a whole to make sure
6 that everything is sustainable, including our lawyers
7 and the justice system as well, as our outreach and
8 making sure that we get that service to high quality
9 sustainable service to our tenants. So, again, this
10 is going to be an ongoing conversation, and as a
11 proud co-sponsor, I'm going to be interested in
12 looking at that particularly.

13 COMMISSIONER BANKS: Understood.

14 COUNCIL MEMBER MENCHACA: Thank you.

15 COMMISSIONER BANKS: Thank you.

16 CHAIRPERSON LANCMAN: Thank you. Council
17 Member Grodenchik?

18 COUNCIL MEMBER GRODENCHIK: I was going to
19 say good morning, Commissioner, but I'm a little late
20 for that now. Thank you for your indulgence and for
21 your time today. I just want to circle back to a
22 question that Council Member Gibson posed. The
23 cluster units as they are vacated, what happens to
24 them? They become regular rental units again? Do
25

2 they go back to the people who own them? How does
3 that work?

4 COMMISSIONER BANKS: Well, as we
5 announced in January as part of our 90-day review,
6 we're very focused on doing everything we possibly
7 can to enable the families that are in those units to
8 remain in them as long-term tenants with the
9 conditions being upgraded and the rent being a rent
10 that's reflected as a lawful rent, and we've already
11 addressed 250 of those units, and there are about
12 3,000 more units to go and we're working with a range
13 of different owners to try to convert those units
14 back to low-rent housing stock with upgraded
15 conditions so the families can remain in them.

16 COUNCIL MEMBER GRODENCHIK: Thank you.
17 And we have 42 sponsors on the bill, and we're
18 optimistic the ones sitting over here, and I'm sure
19 you're optimistic as well that this will be passed
20 into law and signed by the Mayor. We made tremendous
21 investments in curbing homelessness, and I don't want
22 to put you on the spot, but I will. Have you and
23 your top staff thought out when we will start to see
24 the needle move backwards in lowering the number of
25 people who are in the shelter system?

2 COMMISSIONER BANKS: If we had done one
3 of the things that we have done over this past period
4 of time, three would be 67,000 men, women and
5 children in the shelter system today. Based upon the
6 trajectory of the shelter system increase from 2011
7 to 2014 when the Advantage program ended, there were
8 5,000 New Yorkers being added to the system per year,
9 and the OMB projection was that by the end of fiscal
10 17 we would have 71,000 New Yorkers in shelter
11 system. And as of this month we'd have 67,000 New
12 Yorkers in the shelter system. We have about 67,000
13 New Yorkers in the shelter system currently. That's
14 as a result of a series of initiatives that we have
15 implemented, providing rental assistance to some
16 40,000 New Yorkers to either avoid going into shelter
17 or being moved out of shelter. The 10-fold
18 investment in legal services from six million to 62
19 million dollars, the reduction in evictions to 24
20 percent, all of these strategies that have been put
21 in place have broken a trajectory that would have had
22 us with 7,000 more men, women and children in the
23 shelter system now. However, there's more to be done.
24 That's why the Mayor announced funding 15,000
25 supportive housing units, and the first 500 units are

2 subject to an RFP, and we're projecting to bring them
3 online. So, there have been a number of strategies
4 that we've employed to prevent us from being today in
5 the place we would have been, and then more
6 strategies that we're putting in place to begin to
7 address certain things that have gone on for many
8 years. The cluster program, taking low-rent
9 apartments and turning them into shelter has gone on
10 for 16 years, and it didn't happen overnight. It's
11 not going to be phased out overnight. Renting
12 commercial hotel units has gone on for three decades.
13 It didn't happen overnight. It's not going to end
14 overnight, but the kinds of reforms we've put in
15 place are already yielding results that otherwise
16 would have had us at a 67,000 shelter system census,
17 and now has us with 7,000 fewer people. On the other
18 hand, on any given night, there are the human cost of
19 people who are in that system, and we continue to
20 work extremely hard to continue to make progress on
21 behalf of those individuals, the men, women and
22 children, whoever lost their homes.

23 COUNCIL MEMBER GRODENCHIK: Thank you,
24 Commissioner. One last question, Mr. Chair.
25 Assemblyman Hevesi who chairs the Social Service

2 Committee in Albany in the Assembly has advanced what
3 I think is a very bold and very progressive idea to
4 provide a tremendous influx of state dollars to keep
5 people from being homeless, to give them more choice,
6 and I don't know if you've had a chance to look at
7 that bill yet or had discussion with him?

8 COMMISSIONER BANKS: Well, I think that
9 as I understand, Assembly Member Hevesi's proposal
10 it's certainly in the same spirit in which we've
11 implemented rental assistance programs. The City had
12 no rental assistance programs focused on preventing
13 and alleviating homelessness between 2011 and 2014
14 and so have had to rebuild those programs. As I
15 understand his proposals, they are a more
16 comprehensive approach because they're statewide and
17 go beyond a number of the programs that we have been
18 able to put in place. We're certainly going to
19 review his proposal and evaluate what the best course
20 of action will be. He has been a leader in this
21 area, and we look forward to looking at his proposal
22 when it's reduced to legislation and taking a
23 position on it when we see it.

24 COUNCIL MEMBER GRODENCHIK: Thank you,
25 Commissioner. Thank you.

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COMMITTEE ON COURTS AND LEGAL SERVICES

CHAIRPERSON LANCMAN: Council Members
Levine and Gibson have eight minutes for another
round.

COUNCIL MEMBER LEVINE: Thank you very
much.

CHAIRPERSON LANCMAN: Go.

COUNCIL MEMBER LEVINE: We know you're on
a tight clock, Commissioner. There are 22,000 people
who have been removed from their homes by court-
ordered evictions, but we know that throughout
proceedings, often tenants leave their home under
duress. They feel threatened. Perhaps they have
limited English skills or even they're undocumented
immigrants. None of that impacts their likelihood of
being evicted, but it can be a very intimidating
position to be put in as a tenant, and unscrupulous
landlords know that darn well and that's one of the
reasons why they like to haul tenants in, with the
hope that tenants would then accept some sort of
paltry buy-outs in the midst of proceedings, often
for way less money than you could get-- than you
could replace your housing with. Do you have any way
to measure or even estimate how many tenants are

2 leaving their apartments midway through proceedings
3 before it even gets to an eviction?

4 COMMISSIONER BANKS: You're certainly
5 very much focused on evictions not by a City Marshal.
6 The City Marshal data is objective data that we have
7 to use to show impact of programs, and so we've been
8 focused on that as have you. In terms of the
9 phenomenon that you described with unscrupulous
10 landlords, you know, look, there are many very good
11 landlords. We work with them all time. They have
12 enabled more than 40,000 New Yorkers to make use of
13 our rental assistance programs. We're very grateful
14 to the nearly 14,000-- for the nearly 14,000
15 households that either got help through the landlords
16 or through our other housing programs including
17 Section 8 and Housing Authority placements. But the
18 dynamic that you describe is exactly why we've been
19 investing in the anti-harassment legal services
20 program and in the anti-eviction legal services
21 program, and one of the focuses we've had is to
22 ensure that we have services available literally in
23 court, particularly in the 10 high-need zones. We
24 want to make sure that our legal services providers
25 are directly in court so that they can be available

2 when the kinds of situations that you describe come
3 up, and that's part of the focus and the urgency of
4 moving from one percent to 27 percent, to address
5 exactly what you're describing. I think in terms of
6 putting a number on it, it would be something that
7 would be speculation, but it's-- the phenomenon you
8 described is exactly why we've been making the
9 investments that the Mayor's been making.

10 COUNCIL MEMBER LEVINE: Because those
11 unscrupulous landlords know that they're probably not
12 going to face a lawyer on the other side of a tenant
13 of an eviction hearing, the unscrupulous among them
14 deliberately seek to haul tenants in the court, I
15 believe, in the hope that they might be intimidated
16 or take a buy-out or whatever. On the flip side, as
17 we get more tenants representation, those landlords
18 are going to see if the game has changed, and I
19 believe that they will not bring as many cases as
20 they currently do. We've even seen extreme anecdotal
21 examples of a landlord just dropping the case when
22 they see a lawyer representing a tenant; they didn't
23 count on that. So, do you have a sense that we will
24 see a reduction in the number of cases as we continue

2 to ramp up our provision of legal services to
3 tenants?

4 COMMISSIONER BANKS: Well, so far we've
5 seen the number essentially flat, some decrease in
6 non-payments, some increase in hold-overs during this
7 particular period of time. So, I think that as we
8 evaluate and we evaluate with you what the likely
9 projected caseload would be for the next steps that
10 we may take, we need to be very cognizant of any
11 potential impact on the numbers of cases. Right now
12 we're not seeing it. We have seen a decrease in
13 orders to show cause. That's a good sign in terms of
14 efficiencies in court and ultimately benefit both
15 tenants and other litigants. As Council Member
16 Rodriguez pointed out, you know, with the numbers of
17 judges, fewer motions is a positive impact. In terms
18 of fewer cases, we haven't seen it yet, and we're
19 going to follow it closely because the phenomenon
20 that you describe is one that many people have
21 speculated may well occur. We just haven't seen it
22 happen yet.

23 COUNCIL MEMBER LEVINE: My time's up. I
24 just want to close by saying that while we both
25 applaud HRA for increasing the resources going to

2 attorneys, but we feel that we need to move beyond
3 this debate of budgets going up and down, of
4 political winds blowing here and there to establish a
5 rock solid right so that tenants know come what may
6 they will have fairness in Housing Court by the
7 benefit of an attorney. That is the spirit of 214
8 and why I urge my colleagues and the Administration
9 to support it. Thank you, Commissioner.

10 COMMISSIONER BANKS: Thank you very much.
11 As I said, we look forward to continuing discussions
12 with you.

13 CHAIRPERSON LANCMAN: Thank you. Council
14 Member Gibson to close.

15 COUNCIL MEMBER GIBSON: Oh, thank you. I
16 like closing. Thank you again, Commissioner. Once
17 again, you know, the work that you and Mr. Dressler
18 do, really appreciate it. I wanted to ask two
19 questions about the outreach efforts, and you talked
20 a lot about that in the testimony, and I say this
21 because you know, it's obviously very concerning to
22 me that a third of the evictions, court-ordered
23 evictions in the City came from the Bronx and
24 Brooklyn. So, I always say if it's coming from two
25 boroughs, obviously to me it's a call to action, and

2 it really requires immediate and a very unique
3 approaches. So, the zip codes that we know of and I
4 haven't seen, you know, all of the numbers, but
5 inside the Jerome Cromwell zoned area, 10452 and 3,
6 do those zip codes make up for a majority of the
7 Bronx eviction cases that you're seeing? And if not,
8 what are our outreach efforts outside of those
9 targeted zoning areas if you have residents that are
10 still facing eviction that may not live in 10452 or
11 3?

12 COMMISSIONER BANKS: Right. There are
13 other neighborhoods where we're seeing high shelter
14 entry historically--

15 COUNCIL MEMBER LEVINE: [interposing]
16 Molly [sic] Cohen [sic], if you could report to the
17 dais.

18 COMMISSIONER BANKS: and continue to see
19 it. And we continue to see it in other communities
20 in the Bronx, and we can provide you with further
21 information about those communities. In terms of
22 outreach in the communities where we're seeing high
23 rates of shelter entry from and the Jerome area that
24 you talk about, there are a number of ways in which
25 we're trying to address the need for outreach. One

2 is court-based because some people will not go to
3 places in the community but they end up in court. We
4 want to make sure we catch them there. There are
5 other people that are maybe afraid to go to court or
6 unaware of what to do. The Tenant Support Unit is
7 part of that effort, the not-for-profits that we work
8 with, the legal services providers themselves.
9 Having said that, always more can be done, and I'm
10 happy to sit down with you and look at other ways
11 that we can try to address the communities in your
12 district and the surrounding areas.

13 COUNCIL MEMBER GIBSON: Okay. I've seen
14 a lot, a lot of the promotions and different ads and
15 literature. You know, obvious, I always agree that
16 we can do more. The Community Boards have now resumed
17 meeting this month, providing presentations to them,
18 any other outlets where we can reach people where
19 they are. I'm very big on walking the streets and
20 going to the local groceries, the bodegas, you know,
21 the stores, working with small businesses. We have a
22 bid in our district. So, I just want to make sure
23 that the message is getting out because when
24 residents call 311 now, if they don't live in one of
25 those targeted zip codes, I don't know that they're

2 necessarily being steered in the right direction, and
3 you know, obviously I'm very concerned about my
4 district itself, but I look at the borough as a
5 whole, whether you're in the Jerome area or not. If
6 you are facing eviction, I want to make sure that you
7 have an outlet and somewhere to go to for direction.

8 COMMISSIONER BANKS: Right. There are
9 other communities in the Bronx that we're focused on
10 as there are in Brooklyn outside of the rezoning
11 areas, and we'll go back and focus on what
12 information the 311 has. They have a script. We'll
13 make sure that it's doing what you want it to do, and
14 we'll work with you in terms of additional outreach.
15 I appreciate your focus on this too.

16 COUNCIL MEMBER GIBSON: Okay. And final
17 question. You talked about next steps. Is the
18 Office of Civil Justice going to come out with
19 another report in 2017?

20 COMMISSIONER BANKS: Yes. We have an
21 annual bi-local law--

22 COUNCIL MEMBER GIBSON: [interposing]
23 Okay.

24 COMMISSIONER BANKS: and we're--
25 appreciate having this framework. We have an annual

2 report requirement, and then in fact in FY17 we have
3 the first five-year plan reporting requirement, and
4 we will be doing that as well.

5 COUNCIL MEMBER GIBSON: So, if our work
6 is speaking for itself and the results are as we
7 hoped they will be, then in that 2017 report, the
8 numbers of evictions by court order should be going
9 down and as well as the Bronx. Those numbers should
10 be going in the direction of down, right?

11 COMMISSIONER BANKS: There has been
12 tremendous progress made so far as a result of our
13 investments and the Council's investments, and we
14 want to keep the forward motion going--

15 COUNCIL MEMBER GIBSON: [interposing]
16 Okay.

17 COMMISSIONER BANKS: to get to the place
18 you're suggesting we should be.

19 COUNCIL MEMBER GIBSON: Great, okay, as
20 long as the door remains open. Thank you very much,
21 Commissioner. Thank you, Chair.

22 COMMISSIONER BANKS: Door is always open.
23 Thank you very much.

24 CHAIRPERSON LANCMAN: Thank you very much
25 for your testimony, Commissioner. Jordan, you did a

2 hell of a job. Thank you, too. And next we will
3 hear from some tenants. Oh, is Gale here? Is Gale
4 Brewer here?

5 GALE BREWER: Here.

6 CHAIRPERSON LANCMAN: There you are.

7 Gale, come on up. In the meantime, let me let anyone
8 who needs to go over to the Fire and Criminal Justice
9 Committee hearing as I do at one o'clock know that it
10 will be in the committee room next door. I will be
11 handing over the gavel, figuratively and literally,
12 to Council Member Mark Levine. I know that we have
13 approximately 80 people who signed up to testify, and
14 I wish Mark all the best with that. Thank you very
15 much. Just give us a minute to transition.

16 COUNCIL MEMBER LEVINE: Welcome, Madam
17 Public-- Madam Borough President.

18 GALE BREWER: Thank you very--

19 COUNCIL MEMBER LEVINE: [interposing]
20 Pleasure to have you here. Please, the floor is
21 yours.

22 GALE BREWER: Thank you very much.
23 Council Member Levine, Grodenchik, Gibson, and
24 Lancman on his way out. So, I am Gale Brewer. I am
25 the Manhattan Borough President and I thank you for

1 giving me this opportunity to testify regarding Intro
2 214A of 2014, the right to counsel. I think it's no
3 surprise to all of you here that I strongly support
4 this legislation, and I believe it can have a
5 positive impact on the continuing loss of affordable
6 housing and the crisis of long-term homelessness for
7 so many New Yorkers. For decades advocates have
8 argued that low-income tenants facing eviction have a
9 due process right to legal representation. When a
10 tenant is taken to Housing Court, we all know crucial
11 interests are at stake. Since there is virtually no
12 available affordable housing, literally none, to
13 replace what might be lost, the potential for
14 homelessness is always present. Long term
15 homelessness impacts one's freedom, employment,
16 physical and mental health, and children's education.
17 Our laws and codes give tenants significant
18 substantive and procedural rights in an eviction
19 action. But tenants have little or no understanding
20 of those rights, nor the skill to use them without
21 the assistance of counsel. We know from numerous
22 studies that the outcome of such proceedings is
23 determined, in many cases, by whether or not a lawyer
24 represents them. The evictions that result are
25

2 avoidable and unnecessary and have tragic
3 consequences. The cost to the City is huge.
4 Affordable apartments are lost because the law allows
5 a large rent increases for vacant, deregulated
6 apartments, because the city must absorb the cost of
7 sheltering a homeless family, including medical,
8 educational and other costs. So, while we know that
9 the cost of implementing this legislation is high,
10 IBO will tell us, it is offset by substantial savings
11 to the City for reduced costs for homeless services.
12 In addition to the savings to be realized by avoiding
13 homelessness, we must consider the potential benefits
14 that result where tenants, with expert counsel, can
15 fully access their legal rights, and obtain necessary
16 repairs in their apartments, and even obtain rent
17 reduction where there have been improper increases
18 imposed. But after all the legal and financial
19 analysis is done, this legislation is needed because
20 it is the right thing to do. Last year, funding for
21 legal services was increased thank you to Mayor-- to
22 the Mayor de Blasio. I understand that we now know
23 that there was a parallel substantial decrease in
24 evictions of 18 percent, even though the number of
25 eviction proceedings commenced remained the same as

1 prior years. That decrease represents people who
2 remain in their homes. This positive result is from
3 additional funding for legal counsel, and it points
4 the way forward, but the need still exists for more
5 resources. We all would like to see an end to
6 unnecessary evictions and the loss of affordable
7 housing because there is no counsel. Every day my
8 office, just like all of yours, sees tenants facing
9 eviction, many with difficult, complicated cases, and
10 they have not been able to find counsel. I am
11 particularly concerned for tenants, working families
12 in many cases, in the neighborhoods facing rezoning
13 or displacement. These tenants need expert attorneys
14 and they need organizers to help them resist the
15 pressures of skyrocketing rents. I am hopeful that
16 funding from this legislation will enable appropriate
17 CBO's, community based organizations, to provide
18 assistance to tenants not only in eviction
19 proceedings, but to help them in repair actions, to
20 fight MCI's and to fight harassment. I urge this
21 committee and the Council to address the issue of how
22 to provide help for individuals and families whose
23 income disqualifies them from receiving aid under
24 this legislation as well as assistance from services
25

1 by current CBO's. Their cases are complicated, and
2 they cannot afford private attorneys, a fact that
3 violates what should be a basic right to the
4 assistance they need to save their homes. I think
5 you know that when I was on the Council, thanks to
6 the City Council, we had through Goddard Riverside
7 Law Project and the Urban Justice Center monthly
8 clinics staffed by expert attorneys where anyone
9 facing housing problems or eviction could receive
10 help. And I want to thank Council Member Helen
11 Rosenthal and others in the Council for continuing
12 that. I believe that the Office of the Civil Justice
13 Coordinator must explore methods to address the
14 problem of providing help for households with incomes
15 above 200 percent of the poverty line, but which lack
16 means to pay private counsel. This is a large group
17 of New York tenants who are increasingly in danger of
18 losing their affordable apartments. In addition to
19 clinics like I just described, the Office of the
20 Civil Justice Coordinator should explore potential
21 programs for "low-bono" or sliding scale providers to
22 address this issue. These families and individuals
23 need assistance and we cannot neglect them either.
24 So, in summary, I support this legislation as an
25

2 essential step towards ensuring equal access to
3 justice. I look forward to its enactment and the
4 immediate and lasting benefits that will result.
5 Thank you for your testimony, your-- I would say your
6 testimony to this issue. Thank you very much.

7 COUNCIL MEMBER LEVINE: Thank you, Madam
8 Borough President.

9 GALE BREWER: Thank you.

10 COUNCIL MEMBER LEVINE: I actually did
11 have a question for you if that's okay. Because
12 you're so good--

13 GALE BREWER: [interposing] Yes, Mark
14 Levine?

15 COUNCIL MEMBER LEVINE: Do you have an
16 estimate on how many rent stabilized apartments the
17 borough of Manhattan has lost say in the last decade?

18 GALE BREWER: Over 100,000. I would say
19 more than that, but up to 2014, from 20-- 2004 to
20 2014 it was 100,000.

21 COUNCIL MEMBER LEVINE: Incredible.

22 GALE BREWER: It's probably more than
23 that.

24 COUNCIL MEMBER LEVINE: And incredible
25 loss. Could you even guess or estimate what portion

2 are from evictions? Would it be fair to say that
3 significant number were vacated due to evictions?

4 GALE BREWER: Yes. Many are vacated due
5 to evictions, lack of information that you don't have
6 to take money to be moved on, that you have an MCI
7 that you can fight, that the entire building can
8 stick together-- I think don't have to move as a
9 senior when somebody knocks on your door and says you
10 have to move. There are so many ways in which an
11 attorney would have been of assistance.

12 COUNCIL MEMBER LEVINE: It's just such an
13 important point. We're focusing on the human cost
14 that eviction imposes on a family which is so
15 significant, but our city also loses in so many
16 cases.

17 GALE BREWER: Hundred thousand units
18 would--

19 COUNCIL MEMBER LEVINE: [interposing]
20 There you go.

21 GALE BREWER: take care of the 60,000
22 homeless.

23 COUNCIL MEMBER LEVINE: And those units
24 are not coming back.

25 GALE BREWER: They're not coming back.

2 COUNCIL MEMBER LEVINE: Tremendous loss
3 to New York City. Thank you, Madam Borough
4 President.

5 GALE BREWER: Thank you very much, Mr.
6 Levine.

7 COUNCIL MEMBER LEVINE: I am pleased that
8 we now finally get to hear from a very important
9 voice, the critical voice of tenants on our next
10 panel, and I would like to call please Louis Cardoso
11 [sp?], Randy Dillard, Leyla Martinez, Carmen Vega
12 Rivera [sp?], Eduardo Paez, the Reverend Manuel
13 Rodriguez, and I believe that there are some
14 translators as well which are of course welcome to
15 join us up front. I think we're going to be a couple
16 chairs short, so if the sergeants could please bring
17 two or three more chairs. And just to facilitate
18 things, I'm actually going to call the following
19 panel. We have some seats in the front that you can
20 make your way down to so we can move expeditiously.
21 So, the following panel, again, if you could just
22 start making your way at your leisure. It's going to
23 be former Judge Emily Jane Goodman, former Judge
24 Andrew Lehrer, John Kiernan, Diana Sen, Andrew
25 Scherer, Neil Steinkamp, Raymond Roth, and Joe

2 Rosenberg from the CCRC. So, if you all at your
3 leisure could make it into the front row, and we are,
4 because we have so many people speaking, we're going
5 to have to start a clock at two minutes for each
6 speaker, and I don't know if-- is Mr. Cardoso, is
7 that your sir? Okay. [speaking Spanish]

8 LOUIS CARDOSO: [speaking Spanish]

9 TRANSLATOR: Good afternoon.

10 LOUIS CARDOSO: [speaking Spanish]

11 TRANSLATOR: My name is Jesus Louis
12 Cardoso Lara [sp?].

13 LOUIS CARDOSO: [speaking Spanish]

14 TRANSLATOR: I've been living in New York
15 City for 20 years

16 LOUIS CARDOSO: [speaking Spanish]

17 TRANSLATOR: I had the problem with my
18 apartment that I was unable to pay rent because I had
19 an accident. I hurt my finger and was unable to pay
20 the rent.

21 LOUIS CARDOSO: [speaking Spanish]

22 TRANSLATOR: And my landlord took me to
23 court.

24 LOUIS CARDOSO: [speaking Spanish]

25

2 TRANSLATOR: And without a lawyer, I had
3 a bad deal with him. I got a bad deal with him.

4 LOUIS CARDOSO: [speaking Spanish]

5 TRANSLATOR: And thanks to Los Sures I was
6 able to get-- they were able to recommend me a-- give
7 me a lawyer, and I was able to save my apartment.

8 LOUIS CARDOSO: [speaking Spanish]

9 TRANSLATOR: We as people who are not
10 familiar with the law, when we don't have lawyer to
11 represent us--

12 LOUIS CARDOSO: [speaking Spanish]

13 TRANSLATOR: They will always try to take
14 advantage of us and kick us out of our apartment.

15 LOUIS CARDOSO: [speaking Spanish]

16 TRANSLATOR: And that is why I think it
17 would be very just to have this law, to-- for the
18 government to provide legal representation to
19 everyone in Housing Court, especially for those of us
20 who don't have a full understanding or knowledge of
21 the law.

22 LOUIS CARDOSO: [speaking Spanish]

23 TRANSLATOR: And thanks to Los Sures I was
24 able to save my apartment. They helped me a lot.

25 LOUIS CARDOSO: [speaking Spanish]

2 TRANSLATOR: And that's' my testimony.

3 Thank you for hearing me.

4 COUNCIL MEMBER LEVINE: [speaking Spanish]

5 Thank you so much. I'm happy the story ended well.

6 Mr. Dillard, you're up next.

7 RANDY DILLARD: My name is Randy Dillard.

8 When I went to court it was a nightmare. I'm a
9 single parent of five. My daughter at the time was
10 in high school. As I said at the press conference, I
11 was on my death bed at one time, and when I got out
12 of the hospital I was served with eviction papers.
13 My landlord's lawyer. When I went to Housing Court
14 standing in long lines was another nightmare. Going
15 inside when they give you the paper to tell you when
16 you have to come back to court, and they tell you
17 who's suing, which is your landlord, they don't
18 answer no more questions. So I was fortunate to find
19 CASA, Community Action for Safe Apartments, and to
20 find a lawyer at POTS, Part of the Solution. So when
21 I went to court my landlord's lawyer, he fought it
22 twice. So right there tells you if I was a tenant
23 and didn't have a lawyer and I defaulted twice, that
24 I couldn't have put it back on the docket the way
25 that the landlord's lawyer did. I learned what a

2 stipulation was. If I didn't have a lawyer, I
3 wouldn't know not to sign an agreement knowing that I
4 don't have the money to pay when that agreement is up
5 and you get put out of your house. My daughter was
6 in high school. The fear in going to a shelter
7 frightened her as well as it did me. It caused me
8 mental problems. I was taking more medication than I
9 normally do. My daughter dropped from a "B" student
10 to a "D" student, and my attorney explained to me
11 everything that a hold-over is, a default is, and if
12 you don't know that, that's only the language for an
13 attorney.

14 COUNCIL MEMBER LEVINE: Mr. Dillard,
15 thank you not only for your testimony, but for the
16 years of activism that you've put in to help ensure
17 that other people benefit from attorneys. You've
18 been selfless and effective, and we thank you for
19 that.

20 RANDY DILLARD: Thank you.

21 COUNCIL MEMBER LEVINE: Next up we're
22 going to hear from Carmen Vega Rivera.

23 CARMEN VEGA RIVERA: Good afternoon. I'm
24 Carmen Vega Rivera. I'm 60-- Good afternoon. My name
25 is Carmen Vega Rivera. I was born and raised not

1 very far from here, and some of the values that my
2 parents instilled in me was: Get an education. Stay
3 away from drugs. Stay away from the criminal justice
4 system. Do not get in trouble, and always show
5 respect to your elders and your neighbors. Thirty-
6 six years ago I moved to the southwest Bronx,
7 thinking I was moving up, working for the Bronx
8 Museum of the Arts. I had a wonderful landlord then,
9 and a few years later they passed, and the
10 receivership was given to the existing landlord.
11 Unbeknownst to me, and my parents never shared with
12 me, that I had to also protect the roof over my head.
13 I have been in court with this landlord and fighting
14 him for 20 years, but he took me to court when I
15 started to enforce and ask for my rights since I was
16 paying for rent. Some of those basic rights were
17 heat and hot water, elevator service, cleanliness,
18 building maintenance, building repairs, and
19 individual apartment repairs, none which have ever
20 been implemented or taken care of. They were
21 actually unresponsive. When I found out in December
22 2009 that I was being evicted and I received seven
23 such notices from 2009 up to now, unbeknownst to me
24 what I would be experiencing in Housing Court. It
25

2 has been harassment of the landlord, but it also has
3 been a very time insensitive experience to be in
4 Housing Court. It's almost a degradation of your
5 humanity when you enter that court that you're not
6 heard, that you're not listened. It doesn't matter
7 who you are or what your education is. I'm well-
8 versed. I'm well educated. That meant nothing as I
9 stood there in front of a judge fighting the landlord
10 unrepresentative. It wasn't until I leveled the
11 playing field and reached out to CASA that they
12 provided attorneys through Urban Justice Center that
13 we sort of flipped the tables on them. So, I have had
14 court proceedings. I've been in trial. HP [sic], I
15 won it all, and yet I'm there today without the right
16 to counsel. It's not only I. it's all the faces that
17 look like me, that look like Randy that will continue
18 to be taken to court, be harassed, be evicted, be
19 displaced, and be counted into those horrible
20 numbers. So, I am imploring everyone to pass Intro
21 214 by the end of the year.

22 COUNCIL MEMBER LEVINE: Thank you, Carmen
23 for your forceful and effective leadership and for
24 being here today. Your microphone, please?

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LEYLA MARTINEZ: Thank you for the opportunity to speak to you about Intro 214A in relation to providing legal counsel for low income eligible tenants-- I'm so sorry, I'm nervous-- who are subject to eviction foreclosure proceedings. My name is Leyla Martinez, and I'm a tenant in a rent stabilized apartment in the Bronx. I'm a single mother. I'm a first generation American. I'm a survivor of domestic violence. I'm Latina, and I'm also a formerly incarcerated person. Aside from that, I'm a student at Columbia University. I'm a Human Rights Major, and I expect to graduate with my Bachelor's Degree in 2018, in May of 2018. I have had Housing Court cases in my current apartment. Prior to that I've been homeless. The first time I was in court I didn't have a lawyer, therefore I had to represent myself. After being denied a one-shot deal because of my rent of \$1,250 for a two bedroom apartment was too high. I sought out the help of other organizations. They advised me to try and have a landlord lower my rent so that I would be eligible for FEPS, which is a rental subsidy available only for people who are receipt of public assistance and have minor children, have a court case, and the rent

2 is low enough for them to be able to qualify. At the
3 time, as I stated, my rent was \$1,250, but I have
4 fewer than five people in my household. So the
5 landlord would have to agree to give me a
6 preferential rent of 900 dollars a month so that I
7 would be able to qualify for FEPS. When I applied
8 for help with HRA, the advice that was given to me
9 was to find an apartment in New York City that was
10 lower than \$1,250. Yeah, thank you. Due to
11 gentrification which has been taking place in New
12 York City, it is practically impossible for me to
13 find an apartment which is lower than \$950 per month.
14 I have so much to say.

15 COUNCIL MEMBER LEVINE: If you could just
16 briefly summarize.

17 LEYLA MARTINEZ: Briefly summarize. It's
18 just so much I don't even know how to summarize it,
19 but basically we don't-- it is impossible for us to
20 get-- I'm trying to get out of poverty by obtaining
21 an education. How am I to change my circumstances if
22 I don't get help? Like, I didn't have a lawyer. I
23 was evicted. I'm a student at Columbia. I'm trying
24 to-- I have a full scholarship. I was in danger of
25 losing my scholarship because I was going to court so

2 many times. I was in court every two weeks trying to
3 fight this case on my own. I was fighting the case
4 for over a year on my own because I didn't have
5 anyone to represent me until I was evicted. Then in
6 my desperateness I was able to tell a friend about my
7 situation and my friend introduced me to my lawyer
8 who works for Urban Justice, and she got me back into
9 the apartment. But even though I'm educator and I'm
10 a very advocate because I'm also a social justice
11 activist, so I'm always advocating for myself and for
12 others, I was not able to-- it's impossible. How do
13 I come up with the money? And then because I was
14 evicted I was-- then I had to pay more money. So I
15 had to come up with other funds to go back into my
16 apartment when I couldn't even pay my rent in the
17 first place, and I had to try and get scholarships
18 and help from other charity services, and the
19 charities weren't able to help me because some of
20 them had helped me previously.

21 COUNCIL MEMBER LEVINE: Thank you so
22 much, Ms. Martinez for your strength and your poise
23 and for sharing your story. It really only adds to
24 my passion to want to pass this bill. We really
25 appreciate you joining us here today, and I want to

2 thank the entire panel. Thank you very much. Muchas
3 gracias [sic]. Thank you. Sorry we're so short on
4 time. We have so many people waiting to testify.
5 Looks like we may have to play a little bit of
6 musical chairs. Sorry, this is an out-sized panel.
7 But-- wonderful. Okay. I'm going to ask that-- is
8 that my good friend Andrew Scherer kick us off,
9 please.

10 ANDREW SCHERER: Great. Thank you so
11 much. Good afternoon. My name's Andrew Scherer.
12 I'm the Policy Director of the Impact Center for
13 Public Interest Law at New York Law School. I know
14 you called Judge Emily Jane Goodman for this panel.
15 She had to leave earlier. She let me know. So, I
16 started my legal career in the south Bronx
17 representing tenants almost four decades ago, and
18 what I found as a young attorney is that if we could
19 get involved in a case and represent people, we could
20 have incredibly positive results, but we had to turn
21 so many people away, and I began to believe that, and
22 I continue to firmly believe that there needs to be a
23 right to counsel, just like when you're losing your
24 liberty and you're losing custody of your children,
25 there needs to be a right to counsel. Today is a

1 historic moment, not just for New York City, it's
2 really-- in equal justice for the United States. When
3 this Council passes Intro 214A and the Mayor signs it
4 into law, and mark my words, this will happen, New
5 York City will become the first jurisdiction in the
6 nation to guarantee that its poorest and most
7 vulnerable residents don't face losing their homes,
8 being traumatized by eviction, getting displaced from
9 their communities and entering the homeless shelters
10 without attorneys to represent them. The truth is
11 the Mayor and the Council already recognize this.
12 You heard Steve Banks testify. There's enormous
13 progress being made toward meaningful access to
14 justice in this city, and they've been increasing the
15 funding and building up the infrastructure, but
16 funding alone is not enough. Establishing a right to
17 counsel does what no amount of funding can do. It
18 completely and permanently shifts the dynamic of
19 housing justice for the long haul in this city and
20 sends a powerful message that this Administration
21 respects its lowest income residents and that it
22 recognizes that their human dignity and their homes
23 and their communities matter. Funding can be
24 eliminated. A right would be impossible for future
25

1
2 administrations to take away. May I have another
3 minute? The people of this City would not let that
4 happen. Can't be taken away. The support is
5 overwhelming. People say Friday's New York Times'
6 endorsement. You've heard from our former Chief
7 Judge who's a national icon in the movement for equal
8 justice, and throughout the rest of the day you'll be
9 hearing from community leaders, from public
10 officials, from labor leaders, from leaders of the
11 Bar, from policy experts, all in support of this
12 incredibly important bill. The time to do this is
13 now. This is a progressive, problem-solving
14 administration that in partnership with the Council
15 isn't afraid to take on big, important issues, not
16 afraid to make change where change is needed.
17 Ultimately, the question before us is what kind of
18 city do we want to live in? As the Mayor so
19 eloquently and often emphasizes, do we want two
20 cities, one for the rich and the poor? Do we want
21 two systems of justice, one for the rich and the
22 poor? Or do we want a city where all New Yorkers
23 regardless of their income have a fighting chance to
24 protect their homes and remain in their communities?

2 You know the answer. Pass Intro 214A and establish
3 the right to counsel now.

4 COUNCIL MEMBER GIBSON: Thank you.

5 ANDREW SCHERER: So we-- I guess next
6 we're going to have you guys, right, from-- these are
7 actually the folks that put together the report that
8 analyzed the cost and benefits of counsel from Stout
9 Risius Ross, and I'm going to move over and let them
10 speak.

11 COUNCIL MEMBER GIBSON: Just make sure
12 you state your name and affiliation for the record.
13 Thank you.

14 NEIL STEINKAMP: Thank you. My name's
15 Neil Steinkamp and I'm with Stout Risius Ross, and
16 I'm joined by my colleague Ray Roth. Thank you to
17 the members of the committee to having us here this
18 afternoon. Ours is the report in the analysis that
19 has been referenced several times today. We were
20 engaged to evaluate the cost and benefits of 214A to
21 the City, and we did so on a pro-bono basis.
22 Essentially-- and I'll try and keep this as brief as
23 possible-- it's a complex analysis, but what it boils
24 down to is we looked at both the reports of the
25 Independent Budget Office and the Department of

1 Finance. Taking the analysis of the IBO and really
2 essentially updating several of the inputs to that
3 with new information, information that's now
4 available that wasn't available when the report was
5 initially published, creates a net benefit. Simply
6 updating those numbers based on surveys that have
7 been done of legal service providers and information
8 that has been made available through the City results
9 in a net benefit. That is, to the extent that there
10 is funding that is required, the benefits of that are
11 exceeded, 52 million dollars right off the bat, and
12 that is before we consider the benefits of
13 preservation. We've heard several times already this
14 morning that there is benefit to preserving the
15 affordable housing stock of the city. When we add
16 that to the estimates that we've already looked at
17 from modifying and updating the IBO analysis, there's
18 a net benefit of over 300 million dollars to the
19 city. A lot of that comes from the fact that the
20 cost of providing counsel is between two and 3,000
21 dollars per case. The cost of shelter duration for
22 an individual or a family, as we heard already this
23 morning, is over 40,000 dollars. It's not hard to
24 appreciate how providing that counsel and improving
25

2 the odds for successful defense significantly
3 benefits the city. I also want to emphasize that
4 that analysis, our analysis, the IBO analysis, they
5 don't capture a variety of very important and
6 significant un-quantifiable things such as what we
7 just heard from on the last panel. The impact to
8 children, there are many studies that show that
9 improving stable housing for children has long-term
10 economic impacts. The benefits to students, the
11 benefits to just stable housing to families has
12 significant economic benefits to the city, which
13 these reports do not include and only add to the
14 benefits that we perceive for the passage of 214A.
15 Thank you again for your time.

16 COUNCIL MEMBER GIBSON: Thank you very
17 much.

18 JOHN KIERNAN: Good afternoon. My name is
19 John Kiernan. I'm President of the New York City Bar
20 Association. With permission, I will hand up my
21 written testimony and also the Stout Risius and Ross
22 report just described for the Council's use as it
23 chooses. My testimony today will be directed to five
24 very quick comments about the proposed legislation.
25 First, predictions that Intro 214A will pay for

2 itself in avoided shelter costs and other direct
3 costs that the City would otherwise pay are
4 responsible and reasonable. It starts with the
5 statistics just mentioned, that there's a 44,000
6 dollar average curtain cost for sheltering the family
7 for the average of 13 months at 41,000 dollar a year,
8 combined with a 2,000 dollar average cost of
9 providing legal representation. All in a context
10 where representation has been shown to greatly
11 enhance families' prospects for avoiding eviction by
12 over four times according to a study noted in the
13 recent Office of Civil Justice Report. Second, the
14 statistics about reduced evictions over the past two
15 years during the period when the city has wonderfully
16 increased its spending for legal services for
17 eviction protection from six million to 62 million,
18 not all the way rolled out as Commissioner Banks
19 said, carry a powerful reinforcing message of their
20 own. There's been a lot of references to the 24
21 percent reduction in marshal's evictions from 28,000
22 to about 22,000. There's another statistic that goes
23 to Commissioner Levine's question of a few minutes
24 ago-- Council Member Levine's question of a few
25 minutes ago about other evictions beside that.

1 That's that there's been a 21,000 person or family
2 reduction in the number of warrants of eviction,
3 which can cause-- many times cause people to live
4 without waiting for the marshal to arrive to throw
5 them out at the average of three people per eviction
6 notice that the same Office of Civil Justice Report
7 estimated. That's 63,000 people or a medium-sized
8 city of reduced evictions already as a result of this
9 program. While it's true that the program is still
10 enrolled in roll-out, conclusions about whether
11 eviction protection through legal representation will
12 have enormous effect are already at a point where
13 they can be reasonably reached. Third, comparing the
14 cost of legal representation to the benefits of
15 legal-- of the resulting savings underestimates all
16 the other many savings besides economic savings that
17 are associated with eviction protection that the City
18 Council is already well aware of. Fourth, provision
19 of legal representation will not, of course,
20 eliminate all evictions, but it serves as an
21 essential piece of the puzzle. There will still, as
22 others have recognized, have to be allocations of
23 funds for arrears, support, rental assistance and
24 other back-stop protections. But in the meantime,
25

2 the significant and the increased rate of eviction
3 avoidance also makes clear that there are strong
4 legal basis that tenants have for defending
5 themselves. That's the only conclusion they can
6 follow from the change in results from providing
7 lawyers. A system where over 99 percent of lawyers--
8 of landlords seeking evictions are represented by a
9 counsel and where tenants facing life-altering
10 consequences of eviction overwhelmingly don't have
11 such representation, and where many of them could
12 avoid eviction raises basic questions of fairness.
13 Fifth and not least and with apologies for
14 overextending--

15 COUNCIL MEMBER GIBSON: [interposing]
16 It's okay.

17 JOHN KIERNAN: my time.

18 COUNCIL MEMBER GIBSON: I know you're
19 coming to a close, right?

20 JOHN KIERNAN: I'm coming to my last two
21 sentences. This is a place where the spark that the
22 City Council has begun to create a bonfire. The
23 difference in between the seminal step that the City
24 Council is contemplating and almost taking that step
25 should likely be overshadowed by the message that

2 will be sent to all the cities in this country about
3 what New York, the city that should take the lead in
4 this, has done in seeking-- in advocating and
5 creating a uniform right to counsel. Thank you.

6 COUNCIL MEMBER GIBSON: Thank you.

7 DIANA SEN: Good afternoon. My name is
8 Diana Sen and I'm the President of the Network of Bar
9 Leaders. The Network of Bar Leaders is a coalition
10 of 50 bar associations throughout New York City. We
11 include the big Bars of New York City Bar, New York
12 State Bar, but other Bars, specialty bars, minority
13 bars like the Hispanic National Bar Association and
14 various other Bars. And what's particularly
15 important about Intro 214 is that we found that all
16 50 of our Bar Association organizations together in
17 this coalition agreed with the fact that it's very
18 important for people to have the right to counsel
19 when they're about to lose their home, whether it's
20 through foreclosures or eviction. We find it be an
21 important universal need. And as many of you know,
22 it is rare when lawyers are all able to agree in
23 unison, and that is why it's so important. So, not
24 only we stand before you today along with all the
25 other coalitions to say that this is a very important

2 right, but we also wanted to emphasize the importance
3 too to language minorities and limited English-
4 proficient individuals, because we know that the
5 legal system is in itself very difficult to
6 understand, but imagine when you're losing your home
7 and you may not have the language proficiency. So,
8 that's something that we find to be of very critical
9 need and we applaud all of your efforts and are very
10 hopeful that we will be able to pass this important
11 bill.

12 COUNCIL MEMBER GIBSON: Thank you. Under
13 two minutes, wonderful. Joe?

14 JOE ROSENBERG: Okay, sure.

15 COUNCIL MEMBER GIBSON: You're closing us
16 out?

17 JOE ROSENBERG: That's right, yes, and
18 I'll speak--

19 COUNCIL MEMBER GIBSON: [interposing] We
20 have on more, okay. One more to close.

21 JOE ROSENBERG: Actually, do you want to
22 go first? Okay. Good afternoon, Council Member
23 Gibson. I'm Joe Rosenberg. I'm the Director of the
24 Catholic Community Relations Council. This bill is
25 strongly supported by the Archdiocese of New York and

1 the Diocese of Brooklyn. The line between decent
2 affordable housing and homelessness is a thin one,
3 and it is incumbent on all of us to protect the most
4 vulnerable of New Yorkers who face the specter [sic]
5 of homelessness. New Yorkers, who are near the
6 poverty line have little or no financial means to
7 hire private counsel, should have the right to be
8 represented in New York City Housing Court.
9 Providing such families and individuals with legal
10 counsel is an important step to helping reduce
11 homelessness in our City. Helping the neediest New
12 Yorkers has long been a priority of the Catholic
13 Church. Consistent with this mission and social
14 teaching, Catholic Charities of the Archdiocese of
15 New York and of the Diocese of Brooklyn have provided
16 this assistance through the establishment of
17 facilities and centers throughout the five boroughs
18 of our city. Programs include networks of food
19 pantries, housing for the poor, the homeless and the
20 elderly, and the agencies that help the most
21 vulnerable, those with developmental disabilities
22 abuse and neglect to children and adults with mental
23 illness. Anti-eviction legal services are an
24 essential component of the mission to reduce
25

1
2 homelessness in New York. This important focus on
3 keeping families in their homes has been recognized
4 by this mayoral administration and the City Council.
5 As a result, funding to New York City legal service
6 programs has been greatly increased, resulting in the
7 expansion of resources designed to prevent eviction
8 and keep people in their homes. Catholic President
9 of the Network of Bar Leaders President of the
10 Network of Bar Leaders Charities of the Archdiocese
11 and of the Diocese of Brooklyn are both part of this
12 initiative. Preserving housing development, the
13 Catholic Charities Community Services of the
14 Archdiocese of New York served over 5,000 clients
15 last year. They focused on eviction prevention,
16 services for HPD Section 8 tenants, helping clients
17 obtain emergency cash assistance and identifying
18 families with children who are eligible for the
19 family eviction prevention supplement. The eviction
20 protection program of neighborhood services with
21 Dioceses Brooklyn work with DHS to assist families in
22 obtaining financial assistance and other counseling
23 [sic] to avoid homelessness. They have helped over
24 5,200 families last year. All anti-eviction programs
25 are essential to help stem homelessness and should be

2 expanded. We applaud Mayor de Blasio and the City
3 Council for focusing on this priority. However, for
4 low income families and individuals who are unable to
5 obtain such assistance and find themselves in Housing
6 Court, the most effective deterrent against
7 homelessness is legal representation. That is why we
8 strongly support Intro 214A and urge that you pass
9 it. Thank you.

10 COUNCIL MEMBER GIBSON: Thank you, very
11 much. Make sure your mic is on.

12 ANDREW LEHRER: it is now on.

13 COUNCIL MEMBER GIBSON: Good afternoon.

14 ANDREW LEHRER: my name is Andrew Lehrer
15 and currently I'm the Managing Attorney for Housing
16 at Catholic Migration Services which provides legal
17 representation for low income individuals and
18 families seeking help on immigration, workers' rights
19 and housing matters. With housing in particular, we
20 represent tenants throughout Queens and also in
21 Bushwick, Brooklyn. The reason I'm here today,
22 probably the reason I was asked to speak probably
23 because of my former life. Before coming to CMS I
24 worked in the Housing Court both as a court attorney
25 for a Housing Court judge, and also has a Housing

1 Court judge. Before that I worked for the Legal Aid
2 Society in East Harlem representing tenants in tenant
3 associations. So, I've seen--I've observed the
4 plight of tenants from both sides of the deck. It's
5 not always a pretty picture. Now, New York is
6 amazing. It has many, many laws and regulations that
7 aim to protect tenant's right, but as the Court of
8 Appeals has noted, they constitute an impenetrable
9 thicket confusing not only to layman but to lawyers
10 as well. Just imagine how confusing those laws must
11 be to an unrepresented tenant. Now, every day the
12 Housing Court deals with thousands of cases. The
13 overwhelming majority of those cases the landlord is
14 represented by an attorney, the tenant is not. Most
15 of the business of the Housing Court is actually
16 conducted in the hallway, when the landlord's
17 attorney negotiates a settlement agreements with
18 usually unrepresented tenant. Now, the Housing Court
19 makes an effort to even the playing field by having a
20 court attorney and judge review the agreement, make
21 sure the tenant isn't being unfairly-- too unfairly
22 taken advantage of, and to know that he has other
23 options. But usually an unrepresented tenant cannot
24 take advantage of those other options. So while the
25

1 court system's attempt to even the playing field is
2 admirable, it falls way short. Housing Court's
3 judges' caseloads can be quite high leaving them
4 insufficient time to explain their agreements, even
5 when tenants know their right. If they're
6 unrepresented, if they're unable to speak or
7 understand English, they may be too intimidated to
8 assert them. Court attorneys and judges are not
9 allowed to give legal advice. So, neither court--
10 actually, neither judges nor court attorneys should
11 be put in the role of having to provide the kind of
12 services that only an attorney representing the
13 tenant can do. Now, when I was judge, and this
14 should come as no surprise, it was my experience that
15 those tenants who were represented by counsel had
16 better results than those who are not, and the
17 examples are legion. Let me give you just the
18 simplest of examples. One of the Housing Court
19 Judges' most important powers is deciding whether to
20 sign an order to show cause to stop an eviction and
21 set a date for the parties to come back to argue why
22 the tenant should or not be given release. The law
23 gives judges a considerable discretion in making that
24 decision and provides a number of factors for them to
25

2 consider. In practice, one of those important
3 factors that are not set forth in the law is whether
4 or not the tenant is represented by an attorney who
5 the judge knows and respects. That alone sometimes
6 makes all the difference. So, in closing, while the
7 causes of homeless and the loss of rent regulated
8 housing are made, many of the solutions lie with
9 Washington and with Albany and are beyond the control
10 of the City Council. The right to counsel in Housing
11 Court is an important part of the solution and is
12 something that this body has the power to make a
13 reality. So I urge the council to do so.

14 COUNCIL MEMBER GIBSON: Thank you. He's
15 on right? I think I have his name. Yes. Reverend
16 Rodriguez? Okay, yeah, I think we called you.

17 MANUEL RODRIGUEZ: Hello. My name is--

18 COUNCIL MEMBER GIBSON: [interposing]

19 Hello.

20 MANUEL RODRIGUEZ: Father Manuel
21 Rodriguez. I'm here as a Catholic Priest and as a
22 pastor. My church is in Jamaica, New York. Before
23 that I was for many years in Brooklyn in Williamsburg
24 and in Sunset Park. As we already heard, the
25 Catholic Church is backing this bill Intro 214

2 strongly because we deal with the consequences of
3 homelessness on a daily basis. For example, in my
4 church we right now in relation, in an agreement with
5 CAMBA [sic], the organization, we're going to be--
6 we're going to have to open a shelter, a small
7 shelter in our church because the number of homeless
8 people in Jamaica is increasing on daily basis, and
9 we already have run a soup kitchen, but even though
10 we don't have any grant or any extra fund for that,
11 we're going to do it on our own resources, because we
12 believe that as a church we are to come along with
13 the needs of the poor, and this is probably the most
14 urgent situation. The poor people in New York City
15 are facing homelessness. So, we really strongly
16 support this bill. We ask the City Council members
17 that please go ahead and do the right thing and
18 approve this because our people need it. And, you
19 know, I also would like to take advantage here to let
20 organizations present here and all the people that
21 are supporting this bill and fighting for the rights
22 of the tenants, that the church, the Catholic Church
23 is with you and we are always backing you up, and we
24 look forward to get this bill approved. Thank you so
25 much.

2 COUNCIL MEMBER GIBSON: Thank you. Yes,
3 that was an incredible panel. Thank you all for your
4 leadership, your commitment. I actually just had two
5 very quick questions. We often talk about collateral
6 consequences as an end result, right? So, a family
7 losing their home means that that child or children
8 are no longer in that school district, and you know,
9 a job is impacted. Have we actually quantified the
10 amount of the collateral consequences? So we know
11 about 300 million dollars are realized in potential
12 savings of keeping families in their homes, but does
13 that also include the value of a child being
14 transferred, a mom or dad losing their job? I mean,
15 there's so many other factors that have this, you
16 know, catastrophic domino effect that, you know, when
17 a family is evicted from their home. Has your study
18 look at that as well?

19 NEIL STEINKAMP: So that's a great
20 question. The short answer is no, and the reason is
21 there's a lot that goes into that. I've done those
22 sorts of analysis before. There's just not enough
23 information for us to do that at this time, but
24 you're right, that's in addition to what we've
25 already calculated, and it is significant. There's

2 obviously the human element of that, but the
3 community and citywide effects of that will be felt
4 for many, many years. A family who is going through
5 that process, goes through eviction, goes into
6 homelessness, the path forward for them is very
7 different than the path forward that involves stable
8 housing, and the cost of that in terms of remediating
9 it, but also, you know, there's studies that show
10 long term wage impacts, education impacts,
11 employability impacts, healthcare impacts. The
12 effects of that will be long-term.

13 COUNCIL MEMBER GIBSON: And my additional
14 question is looking at, you know, the families that
15 are impacted and what we're doing to provide as much
16 prevention. There are many instances where families
17 are on the brink of eviction and many of them don't
18 reach out for many reasons. So the City and the work
19 we do to try to identify those families before they
20 get to eviction and get to Housing Court is really
21 important. So, I want to know, the work that the
22 City is doing, what else do you think that we should
23 be looking at in addition to right to counsel? If you
24 look at the types of evictions that families are
25 going through and the fact that many tenants are

2 taking landlords to court for repairs, for basic
3 necessities that they're not getting, and you know,
4 essentially if you harass your landlord so much
5 they'll find a reason to get rid of you, right?
6 Whether it's legal or not. And if you don't know
7 your rights, I mean, what types of security do you
8 have? So, you know, moving forward, is there
9 anything that we at the Council from your perspective
10 should be looking at in addition to right to counsel?

11 ANDREW SCHERER: So, let me just say that
12 the City's efforts to try to provide funding and put
13 in place programs that are actually preventative, not
14 simply at the far end when people--

15 COUNCIL MEMBER GIBSON: [interposing]
16 Right, reactive. Right.

17 ANDREW SCHERER: not simply reactive is
18 really great. I do think, though, that the key to
19 this is creating the right, not simply having the
20 funding. The people who you talked about who don't
21 know what their rights are and never even find their
22 way to the court to represent themselves, the word
23 will get out on the street if people know that they
24 actually have a right to an attorney. That will
25 change the dynamic. That will put pressure on the

2 system in ways that I think we can't even yet
3 imagine. Landlords will be dissuaded from bringing
4 frivolous cases in the first place, and the numbers
5 of cases will go down. There will be pressure on the
6 system to raise shelter allowances so people can
7 actually afford the rent and stay in their homes.
8 But it starts with the notion that people have this
9 fundamental right to equal justice so that the
10 discussion about all these other measures that needs
11 to take place and that ultimately are really what
12 needs to happen to solve the housing crisis that we
13 have. That conversation doesn't begin to take place
14 when people every day are losing their homes and
15 losing their ability to stay in their communities
16 simply because they can't afford to pay an attorney.

17 COUNCIL MEMBER GIBSON: Thank you. I
18 agree. I think if we do everything possible to
19 captures families while they're, you know, along this
20 process where they're on the brink of eviction, when
21 they feel that they're falling before they fall. I
22 think it's a testament and it speaks to the
23 commitment we have. And you know, we are very
24 passionate about codifying measures and putting them
25 in local law. None of us are going to be here

2 forever, and we want to make sure the good successful
3 measures are put in local law. Because to us, I
4 mean, not just the historic perspective from this,
5 but making sure that people are equipped with
6 knowledge and power, and when you have a fundamental
7 right to something, you get strength as a tenant.
8 You get, you know, the fortitude to say I don't have
9 to accept this type of treatment or live in these
10 types of conditions that many families are almost
11 accustomed to, and they're complacent and it's not
12 acceptable. you know, I think sometimes I'm more
13 passionate about this because I think about the
14 stories that I don't see, and I think about the faces
15 that I probably have not yet met, but they're going
16 through a struggle, and they're living in darkness
17 and they're hoping for a lifeline, and for me this
18 bill is a lifeline. It's a lifeline for hope and for
19 a second chance for many families that may have made
20 a mistake or may have fallen victim to some societal
21 factor like losing their job, but that doesn't mean
22 that they have to live in the conditions they live
23 in, nor does it mean that they have to belong or end
24 up in a shelter. I mean, I agree, and I thank you for
25 the work. You've been amazing through this process I

2 helping us understand this better, and you know, I
3 certainly believe that today's hearing and further
4 conversations are getting us oen step closer to
5 universal.

6 ANDREW SCHERER: Well, thank you very
7 much, Council Member. And just oen more word, I have
8 to say that the two of you, Council Member Gibson and
9 Council Member Levine, have been providing such
10 incredible leadership on this issue. We wouldn't be
11 where we are today. We wouldn't be on the verge of a
12 historic moment really not just for New York, but for
13 the United States, and we are going to make this
14 happen. Together, we're going to make this happen.
15 It's-- we're well on our way. So thank you both so
16 much.

17 COUNCIL MEMBER GIBSON: Thank you.

18 COUNCIL MEMBER LEVINE: Thank you. Thank
19 you very much.

20 COUNCIL MEMBER GIBSON: Thank you all.
21 Thank you.

22 COUNCIL MEMBER LEVINE: Now we're going
23 to hear from another important perspective, which is
24 the perspective of people who are building and
25 managing housing. So, I'd like to call up Edward

2 Campanelli, Elizabeth Strojan, Harold Parienzo [sp?],
3 and Edward Ubiera. And while they're making their
4 way forward, I am going to call out the names for the
5 following panel so you can begin to make your way
6 down here. There's some chairs out front for you.
7 We have on the following panel we have Catherine
8 Carr, David Udell, Risa Kaufman, and Thomas Waters.
9 Alright, Mr. Campanelli, would you like to?

10 EDWARD CAMPANELLI: Over here.

11 COUNCIL MEMBER LEVINE: Would you like to
12 kick us off?

13 EDWARD CAMPANELLI: Sure.

14 COUNCIL MEMBER LEVINE: Thank you.

15 EDWARD CAMPANELLI: Thank you. My name
16 is Edward Campanelli and I'm here today representing
17 Housing Works, a healing community of people affected
18 by HIV/AIDS. Our mission is to end the dual crises
19 of homelessness and AIDS through relentless advocacy,
20 the provision of lifesaving services, and
21 entrepreneurial businesses that sustain our efforts.
22 I work as a staff attorney at Housing Works, and I'm
23 here today to express our strong support for Proposed
24 Intro Number 214-A. Housing Works was founded in
25 1990, early in the HIV/AIDS epidemic, when HIV-

1 positive New Yorkers increasingly faced eviction due
2 to illness, loss of income and HIV-related stigma.
3 People who could not afford legal counsel often
4 became homeless, in many cases leading to further
5 deterioration of their health and a shortened
6 lifespan. Over the past decades, Housing Works has
7 worked relentlessly to ensure that New Yorkers with
8 HIV have the stable housing and health care essential
9 to live with HIV, including quality legal services to
10 preserve or obtain safe, affordable housing. At
11 Housing Works, we have shown housing is health care.
12 Securing people's housing does more than combat the
13 homelessness crisis, it also helps us fight major
14 health crises such as HIV/AIDS. The research evidence
15 is clear that the lack of stable, secure adequate
16 housing is a significant barrier to consistent and
17 appropriate HIV medical care, adherence to
18 antiretroviral treatment, sustained viral
19 suppression, and reduction of HIV risk behaviors. But
20 today, more than 25 years after the organization was
21 founded, we still see landlords using Housing Court
22 to take advantage of vulnerable, low-income clients,
23 and that is why I am here today. Indeed, in the
24 current housing market we have seen an increase in
25

1 frivolous cases brought by landlords seeking to raise
2 rent exponentially or vacate a building for resale.

3 For clients who rely on public assistance or a small
4 fixed income while battling chronic medical

5 conditions, appearing in housing court with an

6 attorney fundamentally changes the balance of power.

7 Landlords' attorneys who do not face opposing counsel

8 too often bully and disrespect the rights of tenants.

9 This further traumatizes already vulnerable

10 litigants, undermines the basic human right to

11 housing, and for our clients can be a matter of life

12 or death. Having an attorney to advocate ensures that

13 our clients' voices are heard, a level playing field,

14 and often ensures that clients have the time and

15 resources to avoid the trauma of eviction, or to

16 relocate to other stable and affordable housing.

17 Additionally, with trained and competent housing

18 counsel our clients are informed of and able to

19 assert complex legal defenses based on nuanced

20 housing law. These defenses often enable clients to

21 retain affordable housing and negotiate from a

22 position of strength, not weakness. I know my time is

23 up.

24
25

2 COUNCIL MEMBER LEVINE: Thank you. If
3 you could just quickly wrap up, Mr. Campanelli,
4 please.

5 EDWARD CAMPANELLI: Sure. Day after day,
6 we see affordable housing disappear in New York, and
7 we see an increase in fabricated nuisance claims or
8 denying rent-stabilized status entirely. And
9 without--

10 COUNCIL MEMBER LEVINE: [interposing]
11 Thank you.

12 EDWARD CAMPANELLI: representation,
13 indigent New Yorkers don't stand a chance. So we urge
14 the Council to support the bill. Thank you.

15 COUNCIL MEMBER LEVINE: Thank you for your
16 testimony. We appreciate it. Elizabeth?

17 ELIZABETH STROJAN: Thank you so much.
18 Council Member Levine and Council Member Gibson,
19 thank you so much for your leadership both in putting
20 this bill forward and for your patience during
21 today's marathon hearing. My name is Elizabeth
22 Strojan, and I direct Public Policy for Enterprise
23 Community Partners in New York, a nonprofit
24 affordable housing organization that's worked to
25 create and preserve affordable housing here and

2 nationwide for 30 years. We're here today to
3 strongly support Intro 214 because we know despite
4 our best efforts, despite all the investments by
5 Enterprise and our partners, we cannot just build our
6 way out of this affordable housing crisis that we see
7 so acutely in New York City. We have to take
8 advantage of opportunities to preserve the affordable
9 housing stock outside of subsidized affordable
10 housing. The right to counsel would have positive
11 impacts on low-income people facing Housing Court
12 actions, many of whom come from communities that have
13 faced discrimination in housing and disinvestment in
14 their neighborhoods for decades. This legislation
15 also has the potential to help stem the loss of rent
16 stabilized housing. So, you guys have a copy of my
17 written comments. I'll just summarize here quickly.
18 I don't think I'm adding anything new to the
19 conversation. It's very exciting to be a part of the
20 consistent drum beat that's supporting this
21 legislation here today. I do think, though, that
22 it's worth noting explicitly, we've heard a few times
23 this morning, specifically at the press conference,
24 that many people facing housing court actions are
25 people of color who come from neighborhoods that were

2 disinvested but now face rising price pressures from
3 an influx of investment often without benefits to
4 communities. So, from red-lining to racial steering
5 to urban renewal, these same communities have for
6 years been subjected to actions by the government and
7 private actors that have led to the situation we're
8 in today. Now that these neighborhoods are again
9 deemed valuable, displacement is what threatens
10 communities. The right to counsel is one tool to
11 help stop displacement, and for these reasons and
12 many more Enterprise is a large affordable housing
13 intermediary strongly supports Intro 214. Thank you.

14 COUNCIL MEMBER LEVINE: Thank you very
15 much, Ms. Strojan. Alright, thank you.

16 EDWARD UBIERA: Thank you, Council Member
17 Levine, Council Member Gibson, and the members of the
18 Committee on Courts and Legal Services for the
19 opportunity to speak here today on the matter of
20 Proposed Intro 214A. My name is Edward Ubiera. I'm
21 the Director of Policy for the Local Initiatives
22 Support Corporations New York City Program, another
23 intermediary. Many of you know LISC as a nonprofit
24 that provides financing and technical assistance for
25 the affordable housing sector. LISC was born here in

1 New York City in the 1970's to bring neighborhood
2 organizations together with banks, foundations and
3 government. The context back then was arson,
4 abandonment and disinvestment. Since our founding in
5 1979, LISC and its partners helped to rebuild
6 neighborhoods across New York City by investing over
7 two billion dollars resulting in 40,000 units of
8 affordable housing and about two million square feet
9 of commercial space. We at LISC New York City
10 support adoption and implementation of proposed Intro
11 214A to require the Office of Civil Justice to
12 provide legal counsel for low-income residents who
13 are subject to eviction or foreclosure. By some
14 estimates, only about a quarter of tenants facing
15 eviction have the benefit of counsel. We believe
16 that expansion of legal services in eviction cases
17 will be a critical tool both for the preservation of
18 affordable housing and for homelessness prevention.
19 There are many. There are very few. There are some
20 few predatory landlords and investors that are taking
21 advantage of a hot real estate market and adoption of
22 214A will signal to the market and create a
23 disincentive for any of their unscrupulous behavior.
24 Expanded legal services will result in better public
25

2 outcomes as lawyers will be able to clarify the rent
3 status of rent stable-- of units under rent
4 stabilization. They will be able to negotiate with
5 landlords' payment plans or reduction in rent arrears.
6 They will be able to win more time for tenants to
7 find substitute housing if an eviction is approved,
8 and they will be able to connect tenants to public
9 benefits like rental subsidies. I'll end right
10 there.

11 COUNCIL MEMBER LEVINE: Exquisite timing.

12 EDWARD UBIERA: Thank you.

13 COUNCIL MEMBER LEVINE: Your remarks are
14 going to be bold and in the record.

15 EDWARD UBIERA: There you go.

16 COUNCIL MEMBER LEVINE: Please sir.

17 THOMAS WATERS: Thanks. Thanks for this
18 opportunity to testify, Council Members Levine and
19 Gibson and everyone else. I'm Tom Waters from the
20 Community Service Society of New York. The most
21 important reasons why you should pass Intro 214A and
22 enshrine a right to counsel for low-income tenants
23 facing eviction are the reasons of equal justice and
24 to prevent the severe harms that eviction does for
25 low-income people, and we've heard some very

2 inspiring testimony about that today. But I'm going
3 to talk about something more pedestrian, which is the
4 effect of evictions on the housing system and the
5 ability of our housing system to provide decent
6 housing for the people of New York. I call it a
7 system because it's not just a static bunch of
8 apartments, but it's constantly changing, and one of
9 the things that drives change in it is when people
10 move. Right? When a tenant, especially a low-income
11 tenant moves out of his or her apartment and goes to
12 another apartment, that tenant faces a huge rent
13 increase usually, and the tenant who moves into the
14 vacated apartment almost always pays much more rent
15 than the tenant who vacates. So moves drive rent
16 increases. One reason why rents in New York City are
17 so unaffordable is because people move. Now, there
18 are good moves and bad moves, right? If you move
19 because you had a child and now you want a bigger,
20 another bedroom, that's a good move. But if you move
21 because you were evicted whether by a judge or just,
22 you know, informally evicted by threats from the
23 landlord, that's a bad move. Low-income tenants
24 don't have good moves very often because they can't
25 afford to move and it's probably getting less often.

2 Bad moves are common for low-income tenants, and
3 they're probably getting more common. So, evictions
4 are a result of excessive rent increases when tenants
5 can't afford their rent, but they're also a cause-- I
6 mean, they're also a cause of unaffordable rents, and
7 by interrupting this process, by slowing down the
8 number of evictions ordered by a judge and probably
9 also those in formal evictions too, we can protect
10 the housing stock and make rents more affordable and
11 give less reason for tenants to wind up in Housing
12 Court in the first place. Thanks.

13 COUNCIL MEMBER LEVINE: Thank you, sir,
14 for your remarks, Mr. Watters, and thank you to this
15 great panel. We really appreciate it.

16 COUNCIL MEMBER GIBSON: Thank you. Thank
17 you.

18 COUNCIL MEMBER LEVINE: Next up I want to
19 call Eduardo Paez who was a tenant who we didn't have
20 room for in an early panel, Mr. Paez, please come
21 forward, and again we're going to hear from Catherine
22 Carr, David Udell, Risa Kaufman, and Debbie Stevens.
23 And I don't know if Harry DeRienzo is still here. We
24 called him on a previous panel, but if you're here
25

2 sir-- there you are. Please come forward as well.

3 And [speaking Spanish].

4 EDUARDO PAEZ: Si.

5 COUNCIL MEMBER LEVINE: Okay. [speaking
6 Spanish]

7 EDUARDO PAEZ: [speaking Spanish]

8 TRANSLATOR: My name is Eduardo Paez, and
9 I'm here with Catholic Migration Services. I have
10 lived at 2818 38th Avenue in Long Island City for 15
11 years now, and my wife, two daughters, my nephew and
12 grandson live with me.

13 EDUARDO PAEZ: [speaking Spanish]

14 TRANSLATOR: So my neighbors and myself
15 starting having issues with the landlord. Luckily
16 for us we met an attorney from Catholic Migration
17 Services who was doing a presentation at the church
18 where I attend.

19 EDUARDO PAEZ: [speaking Spanish]

20 TRANSLATOR: So, everything that he said
21 caught our attention because it had to do with
22 whatever we were going through, but we didn't trust
23 all the way because he said his services were free,
24 and we knew that at some point we had to pay for it.

25 EDUARDO PAEZ: [speaking Spanish]

2 TRANSLATOR: We met with the attorney
3 multiple times, and even though all the tenants in
4 the building were going through the same situation,
5 everybody was afraid of doing something, so we ended
6 up being a small group taking action.

7 EDUARDO PAEZ: [speaking Spanish]

8 TRANSLATOR: So the attorney explained to
9 us that even though we was a small group, four people
10 only, four families, we were still able to take
11 action.

12 EDUARDO PAEZ: [speaking Spanish]

13 TRANSLATOR: The landlord didn't want to
14 renew our leases, and that's what the issue was. The
15 attorney said that we should try to negotiate with
16 him before taking legal action.

17 EDUARDO PAEZ: [speaking Spanish]

18 TRANSLATOR: The landlord realized that we
19 started to learn about our rights. We started taking
20 action. We called 311. The landlord started getting
21 violations, and because of that he will get fined.

22 EDUARDO PAEZ: [speaking Spanish]

23 TRANSLATOR: So the landlord didn't do all
24 his part, but we were able to get some things done,
25 and we know that with the help of an attorney a lot

2 of people would get the help that they don't have.
3 That's why we're asking for Intro 214A to be passed.
4 Thank you.

5 COUNCIL MEMBER LEVINE: Thank you, Mr.
6 Paez. [speaking Spanish]

7 EDUARDO PAEZ: Gracias.

8 COUNCIL MEMBER LEVINE: [speaking
9 Spanish] Ms. Stevens? Yes, press the button.

10 DEBBIE STEVENS: Hello. My name is
11 Debbie Stevens. I'm here with my son, Michael Needer
12 [sp?]. I have pulmonary fibrosis. Never smoked, and
13 my son has epilepsy. The landlords for the last two
14 and a half years have been taking me to court over a
15 chemical with exterminations, and I have here-- I've
16 been representing myself. I haven't even been able
17 to go to the dentist because they've been dragging me
18 to court so many times. This is just part of the CD's
19 of almost 40 court cases with these landlords. It's
20 mind boggling. This is-- there's more. And I'm
21 going to trial on October 5th. It's very important
22 that tenants get a lawyer. They're taking-- I
23 actually went to Federal Court because the judge
24 herself, Judge Avery, was not familiar with Fair
25 Housing and Reasonable Accommodations. So she

2 insisted that either kind of like you're going to
3 lose if you go to trial. So, like the other
4 gentleman said, I signed a stipulation not realizing,
5 you know, the ramifications, and that was two days
6 before Christmas. So before that happened-- they
7 want to use dangerous chemicals that could harm me.
8 I've had a collapsed lung, open lung biopsy, survived
9 pneumonia. I'm 58. And basically, there's safer
10 alternatives that they don't want to use because it's
11 expensive. So I went to Federal Court on my own. I
12 represented myself, but I'm no lawyer. They put a
13 stop on it, and we're back now in landlord/tenant
14 court. Now, I requested a bunch of transcripts. The
15 court are refusing to give it to me. So, CD's is one
16 thing, but you need the written testimony of what's
17 going on. So, can you imagine all the pressure with
18 all these court dates? Can I give this to you to
19 show-- can somebody give this to--

20 COUNCIL MEMBER LEVINE: [interposing]
21 Yeah, we'll have a sergeant pick it up and we'll
22 enter it into the record. We do need you to try and
23 summarize and wrap up, please.

24 DEBBIE STEVENS: Okay, well basically, it
25 just goes to show when you don't have an attorney how

2 much landlords could take advantage, and the scale is
3 tipped. And so we're begging you to please pass this
4 law and it is historic, and we want to be over with
5 this case. I mean, with harassment and dragging
6 people to court that aren't healthy, it's not fair.
7 So, I thank you, and my family thanks you for
8 offering. I mean, it is excessive, right?

9 COUNCIL MEMBER LEVINE: Indeed, and we
10 appreciate you coming to share your story and for
11 your son joining you.

12 DEBBIE STEVENS: And excuse me, what
13 about the transcripts? Would I be able to get these
14 transcripts? They're not giving me the transcripts,
15 because I have to represent myself October 5th.

16 COUNCIL MEMBER LEVINE: Okay. Well, we
17 can't address that in the public session, but if you
18 can connect with one of the staff members on the
19 side, we'll see if we can help you.

20 DEBBIE STEVENS: Okay, thank you, Mr.
21 Levine, I appreciate it.

22 COUNCIL MEMBER LEVINE: Thank you for
23 coming in. Thanks to your son as well.

24 DEBBIE STEVENS: Yeah, thank you for
25 passing this. Thank you.

2 COUNCIL MEMBER LEVINE: Alright. Mr.
3 Udell, is that correct? Forgive me if I'm confusing.
4 Tell us your name, sir?

5 DAVID UDELL: So, I'm David Udell. I
6 just wanted to clarify that Katherine Carr of the
7 National Coalition for Civil Right to Counsel is
8 unable to stay for this portion and has submitted her
9 written testimony.

10 COUNCIL MEMBER LEVINE: Oh, well thank
11 you for clarifying that. We'll enter her testimony
12 into the record. And please? Thank you.

13 DAVID UDELL: So, thank you so much for
14 this opportunity. I'm the Executive Director of the
15 National Center for Access to Justice. We are based
16 at Fordham Law School where I also co-chair the
17 school's Access to Justice Initiative. Our flagship
18 project is the Justice Index, which I encourage you
19 to take a look at Justiceindex.org online. And we
20 identify best policies and practice for assuring
21 access to justice in states across the country. We
22 are using data to measure to progress to increase
23 access to justice and comparing and ranking the
24 states, and that way we promote expansion of access
25 to justice. In our justice index, we make clear that

2 a civil right to counsel is in fact a best policy for
3 access to justice. We are confident that civil right
4 to counsel will become the law in eviction cases in
5 New York City and across the country. And why is it
6 so important? Well, you've heard from lots of
7 people. I want to offer a slightly more
8 individualized perspective and just say that just
9 imagine that it were you, your relative, your friend
10 from high school who's fallen on hard times.
11 Consider how badly you would want legal
12 representation for that person or to represent
13 yourself. And I know that the City Council members
14 receive these calls. I receive them. All people who
15 have gone to law school received them. We know how
16 hard it is even for a person with significant income
17 to have an affordable lawyer to represent them. Now,
18 consider how unfair this situation can be. The other
19 side may want to raise the rent of the apartment
20 unfairly. They may be focused on the property value
21 of the land. They may tell a story that's not
22 accurate or true, and would you want or need a
23 lawyer? If you think about it, the law is
24 complicated. The facts are complicated. The stakes
25 are high. The other side may be making the facts up,

2 and most people are not able to respond effectively
3 to those kinds of allegations and assertions. How
4 good are any of us at correcting the record on
5 complicated, legal and factual issues, when people
6 make things up, want your home, have more power than
7 you, and when your safety and security are on the
8 line? I want to add only that as Judge Lippmann
9 acknowledged earlier in the day, having a lawyer
10 makes a difference for the court and for the city. It
11 speeds things up. It's the lawyer who can evaluate
12 and help the court understand which cases have merit,
13 must go forward, which cases can be resolved quickly
14 and expeditiously and fairly, I would add. I'm proud
15 to speak in support of 214A, the Civil Right to
16 Counsel Bill today in New York City where the Council
17 can make a big difference, and I want to thank you
18 all for your support for the bill.

19 COUNCIL MEMBER LEVINE: Thank you for your
20 testimony. Ms. Kaufman?

21 RISA KAUFMAN: Hi, good afternoon. I'm
22 Risa Kaufman, the Executive Director of the Columbia
23 Law School Human Rights Institute. I want to thank
24 you for the opportunity to offer testimony on the
25 human rights principles related to access to justice,

2 particularly for people who face losing their homes
3 in legal proceedings. The right to counsel for people
4 facing the loss of housing has strong support in
5 human rights. Access to justice a cornerstone of
6 International Human Rights Law which recognizes the
7 right to the fair administration of justice and
8 equality under the law. The Universal Declaration of
9 Human Rights, a global expression of rights, to which
10 all people are entitled recognizes the right of
11 everyone on an equal basis to a fair and public
12 hearing by an independent and impartial tribunal in
13 the determination of his or her rights and
14 obligations. The core Human Rights Treaties [sic]
15 expand on this right, and numerous International
16 Human Rights experts have recognized the importance
17 of ensuring access to legal representation when basic
18 needs including housing are at stake. Two of the
19 core Human Rights Treaties ratified by the US
20 underscore the importance of legal representation as
21 a component of the right to equal and meaningful
22 access to justice and due process of the law. First,
23 the International Convention on the elimination of
24 all forms of racial discrimination ratified by the US
25 in 1994 protects against discrimination based on

1 race, ethnicity and national origin. The Race
2 Convention protects the right to equal treatment
3 under the law, including in courts and other
4 tribunals. Similarly, the International Covenant on
5 Civil and Political Rights which the US ratified in
6 1992 includes protections for the right to due
7 process and equal treatment before the law. Numerous
8 UN-appointed independent human rights experts have
9 likewise emphasized the importance of ensuring access
10 to counsel in civil cases, particularly where
11 necessary to secure basic needs, and they've noted
12 that meaningful access to counsel is a lynchpin to
13 many other rights, thus their strong support in
14 International Human Rights for the right to
15 representation in cases where basic needs are at
16 stake. New York City has a critical role to play in
17 ensuring the protection of human rights in the United
18 States. Indeed, as a global city of economic, social
19 and cultural significance, New York is poised to be a
20 national leader on safeguarding basic human rights by
21 promoting equal justice under the law. A right to
22 counsel for people threatened with the loss of
23 housing is firmly grounded in human rights
24

2 principles, including the right to equal and
3 meaningful access to counsel. Thank you.

4 COUNCIL MEMBER LEVINE: Thank you, Ms.
5 Kaufman. Thank you, Mr. Udell, both. And I'd like
6 to call up for our next panel: Beth Goldman, Leah
7 Goodridge, Ed Josephs-- Josephsons [sic], sorry,
8 Adrienne Holder, Scott Solmer [sp?], Joan Berenbaum
9 [sp?], and Lily Cadino [sp?]. Ms. Cadino, would you
10 like to kick us off?

11 LILY CADINO: Sure. Well, first thank you
12 for this opportunity to testify in support of Intro
13 214A, which if adopted will significantly reduce the
14 number of evictions effected in New York City. Many
15 of the 250,000 members represented by 1199 Downstate
16 Divisions will benefit from Intro 214A. Housing
17 Court is an unfriendly, intimidating place where
18 savvy lawyers are familiar with the court system and
19 unrepresented tenants are at a disadvantage. Even
20 when tenants are in the right, when unrepressed they
21 are most likely to face eviction than those
22 represented by lawyers. They are most likely to
23 settle disputes without redress or remedies for
24 grievances such as necessary repairs or lack of heat
25 or hot water. Intro 214A will afford legal

1 representation to a large proportion of tenants and
2 homeowners who cannot afford to hire a lawyer. This
3 is perhaps the most effective eviction prevention
4 tool to emerge in many years. It will correct the
5 existing imbalance, ensuring that more tenants get a
6 fair day in court by obtaining orders for repairs,
7 securing rent abatements and negotiating payment
8 plans. Moreover, the City of New York will benefit
9 from the reduction of families and individuals
10 entering the shelter system currently burgeoning with
11 60,000 families and individuals. The savings from
12 the reductions of the current shelter admissions rate
13 alone will prove that Intro 214A to be a cost-
14 effective measure in the long run. Most important,
15 landlords are becoming more aggressive in their quest
16 to evict regulated tenants for the sole purpose of
17 de-regulating units to increase rent, thus chiseling
18 away at the largest affordable housing stock in the
19 City. 214A is a win/win proposition by lessening the
20 risk of evictions reducing the homeless populations
21 and preserving much needed affordable units. We
22 strongly urge the City Council to approve and the
23 Mayor to sign this ground breaking piece of
24 legislation. And in closing, just want to commend
25

2 Council Members Levine and Gibson for your leadership
3 on this important piece of legislation.

4 COUNCIL MEMBER LEVINE: Well, you have
5 been such an integral member of this movement. We're
6 grateful for your support. Am I right, Ms. Cadino
7 that you care about this from both the angles of a
8 union that represents workers in the legal service
9 world, but also of a broader membership that could
10 benefit from this kind of legal assistance. Is that
11 correct?

12 LILY CADINO: That is correct. We have
13 250,000 members that live in the city of New York,
14 many of them are homecare workers and nursing home
15 workers who would benefit from this, but at the same
16 time we represent the Legal Aid Society Support
17 Staff.

18 COUNCIL MEMBER LEVINE: That gives you a
19 unique and important perspective. I want to mention
20 that the Essential Labor Council which couldn't be
21 here at the moment has also been very supportive of
22 this measure and has submitted remarks for the
23 record. We are grateful for their support, and Ms.
24 Goldman, I'll see you next.

2 BETH GOLDMAN: Thank you. My name is
3 Beth Goldman. I am the attorney in charge at the New
4 York Legal Assistance Group, and thank you so much
5 for this opportunity to speak in support of Intro
6 214A. I'll rely on the written testimony and just
7 highlight a couple of facts. I feel that there are--
8 so many things have been said today and so many facts
9 at this point are incontrovertible, and really I
10 think the point at this point is they don't really
11 require more development. The first fact is that we
12 know there's this enormous justice gap both in the
13 Housing Court and where foreclosures take place, 75
14 percent of tenants in Housing Court and half in
15 foreclosure do not have lawyers. Those challenges
16 are compounded where we have elderly, disabled or
17 non-English speakers. So that's the first fact. The
18 second fact we know is that a lawyer in Housing Court
19 can make a huge difference. You're probably going to
20 hear, I understand, from some lawyers who are
21 actually handling cases including a lawyer from
22 NYLAG, Yekaterina Blinova, but we can give you a
23 couple of examples, like a client who was in NYCHA
24 apartment, but because of a medical disability was
25 unable to represent herself and almost lost her

1 apartment, or a client who was going to vacate an
2 apartment because she thought she could not afford it
3 until a NYLAG attorney learned that it was a rent
4 stabilized building and she had a right to stay at a
5 much lower rent. So we know as a fact that when a
6 tenant is represented by counsel there are fewer
7 defaults, fewer judgments against, fewer warrants of
8 evictions, and greater success in general in
9 obtaining repairs and otherwise. We also know that a
10 significant factor in homelessness is eviction and
11 that there's a significant percentage of people in
12 shelters who cite evictions as a precipitating
13 factor, and we also know the high cost of building
14 affordable housing. We know that at 30 billion
15 dollars to be spent on 80,000 new units, that's
16 approximately 382,000 dollars for every new unit.
17 So, if you put all these facts together, now is the
18 time for the right to counsel. We don't need to wait
19 for more. We know, first of all, that a roof over
20 one's head and shelter is a necessity of life, and
21 you need meaningful access to justice to protect
22 that. We need lawyers to protect people in those
23 apartments, and we can't ignore the possibility that
24 the current funding will be decreased potentially if
25

2 the politically winds shift or if there are different
3 priorities. So, given all of the additional costs
4 that you save by doing this, now is the time for the
5 right to counsel. Thank you.

6 COUNCIL MEMBER LEVINE: Thank you, Ms.
7 Goldman. And now Leah Goodridge, please. Leah,
8 thank you.

9 LEAH GOODRIDGE: Thank you. My name is
10 Leah Goodridge, and I'm one of the Housing
11 Supervisors at MFY Legal Services. Our housing
12 project provides advice and full legal representation
13 to tenants citywide and litigates in Housing Court,
14 New York State Supreme Court and before
15 administrative agencies on behalf of tenants in all
16 types of housing. Today, I'd like to highlight one
17 of the initiatives that MFY is a part of that is
18 analogous to the right to counsel that we're talking
19 about here today. For over 10 years, MFY along with
20 Northern Manhattan Improvement Corporation has been
21 the Manhattan provider for the Assigned Counsel
22 Project, a Department for the Aging initiative
23 through with the Manhattan Housing Court refers
24 approximately 130 evictions cases. ACP, as we call
25 it, has been in many ways a pilot right to counsel

1 project. Teamsters who are over 60 years of age in
2 in particular need of legal assistance are identified
3 by judges and referred by the court to the legal
4 services provider in that borough, which is obligated
5 then to provide representation regardless of the
6 perceived merit of the case or income of the
7 respondent. DFTA then provides case management
8 services. ACP cases tend to be more complex and pose
9 greater challenges than the average Housing Court
10 case. The clients are elderly, disabled, isolated
11 and often homebound or hospitalized. Many have
12 limited capacity and most are unable to reach out to
13 legal service providers on their own or have no
14 knowledge that legal services are available. Those
15 that may have contacted the legal service providers
16 are sometimes turned away because they present at
17 first a seamlessly hopeless case. Yet, once these
18 tenants are assigned lawyers through the ACP project,
19 we prevent eviction in the vast majority of these
20 cases. For the remainder, it may become clear that
21 it is no longer appropriate for the tenant to live
22 independently. For example, if we were able to
23 obtain 24/7 homecare for them, they would still be
24 able to obtain to make decisions for themselves. I
25

2 just wanted to quickly sum up and note that we are in
3 strong support of Intro 214A, and we've seen through
4 this project that MFY has been a part of for a decade
5 that it works.

6 COUNCIL MEMBER LEVINE: Thank you, Ms.
7 Goodridge, for your testimony and for the incredible
8 work that MFY does every day. I want to acknowledge
9 we've been joined by the one and only Public Advocate
10 Tish James, herself a former Legal Aid attorney, and
11 how fitting that she joined us for the panel for
12 legal service providers. Thank you. Wonderful
13 timing. Our next speaker, Adrienne Holder, needs no
14 introduction, a towering figure in the movement for
15 tenants' rights, please.

16 ADRIENNE HOLDER: Oh, wow. Thank you
17 very much, Council Member. I'm so pleased to be here
18 today. This is a historic day, one that so many of
19 us have just dreamt about, and it's just so wonderful
20 to know that you all have sponsored some-- this
21 wonderful Intro 214A. And so thanks to Council
22 Members Mark Levine and Vanessa Gibson. Your
23 leadership has been tremendous, and also just a quick
24 shout out to the advocates in our legal services and
25 community services community. I mean, this has

2 really been a great effort. Everything has been
3 said. We all know that it is true that there cannot
4 be any justice in any type of adversarial proceeding
5 when one side has knowledgeable and expert counsel
6 and the other side does not. And you know, it is
7 just heartbreaking, and you've heard the stories.
8 You've heard from our own tenants' mouths. You all
9 know quite well because you all have been involved.
10 It's heartbreaking when we have a client that'll come
11 to us in a hold-over proceeding and really does think
12 that it's time for her to move, and we find out that
13 not only can she stay because her apartment is
14 supposed to be rent regulated, but the heartbreaking
15 part is that she already will tell you-- and we had
16 Ms. M who testified at City Council over a year ago,
17 you know, that 10 of her neighbors had already moved
18 out because that lie had been perpetuated and that
19 harassment had gone on in the building, and it's just
20 heartbreaking. And to think that we could have a
21 right to counsel and that tenants would know that
22 there is a place and that they're not going to be
23 turned away and that they can seek their rights. We
24 have a lot of programs and it's in our testimony, one
25 of them that we think is somewhat analogous to a

1 right to counsel, but I have to say that the
2 courageous stand that we all are witnessing right now
3 that New York City is taking, we have always said,
4 and I sat on the Rent Guidelines Board for almost 11
5 years, we had always said that everyone had to take
6 responsibility for what was happening with the
7 affordability crisis here in New York City, that we
8 needed to strengthen the rent laws, and so we've gone
9 to the state to try and do that, that we needed to
10 understand that we could not build ourselves out of
11 the affordability crisis, and so of course we had to
12 build affordable housing truly affordable, truly
13 affordable, according to extremely low income and low
14 income tenants who need housing. And we know that
15 this Administration and this City Council supports
16 that. We also knew that preservation was going to be
17 key to be able to make that happen. And we also
18 always said that we needed to make sure that everyone
19 knew that affordable, accessible and habitable
20 housing was really a way out. It was about good
21 healthcare, good education policy, good employment
22 policy, and it was really what puts a family on its
23 right course. But what has been the underlying pin
24 that we just never thought that we would be able to
25

2 see until now, and thank you again to all the
3 leadership in the community and to our legislative
4 leaders, is the idea of a right to counsel. And so
5 we are fully in support. The time is now. There's no
6 more evidence that needs to be churned. Let's do this
7 and let's do what's right. This is a real education
8 of truly what our values are as a city, what we
9 value, how we value each other, and how we will
10 remain a great beacon here in this country. Thank
11 you.

12 COUNCIL MEMBER LEVINE: Well said, and
13 thank you not only for your remarks, but for your
14 years of leading on this issue. It's had such an
15 impact. I'd like to ask Ed Josephson from Legal
16 Services NYC to please speak.

17 EDWARD JOSEPHSON: My name's Ed
18 Josephson. I'm the Director of Litigation at Legal
19 Services New York City, and I'm actually here on
20 behalf of Ron Rasmussen [sp?], our Executive Director
21 who was sidelined by a sports injury and regrettably
22 can't be here this afternoon. I have been defending
23 tenants along with my colleagues in Housing Court for
24 nearly 30 years, and we've learned a few things in
25 that time. One is that the New York City Housing

2 Court is completely incapable of dispensing even
3 rudimentary justice to low-income families without
4 being forced to do by experienced and trained
5 tenant's counsel. They've had decades to get their
6 act together. They have failed to do that. It'll
7 never happen without us making sure that tenants'
8 rights are respected. The second thing we've learned
9 is that when experienced counsel is provided for
10 tenants, their chance of being evicted is
11 dramatically reduced, and even when they have to
12 move, they're able to move with dignity and without
13 being forced to stay in a shelter in the meantime. So
14 here's the question, how do you tell a low-income
15 single mom or disabled person or senior that the
16 person sitting next to her on the Housing Court bench
17 is going to get a lawyer and she is not? How do you
18 say that to her? And the one thing, the only thing
19 about my job that I hate is having to say exactly
20 that to so many people over the years. And so I am
21 looking forward to the day when I and my colleagues
22 never have to say that to anyone again.

23 [applause]

24 COUNCIL MEMBER LEVINE: Thank you for
25 that powerful sentiment. I am pleased that we are

2 joined by another prominent labor leader in the
3 person of Scott Sommers from the United Auto Workers
4 which represents I think thousands if not at least
5 hundreds of workers in this sector. Please, Mr.
6 Sommers.

7 SCOTT SOMMERS: It's an honor to follow my
8 old Unit Director Ed, by the way, and also I thank
9 you for scheduling this on my mother's 88th birthday,
10 a rent controlled tenant in Brooklyn who is also in
11 support of Intro 214A. She would be here, but she's
12 having fun with my brothers. I took her out
13 yesterday. My name is Scott Sommer. I'm the UAW
14 Region 9A New York Director and we are honored to
15 represent nationally thousands of people who do this
16 work, but here in New York City all the staff at
17 Legal Services for New York, the Goddard Riverside
18 Law Project, the Urban Justice Center, MFY Legal
19 Services, Houndsy [sic] Conservation Coordinators,
20 and the lawyers at the Legal Aid Society. We also
21 represent the folks at Housing Court Answers and
22 GOALS, Good Old Lower East Side. So, we are very
23 deeply enmeshed and supportive of tenants' rights,
24 and I want to commend both Council Members Levine and
25 Gibson for your leadership on this, and also it's

1 always an honor to be here with the Public Advocate,
2 a former UAW member herself. The-- but I also want
3 to really commend the tenants in this room and the
4 tenants who were at Housing Court this morning and
5 the ones who will be there tomorrow, because they
6 face the real travesty of justice that we have here
7 in this country regarding the right to counsel.
8 You've heard all the stats and all the stuff about
9 this; I don't have to repeat that, but I do want to
10 say is though is my legal services career began in
11 1985 as a paralegal and a tenants organizer because
12 of funding provided by this council for the anti-
13 eviction HPD Legal Services Program, and I can speak
14 firsthand, as I was in law school at night and
15 organizing tenants as well at South Brooklyn Legal
16 Services, what we were able to accomplish through the
17 funding provided by this City Council and this
18 government, that we have fight for and have to fight
19 for every single year. Intro 214A is a critical
20 piece to make us not have to wage that fight every
21 year, but to make us be able to have it permanently
22 and forever. I think about the elderly that I used
23 to work with in the Fort Greene neighborhood as it
24 was getting gentrified. The landlord that we
25

1 actually almost got put in jail who finally came to
2 Jesus, so to speak, and fix that building. You know,
3 the other landlords who also, you know, threatened
4 with contempt of court over the years because of
5 their refusal to provide their tenants their legal
6 obligations, and it was because those tenants had
7 lawyers that they were successful. It was because
8 those tenants were able to come to legal services and
9 one of the lucky few, as Ed points out, that were
10 able to be told yes, you were going to be able to
11 have a lawyer. We have to move forward on this we
12 cannot stop this march forward to this justice moment
13 of providing legal services to all tenants in New
14 York City who deserve it. Also, to preserve the
15 housing for the workers, as my sister from 1199
16 pointed out. In contract negotiations I hear time
17 and time again from my members. They want a raise to
18 be able to pay their rent. In conclusion I will say,
19 there are four quotes up on this ceiling. I'm not
20 going to go the obvious one from Lincoln or somebody
21 else. I'm going to go to the one from Washington
22 which talks about, "Our commerce policy should hold
23 an equal and impartial hand." Well, in New York it
24 does not. The one over there. In New York it does
25

2 not. It doesn't not because it is not and equal and
3 impartial hand in Housing Court, and it never will be
4 until Intro 214A is passed. Thank you. Do it today.

5 COUNCIL MEMBER LEVINE: Wow. I'm not
6 sure I ever read that. Well done. Mr. Sommers, how
7 many members do you have in the five boroughs in
8 legal services and has that gone up since we've been
9 increasing funding for this work?

10 SCOTT SOMMERS: It definitely has gone up
11 which is great because, you know, we need to be able
12 to represent more people. We have in the five
13 boroughs, you know, well over, you know, 1,000 people
14 doing this and we need probably about 10,000 more,
15 you know. So, it's not just-- but it's not-- I'm
16 not-- I don't want-- I'm not here about these jobs.
17 I'm here because of what these jobs represent for the
18 constituents of everyone in this Council and this
19 Mayor. That's why we're here.

20 COUNCIL MEMBER LEVINE: I wonder if you,
21 Mr. Sommers and also perhaps if Ms. Cadino wanted to
22 weigh in, how do you answer the claim that well we're
23 growing this field so much already, we can't have
24 right to counsel. There's just no capacity. We'll
25 never find enough workers. We can't grow any faster.

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SCOTT SOMMERS: Well, I know there's a
plethora of law students graduating who can't find
work, so I think we'll be able to put them to work.
We'll put the call out, "Come to New York and get a
job." And you could get a good union job for that
matter with pay and benefits and retirement
possibilities. So, I think we-- you know, we will be
able to fill that need. We'll be able to meet that
need, you know, we'll be able to fill those jobs.

LILY CADINO: Right, I agree with Mr.
Sommers, but more important if with the City, City
Council and the Mayor, adequate funding, you're able
to hired qualified people and retain them. So,
providing a decent salary to the works is very
important, and the risk of not doing that is just too
great. We're losing thousands and thousands of
affordable stabilized and rent controlled units every
day because tenants are going to court without
lawyers, and landlords are very aggressive in
evicting tenants so that they can de-regulate those
apartments. We cannot allow that to continue.

COUNCIL MEMBER LEVINE: Thank you both.
We're going to hear from Ms. Beranbaum in a moment,

2 but I believe that our Public Advocate has a
3 question.

4 PUBLIC ADVOCATE JAMES: Just a question.
5 First, let me just say that we all know that 90
6 percent of tenants when they walk into Housing Court
7 they do not have an attorney, and 90 percent of
8 landlords do, and that when tenants have attorneys it
9 drastically changes the equation and the
10 relationship. You walk into court with more gravitas
11 [sp?], with more respect, and most individuals when
12 they have attorneys the outcome is different and
13 they're able to stay in their homes. However, there
14 have been those who have contacted me and said,
15 "Tish, we-- the City is engaging in triage at this
16 point." And if we were to fund this particular
17 initiative it would prevent us from focusing on
18 building affordable housing they argue. Particularly
19 they argue to me-- someone argued to me just a couple
20 of minutes ago that resources should not-- that we
21 should basically only give a right to counsel to
22 individuals who have a likelihood of success on the
23 merits as opposed to those individuals who live in
24 private homes where the likelihood of success is
25 somewhat limited, and that those resources should go

2 towards affordable housing. I argue to them and I
3 argued to them a few minutes ago that if we could
4 receive additional funds from Albany and from
5 Washington, we would not have to address that
6 question or that issue, and that I don't want to
7 engage in a Hobson's [sic] choice and either-- and
8 pit individuals against one another, and we should
9 support right to counsel. Was I spot on or what?

10 UNIDENTIFIED: Well, I'll address the
11 likelihood on the merits. You know, again the
12 Assigned Council Project, for example, what we see
13 are we see a lot of elderly people coming in,
14 especially who can't remember things or who have
15 other-- who have mental disabilities.

16 PUBLIC ADVOCATE JAMES: Right.

17 UNIDENTIFIED: And sometimes, for
18 example, someone will come in, and if you say to
19 them, "Go and sign an order to show cause. These are
20 your defenses to inherit this apartment. This is
21 succession rights." They have no idea about what you
22 are talking about. So sometimes the most vulnerable
23 people--

24 PUBLIC ADVOCATE JAMES: [interposing]
25 Right.

2 UNIDENTIFIED: The most marginalized
3 people who might not have a strong case, but with an
4 attorney they could win their case--

5 PUBLIC ADVOCATE JAMES: [interposing] Got
6 it.

7 UNIDENTIFIED: are evicted. So, I think,
8 you know, to the degree, you know, we shouldn't sort
9 of get into the game of providing counsel for cases
10 that are most likely to win, especially because some
11 of the most marginalized people in society are going
12 to be evicted, because if they could have an
13 attorney, that situation would be different.

14 PUBLIC ADVOCATE JAMES: And I think
15 tenants also need attorneys particularly with
16 stipulation agreements and in situations where
17 they're offered buy-outs, where they're often, as you
18 know, taken advantage of. So, I guess I answered my
19 own question, and of course we love Legal Services
20 and we love the Legal Aid, and once a Legal Aid,
21 always a Legal Aid, and that's why I support you for
22 all that you do. Thank you.

23 COUNCIL MEMBER LEVINE: Thank you, Madam
24 Public Advocate. Now we'll hear from Joan Beranbaum
25 of DC 37, and I'm sure you'll address, but I'm

2 anxious to hear from you what component of the sector
3 are members of DC 37 and your thoughts on this
4 question of the capacity to continue to grow this
5 workforce, please.

6 JOAN BERANBAUM: my name's Joan
7 Beranbaum, and I'm the Director and Chief Counsel of
8 District Council 37 Municipal Employee's Legal
9 Services, and we're known as MELS. And I'm very
10 pleased to be here today to speak in favor of Intro
11 214A. MELS provides the right to counsel to the
12 members of District Council 37 in most types of civil
13 matters, most particularly in eviction proceedings.
14 Members of DC 37 receive this benefit as a result of
15 a collective bargaining agreement between the City
16 and the union as part of the health and welfare
17 benefits that are negotiated in each contract. We
18 started providing this benefit to our members in 1977
19 after a study was conducted by the Columbia School of
20 Social Work and the Ford Foundation to determine what
21 the legal needs of our members were, and as a result
22 of the study we represent our members in
23 landlord/tenant, foreclosure, consumer debt,
24 bankruptcy, divorce, wills, government benefits, real
25 estate closing, and family court matters, but the

1 greatest demand is for landlord/tenant
2 representation. Anyone who was entitled to our
3 services which includes approximately 100,000 active
4 and 50,000 retired City employees has the right to
5 counsel. If you are eligible for our services, all
6 you need to do is call for an appointment and we will
7 represent you. Having worked at MELS for all 39
8 years of its existence-- I worked at Legal Aid before
9 that, by the way-- and having supervised the
10 Landlord/Tenant Unit before becoming the Director of
11 the program, I can attest to how well this works. We
12 handle approximately 10,000 cases a year, one-quarter
13 of which are landlord/tenant matters. We appear in
14 all five counties of the City of New York as well as
15 Westchester and Nassau Counties, and we're able to
16 prevent our clients from being evicted in non-payment
17 and hold-over cases. We ensure that they get the
18 repairs that they're entitled, and prevent them from
19 being harassed by their landlords and defeat
20 frivolous lawsuits that the landlords bring against
21 them. I can count on the fingers of one hand the
22 number of our clients who are evicted in any given
23 year in spite of our representation which I think
24 answers your question, Tish, but the importance of
25

2 our program for the purposes of this hearing is for
3 you to understand that city workers have the right to
4 counsel, and if it works for the people who work for-
5 - that the city employees, it should be a right for
6 all residents of the City of New York as envisioned
7 by Intro 214A.

8 COUNCIL MEMBER LEVINE: Thank you. Well,
9 you closed on a really powerful point. Few people
10 know that this experiment in right to counsel has
11 been such a success for almost 30 years. You proved
12 that it matters and that it's doable, and we want
13 every New Yorker to have that benefit. Thank you to
14 this wonderful panel. Thank you. We're now going to
15 hear from a group of people who are working on the
16 ground on this issue and particularly some who are
17 working with the homeless, and that includes Margaret
18 Arnold [sp?], Catherine Pose [sp?], Giselle Routhier,
19 Taylor James, Olga Apt-Dudfield, Aya Tasaki, and
20 Jenny Laurie. Okay, would you like to start us off?
21 Thank you.

22 GISELLE ROUTHIER: Thank you so much for
23 having me. I'm Giselle Routhier. I'm the Policy
24 Director at the Coalition for the Homeless, and I'm
25 very glad to be up here to add my voice to the chorus

1 of support for Intro 214. I'm just going to touch
2 briefly on a few points. As many of you know, and
3 folks in this room should know, New York City is in
4 the midst of the worst homelessness crisis since the
5 Great Depression. In July 2016, 60,456 New Yorkers
6 including a record 15,000 families slept in shelters
7 every single night. So, we know that we can't
8 effectively address the homelessness crisis without a
9 robust commitment to preventing displacement in the
10 first place, and eviction remains among the primary
11 causes of the rising demand for emergency shelter.
12 Every week the Coalition's Eviction Prevention
13 Program hotline is flooded with tenants desperately
14 trying to gain assistance to stave off eviction. In
15 Fiscal Year 2015, eviction was listed as a direct
16 reason for homelessness for 37 percent of adult
17 families in shelter and 25 percent of families with
18 children in shelter. So we want to commend the
19 Council and the de Blasio Administration for taking
20 initial steps towards increasing legal representation
21 in Housing Court. This has been extraordinarily
22 helpful, but additional funding is not the same as an
23 enshrined right to counsel which would greatly expand
24 the initial positive effects of increased legal
25

2 assistance across the City. Establishing a right to
3 counsel in Housing Court is both morally and fiscally
4 responsible. Currently it costs nearly 34,000
5 dollars a year to provide shelter to a single adult
6 and 43,000 dollars per year to shelter a family.
7 That's an extraordinary amount of money, and the
8 instability of homelessness is also associated with
9 increase in other costs such as medical expenses and
10 lost jobs. Given the steep price of homelessness
11 both financially and literally on people's lives, the
12 cost to provide legal representation and to
13 potentially avoid eviction is a very sound
14 investment. Guaranteeing legal representation to
15 low-income New Yorkers in Housing Court is certainly
16 a bold idea, but the severity of the current
17 homelessness crisis demands bold action, and we urge
18 the Council to pass Intro 214 this year to create a
19 desperately needed layer of protection and support
20 for all New Yorkers who are imminent risk of
21 homelessness. Thank you.

22 COUNCIL MEMBER LEVINE: Thank you for
23 your perfect timing. Bonus points for you.
24 Appreciate your testimony, Ms. Routhier. And are you
25 Ms. Apt-Dudfield, is that correct?

2 OLGA APT-DUDFIELD: Yes, correct.

3 COUNCIL MEMBER LEVINE: Okay, please.

4 OLGA APT-DUDFIELD: Thank you. Firstly,
5 I would like to thank you for giving me the
6 opportunity to testify today in front of you. My
7 name is Olga Apt-Dudfield. I am the Social Worker
8 for the Lead Poisoning and Prevention Treatment
9 Program at Montefiore Medical Center located in the
10 Bronx. Our program is also designated by the New
11 York State Department of Health as the Downstate
12 Regional Lead Resource Center. In our lead clinic we
13 schedule approximately 750 patient visits for
14 children and pregnant women with lead poisoning
15 annually. We also have a lead safe house, which is a
16 multi-unit apartment building where families with
17 children at risk of being poisoned from lead-
18 containing paint in the apartment can live
19 temporarily while repairs are done to make their
20 homes lead-safe or lead-free. In many cases, while
21 we're waiting for repairs to be completed, instead of
22 complying with the New York City Housing Code, a
23 landlord will attempt to evict the family, leaving
24 them homeless. It is then my responsibility to help
25 these families obtain permanent housing which often

1 results in my having to refer them to the New York
2 City shelter system because these families do not
3 have the finances to start over, do not have pay
4 stubs or credit, etcetera, to be able to obtain an
5 apartment on the open market. Many of our patients
6 and their families who reside in the lead safe house
7 are from minority groups, live under the poverty
8 line, live in overcrowded conditions, are
9 undocumented. Because of this they feel inferior and
10 are often afraid to speak up about poor living
11 conditions such as peeling or chipping paint,
12 roaches, mice, mold, etcetera for fear of retaliation
13 from the landlord and possibly losing their home.
14 This under reporting affects the accuracy of the
15 Department of Health's reporting of Housing Code
16 Violations as well as posing health risks to those
17 affected by such violations. Some of our patients
18 report having complained to the landlord or
19 management office regarding such violations numerous
20 times to no avail. They then stop paying rent in
21 order to have some kind of leverage, but often this
22 results in an eviction. Our patients also report
23 experiencing retaliation and harassment by landlords
24 or management when apartments are cited for lead
25

2 violations. Many of our families report receiving
3 eviction papers for no apparent reason other than
4 retaliation for lead violations. Unfortunately these
5 families do not have the resources to obtain legal
6 counsel, and when the landlord who often wins the
7 case, the families are then left homeless. I have
8 attending Housing Court with several families in
9 order to advocate for them, which they find very
10 supportive and helpful, but I am not qualified to
11 represent them legally, which is what they need. It
12 can be very intimidating and stressful experience for
13 these families, especially for the families who do
14 not speak English. In the month of August alone we
15 had six children admitted to our hospital due to a
16 very high lead level requiring drug treatment. Half
17 of these children were poisoned from peeling and
18 chipping lead paint in their home.

19 COUNCIL MEMBER LEVINE: And if you could
20 just please try and summarize. Thank you.

21 OLGA APT-DUDFIELD: And they have not
22 been able to return to their home due to the work not
23 being completed. By passing and funding Intro 214A
24 not only will the City save millions of dollars for
25 families entering the shelter system, but families

2 such as ours would be provided legal counsel to help
3 them not only stay in their home but live in a
4 healthy and safe home.

5 COUNCIL MEMBER LEVINE: Thank you.

6 OLGA APT-DUDFIELD: And I have brought
7 one of our patients who had stayed in a lead safe
8 house in order to testify.

9 COUNCIL MEMBER LEVINE: And would you
10 like to speak as well?

11 FATISHA PINKNEY: Yes.

12 COUNCIL MEMBER LEVINE: Okay, wonderful.
13 So, thank you, Ms. Apt-Dudfield. And if you could
14 please give us your name as well.

15 FATISHA PINKNEY: Yes, good afternoon,
16 ladies and gentleman. My name is Fatisha Pinkney
17 [sp?]. Good afternoon and thank you for giving me
18 the opportunity to speak to you and testify here
19 today. My name is Fatisha Pinkney. I have two
20 children, ages five and seven months-- well, he was
21 seven months of age at the time we entered the lead
22 safe house. I moved into the lead safe house in
23 April 2016. I called 311 due to some peeling paint
24 and chipping as well. HPD came to my home and
25 inspected the apartment and they found lead in my

2 home. I was advised to leave until the repairs were
3 completed due to my children's ages, seven months and
4 six years of age at that time being at risk of
5 getting lead poisoning. A month later after staying
6 at the safe house, I received a letter from my
7 landlord regarding an eviction notice without any
8 warning. I have the LINC program. They were paying
9 my rent, and I lived there for almost a whole year
10 and had no issues with the landlord until then. I
11 attended all my court dates, but did not have a
12 lawyer. Olga Apt-Dudfield the social worker from the
13 Lead Prevention Montefiore program accompanied me and
14 advocated for me on my behalf, but I still lost. Due
15 to the lead safe house being a temporary placement,
16 me and my family had to enter the shelter system in
17 July of 2016 where I am still living. I am currently
18 waiting for permanent placement. If I had a lawyer,
19 I'm sure I would have won and I would still be in my
20 apartment today. I strongly agree that we need to
21 pass this bill so people like us can go back into our
22 homes and prevent our children from being at risk of
23 lead poisoning. Thank you again for letting me
24 testify here today.

2 COUNCIL MEMBER LEVINE: Thank you, Ms.--
3 is it Ms. Pinkley [sic], did I have that correct?

4 FATISHA PINKNEY: Yes, Pinkney.

5 COUNCIL MEMBER LEVINE: Pinkney. We're so
6 sorry to hear about the challenges that you have, but
7 your bravery in speaking out helps us make the case
8 for this important bill. It really matters a lot,
9 and your remarks like all remarks will be entered
10 into the official record. So, we're grateful that
11 you were here. Thank you as well to Ms. Apt-
12 Dudfield, both of you. Katelyn Hosey from LiveOn New
13 York, please.

14 KATELYN HOSEY: Good afternoon, my name
15 is Katelyn Hosey, the Housing Policy Analyst at
16 LiveOn New York. At the core of LiveOn New York's
17 mission, is to make New York a better place to age.
18 Supporting the Right to Counsel is one way to do just
19 that. For seniors, the prospect of eviction could not
20 be more devastating, as research clearly shows the
21 importance of aging in place to a senior's health and
22 quality of life. The stress of possibly losing your
23 home and being disconnected from the social
24 connections built over decades could not be more
25 substantial in the adverse effects on the health of

2 an older adult. Rates of depression are decreased
3 and life expectancy is increased by the ability to
4 age in place and age in a person's community.
5 Currently, over 200,000 older New Yorkers are on
6 waitlists to secure affordable housing. With the
7 increasing difficulties tenants find simply to secure
8 housing, their shelter should not be easily stripped
9 away, nor should they live in fear of unjust
10 eviction. Currently an estimated 3,000 seniors are
11 homeless, sleeping in shelters or on the street every
12 night. Data shows significant percentage of
13 homelessness having stemmed from eviction, meaning
14 that many of these homeless seniors may have avoided
15 the harrowing experience and the stressors of moving
16 out of their community if they had only received
17 proper legal representation. With so many tenants
18 unable to afford this representation, landlords
19 realizing the unbalanced nature of housing court, it
20 is time that City Council tip back the scales towards
21 a fair, equal and just processes for all of New
22 Yorkers. The reasons to support Intro. 214A are both
23 numerous and compelling and have been shown here
24 today as they will continue to be. LiveOn New York
25 urges City Council, not only to support the Right to

2 Counsel, but to pass the right to counsel this year.
3 Thank you.

4 COUNCIL MEMBER LEVINE: Thank you, Ms.
5 Hosey. Please.

6 TAYLOR JAMES: Good afternoon and thank
7 you very much for the opportunity to speak today on
8 this crucial issue. My name is Taylor James and I'm
9 an attorney with the Legal Aid Society where I
10 represent low-income New Yorkers facing evictions.
11 I'm also a member of the Association of Legal Aid
12 Attorneys UAW Local 2325. I was actually outside when
13 we got called up to speak to the committee on a case
14 where a tenant was evicted from her apartment, and I
15 was on the phone with HRA trying to get the checks
16 approved for tomorrow, and when I looked at--

17 COUNCIL MEMBER LEVINE: [interposing] Did
18 you succeed?

19 TAYLOR JAMES: Yes, they're-- they said
20 they're working on it.

21 COUNCIL MEMBER LEVINE: Good news. Well
22 done.

23 TAYLOR JAMES: But when I saw that this
24 woman her first time in court signed a judgement stip
25 [sic] and a payment plan, and she's in an apartment

2 where her landlord returns her checks. So, she
3 didn't want to follow the payment plan, because she
4 was so afraid that if she mailed check by check, they
5 were going to return them to her. So, she's now out
6 of her apartment even though she has a portion of the
7 money that satisfies the judgement. She now has to
8 deal with being evicted from her apartment, missing
9 another day of work, and that is what we've all been
10 talking about today when we talk about the collateral
11 consequences of eviction of not having attorney,
12 because if I would have met with her or someone from
13 my office, Legal Aid Society would have met with her,
14 she would have never signed that agreement. She would
15 have never signed a judgement stick that would have
16 negatively affected her credit, but now, you know,
17 it's great that she has an attorney now, but all of
18 those things would not have occurred. So, it's just
19 very important that we recognize the tremendous
20 difference that having an attorney in Housing Court
21 can make on a tenants' battle to preserve their
22 housing, and we all agree here that it's a basic
23 human need, and all too often people unrepresented
24 tenants enter into these settlement agreements
25 containing clauses they don't understand, but even if

2 they do understand them, they don't know how they can
3 affect them later on. And it's just very important
4 that we continue to prevent these things from
5 happening, and fortunately, tenants like these are
6 referred to our program, but it happens solely in the
7 game, and usually if we had this law passed they
8 wouldn't be harmed. So, it's really important for us
9 to realize the domino effect and how the devastating
10 collateral consequences such as the loss of someone's
11 home, which is a foundation of stability. So, the
12 City has moved in the right direction.

13 COUNCIL MEMBER LEVINE: If you would just
14 quickly sum up. Thank you.

15 TAYLOR JAMES: Thank you. The City has
16 moved in the right direction by greatly increasing
17 funding for civil legal services for low-income
18 tenants, but it's critical given the current dynamics
19 of New York City that we continue to lead the way and
20 codify a right to counsel in eviction proceedings,
21 ensuring that the program receives funding necessary
22 for robust--

23 COUNCIL MEMBER LEVINE: [interposing]
24 Thank you.

2 TAYLOR JAMES: representation by the Legal
3 Aid Society.

4 COUNCIL MEMBER LEVINE: Thank you, Ms.
5 James, for your work and for your comments today. I'm
6 sorry to be such a stickler. We have over 50 people
7 waiting. So I want to give--

8 TAYLOR JAMES: [interposing] I understand.
9 Thank you for your time.

10 COUNCIL MEMBER LEVINE: everyone a
11 chance, but we're truly grateful that you are here.
12 Ms. Tasaki, if you could maybe find a microphone and
13 someone perhaps could-- wonderful. And Jenny, you're
14 on deck, so if you want to start making your way up.

15 AYA TASAKI: Good afternoon, Council
16 Members, and thank you for allowing me the
17 opportunity to testify. My name is Aya Tasaki. I am
18 a Poverty Justice Solutions Fellow at the Community
19 Development Project at the Urban Justice Center. Our
20 work at the Community Development Project is informed
21 by the belief that real and lasting change in low
22 income urban neighborhoods cannot happen without the
23 collective power of grassroots and community
24 institutions, and for 15 years we have offered
25 support on housing issues to these community-based

1 organizations by providing legal representation for
2 group housing cases, participating as a member in
3 legislative campaigns, and conducting research
4 project based on pressing housing issues which are
5 all based on legal strategy that's determined and
6 driven by the communities' needs and visions. And we
7 have seen firsthand that providing tenants with legal
8 representation leads to less evictions which in turn
9 leads to stabilizing the many other aspects of an
10 individual's and a communities' life. Several years
11 ago CDP represented a group of tenants in the Bronx
12 who were rightfully engaging in a rent strike to
13 protest horrendous living conditions. The tenants
14 had been enduring a lack of heat and hot water
15 throughout the winter months. There was a lack of
16 cooking gas for over half a year, and there were rats
17 and roaches running about their buildings, which had
18 elderly individuals as well as babies, and when the
19 court appointed a receiver to take over this
20 building, the tenants were hopeful that their homes
21 would become habitable again, but instead the
22 receiver brought lawsuits against them for not paying
23 the rent, and CDP was able to defend the tenants and
24 these baseless lawsuits which ultimately prevented
25

2 them from being forced to move out of their homes.
3 While our experiences clearly show that access to an
4 attorney in eviction proceedings is critical, the
5 reality remains that just over a quarter of such
6 tenants are represented by an attorney while nearly
7 all landlords who come into court for eviction cases
8 are represented. I'd just like to acknowledge that
9 Intro. 214 adopts a phase-in process which will allow
10 the service providers to build internal capacity to
11 hire and train staff to ensure high-quality
12 assistance and to negotiate working agreements with
13 the City while at the same time allowing vulnerable
14 communities to start accessing the attorneys without
15 delay, and the service being provided to additional
16 populations in conjunction with the service providers
17 building this increased capacity. And I'd like to
18 thank the Council Members for considering Intro 214.

19 COUNCIL MEMBER LEVINE: Thank you, Ms.
20 Tasaki, for your testimony, for the great work of the
21 Urban Justice Center. Jenny Laurie is familiar to
22 all of us here today for her many, many years of work
23 in the trenches on this issues. Please?

24 JENNY LAURIE: Thank you, Council Members
25 Levine and Gibson, for you-- on, no? Not on?

1
2 Better? Yes. Once again, thank you, Council Members
3 Levine and Gibson for your amazing leadership on this
4 issue. It's-- my organization was founded Housing
5 Court Answers Now, but it was called the Citywide
6 Taskforce on Housing Court. It was founded in the
7 early 80's to help tenants in Housing Court who
8 didn't have attorneys, and I have to say, we've been
9 fighting on this issue for many, many years, and your
10 leadership has made great breakthroughs on it. One
11 of the early reports we did was called "Five Minute
12 Justice." We had surveyors go into the court in the
13 80's and measure how much time the average tenant had
14 in front of the judge. I think today, despite the
15 increase in legal services, the courts are still
16 really overcrowded, and I think now it's more like
17 90-second justice. I think the average tenant today
18 gets a really fast speed-talking allocution, meaning
19 an explanation of their stipulation. The average
20 tenant today signs a stipulation that in which he or
21 she immediately consents to a judgement, a warrant of
22 eviction, agrees to pay the back rent in about four
23 weeks, or be evicted by a marshal. Most tenants
24 think they have no choice in signing those
25 agreements, and most tenants don't understand what

2 they're signing, and most tenants aren't able to
3 raise the defenses they have, such as rent that was
4 paid. I just talked to a woman last week who had a
5 preferential rent in Canarsie, Brooklyn. Her rent
6 had been a thousand dollars. The landlord bumped it
7 up to 1,800 dollars in a rent stabilized apartment
8 because she got behind on the rent for two months
9 because she helped pay for the funeral expenses of
10 her grandmother. Cases like that are really
11 terrible. Her legal regulated rent is probably 800
12 dollars, but she was not able to raise that
13 effectively in the case. You know I urge you to pass
14 214A and fund it by the end of the year, and thank
15 you so much again for your leadership on this issue.

16 COUNCIL MEMBER LEVINE: Thank you, Jenny,
17 for everything, and thank you to this wonderful
18 panel. Really, really impressive. We have some
19 additional legal service providers and other
20 important voices on the next panel including
21 Elizabeth Brown, Ignacio Juareguilorda, Steven Hasty,
22 Esteban Jiron [sp?], Ezi Ukegbu, and Ms. Brown, why
23 don't you kick us off when you're ready.

24 ELIZABETH BROWN: Good afternoon. My
25 name is Elizabeth Brown, and I am a Supervising

1 Analyst at the New York City Independent Budget
2 Office. In 2014, IBO prepared a cost estimate of the
3 original draft of Intro. 214. We found that
4 providing a lawyer to low-income tenants in Housing
5 Court who are facing eviction would cost between 173
6 million to 276 million dollars annually, depending on
7 the cost per case of legal representation estimated
8 to be between 2,000 dollars to 3,200 dollars per
9 case. The legislation that we are discussing today
10 has some notable changes compared to the ones for
11 which we prepared our cost estimate. Intro 214-A
12 increases the income eligibility threshold for 125
13 percent of the federal poverty level to 200 percent.
14 While raising the income eligibility threshold would
15 increase the cost of the legislation compared with
16 our 2014 estimate, the number of eviction cases
17 brought in Housing Court has declined since we
18 completed our analysis in 2013, which would help
19 counteract this increase. Language was also added
20 empowering the civil just coordinator administering
21 the program to consider the use of pro-bono
22 representation and other "cost-effective approaches"
23 to providing services. Modifying the language to
24 encourage pro-bono representation in these other
25

2 cost-effective approaches would likely reduce the
3 legislation's cost compared with our estimate.
4 However, more details on these other approaches would
5 be necessary for IBO to estimate the full fiscal
6 impact of the amended legislation. Along with
7 assessing the cost of legal counsel in 2014, IBO also
8 estimated what impact providing these services could
9 have on homeless shelter costs. We found that
10 providing low-income renters with lawyers in Housing
11 Court could reduce the number of entrance into family
12 shelter by about 28 percent, an entrance into the
13 adult shelter system by seven percent, saving 143
14 million dollars annually in homeless shelter spending
15 with about 53 million of that savings accruing to the
16 City as homeless shelter costs are shared between the
17 city, state and federal governments. The shelter
18 savings estimate was based upon the number of
19 families and individuals entering homeless shelters
20 due to eviction in 2013. Since we-- can I ask for
21 one moment? Since we completed our study in 2013,
22 the number of homeless families and individuals has
23 grown. Not only has the shelter population
24 increased, but it's also become more expensive for
25 the City to house them for several reasons. First, on

1 average families are staying longer in shelter in
2 2016 than they did in 2013. Second, the average cost
3 per day of shelter facilities has risen. Lastly, the
4 share of homeless shelter costs borne by the City
5 compared with the federal and state government has
6 also increased since 2013. Therefore, reducing the
7 number of entrance to family adult shelter by the
8 same percentage as we outlined in our 2014 study
9 would result in greater city shelter savings in 2016.
10 However, an updated analysis including examining the
11 reasons for entry of the current shelter population
12 would be necessary for IBO to determine how the
13 current version of the legislation would impact the
14 shelter population now compared to when we completed
15 our analysis in 2014. There are other-- as people
16 have mentioned today, there are other benefits to
17 reducing evictions outside the City's budget
18 including the potential for reducing housing costs
19 due to fewer turnovers of rent regulated apartments,
20 which would slow rent increases for those units, as
21 well as avoiding the physical and mental health
22 consequences related to evictions and educational
23 disruptions faced by school-aged children.
24 Conversely, the legislation could put upward pressure
25

2 on housing costs by making it more expensive for
3 building owners to remove tenants who owe rent or
4 more costly to litigate evictions. While these are
5 important factors to consider, quantifying them was
6 outside the scope of our analysis.

7 COUNCIL MEMBER LEVINE: And sorry, if you
8 can--

9 ELIZABETH BROWN: [interposing] Thank
10 you.

11 COUNCIL MEMBER LEVINE: Did you hit it?
12 Wonderful. Well, thank you, Ms. Brown, the IBO is
13 such an important resource for policy makers. I
14 wonder if your analysis accounted for the
15 possibility, I would say likelihood that the number
16 of cases in Housing Court would drop as landlords
17 understood that the game had changed.

18 ELIZABETH BROWN: Well, in our analysis
19 we use the number of cases that end up in Housing
20 Court, and it was 2013 when we did our analysis.
21 There were two factors we considered. First, yes, it
22 is possible that fewer eviction cases would be
23 brought because the landlord would know that a tenant
24 would be represented, but we also looked at the
25 number of cases that made it to Housing Court, not

2 number of cases that are brought, and I'm sure many
3 people here would talk about a lot of tenants may not
4 go to Housing Court; they might move out before
5 because not understanding the process. So, it might
6 actually increase the number of cases that make it to
7 court. So, for that reason, because these factors
8 would work in the opposite direction, we just use the
9 number of cases currently in Housing Court.

10 COUNCIL MEMBER LEVINE: Okay, I believe
11 that my colleague Ms. Gibson has a question.

12 COUNCIL MEMBER GIBSON: Thank you so
13 much. IBO has really been an incredible partner in
14 looking at numbers, and you know, cost effectiveness.
15 You know, obviously one of the challenges that, you
16 know, we face and the Administration has been very
17 honest that, you know, the cost. The dollar figure
18 is scary. So when we've looked at numbers in terms
19 of reducing evictions, preventing homelessness and
20 ultimately living in shelters, we've identified a
21 number, but what I think that we have not done, and
22 I've asked the question several times, is how do we
23 quantify the collateral consequences. So for the
24 families that are shifting in and out of a school
25 district, for the impact on the workforce, education

2 and many, many other factors, when you talk about a
3 family that's been evicted, I mean, that ultimately
4 has a human cost, but it also has a financial cost as
5 well. So, in your analysis and moving forward and
6 looking at additional data, is that something that
7 IBO could possibly consider and put together for us?

8 ELIZABETH BROWN: So, in our analysis, we
9 looked at homeless shelter costs, which are the most
10 directly related--

11 COUNCIL MEMBER GIBSON: [interposing]
12 Right.

13 ELIZABETH BROWN: and where we had the
14 most data that we felt that we could make a
15 reasonable estimate of what the savings would be.
16 There are likely other areas where there would be
17 savings. It is-- they're somewhat less directly
18 related to providing a lawyer in Housing Court, but
19 it is very difficult with available data to make
20 those estimates. I mean, it would be a huge research
21 study on its own, if that's something the Council
22 were interested in, we could discuss, but it--
23 available, the data that's available currently makes
24 it difficult.

25 COUNCIL MEMBER GIBSON: Okay.

2 COUNCIL MEMBER LEVINE: Thank you very
3 much. Is it Mr. Heron [sic] or Juareguilorda?

4 IGNACIO JAUREGUILORDA: Juareguilorda.
5 I'm afraid I'm going to allot all two minutes on my
6 last name.

7 COUNCIL MEMBER LEVINE: It's all good.
8 We'll deducted that from the time.

9 IGNACIO JAUREGUILORDA: Thank you, I
10 appreciate it. Thank you for letting me speak in
11 support of Intro. 214 today. My name is Ignacio
12 Jaureguilorda. I'm the Director of Poverty Justice
13 Solutions, a program at the Center for Court
14 Innovation. And Poverty Justice Solutions is a two-
15 year fellowship for new attorneys that places them
16 with New York City legal services providers to
17 represent low-income tenants threatened with
18 eviction. In the first year of the fellows being in
19 their placements, 20 fellows handled 2,500 cases
20 serving more than 4,200 New Yorkers, including nearly
21 1,500 families with children. Others have spoken
22 here much more eloquently than I will to the critical
23 importance of a right to counsel in Housing Court and
24 to the devastating impact the evictions have on
25 families and individuals. I'd like to stress two

1 points of Intro. 214. The capacity of a new
2 generation of attorneys to meet the increased demand
3 for counsel that the law would entail and the
4 importance of promoting research-based practices
5 along with the right to counsel. If I can address
6 the latter first. The plan 214 calls for a plan for
7 the provision of high-quality legal services that
8 considers the use of pro bono representation,
9 technology, partnerships with social services
10 organizations, and other innovative approaches to
11 providing cost effective services. We believe this
12 provision will ensure that the ongoing conversation
13 among Housing Court stakeholders about how best to
14 deliver legal services to tenants threatened with
15 eviction leads to concrete and effective solutions.
16 Furthermore, with regard to the capacity involved in
17 this situation, we have seen with our work with legal
18 services providers, with our work with the law
19 schools, and with the direct involvement of
20 interested students in our fellowship that there is
21 an enormous hunger for these jobs, and an enormous
22 hunger to do public interest work especially in this
23 area.
24
25

2 COUNCIL MEMBER LEVINE: Thank you for
3 your excellent timing even with the long last name,
4 Mr. Juareguilorda. Thank you so much. And would you
5 be Mr. Hasty, perhaps? Okay, thank you.

6 STEVEN HASTY: Good afternoon, Council
7 Members Levine and Gibson. My name is Steven Hasty.
8 I'm a staff attorney at the Bronx Defenders with the
9 Civil Action Practice. The Bronx Defenders is a
10 holistic public defense office--

11 COUNCIL MEMBER LEVINE: [interposing] If
12 you could maybe just approach the mic a little bit.
13 I'm having a hard time hearing.

14 STEVEN HASTY: The Bronx Defenders is a
15 public defense office serving 35,000 people per year,
16 and our Civil Action Practice assists clients with
17 civil legal matters that frequently follow from
18 criminal or family court involvement. Housing is the
19 principal area of our practice. We help clients with
20 some of the most challenging cases in Housing Court,
21 drug-related evictions, nuisance allegations, and
22 interpersonal disputes that sometimes give rise to
23 both criminal and housing cases. The Bronx Defenders
24 also represents clients in criminal and family court,
25 both contexts in which there's a longstanding right

1 to counsel and to witness those-- that universe of
2 right to counsel in Criminal Court versus Housing
3 Court is entirely different. Now the stakes are
4 often just as high in Housing Court for our clients.
5 We often represent people enmeshed in multiple public
6 justice systems at once. The proceedings in each
7 forum are complex on their own, but mistaken moves in
8 one can lead to problems in another. To expect New
9 Yorkers to navigate these complexities on their own
10 without lawyers is to expect the impossible.

11 Establishing a right to counsel will alleviate this
12 problem. For example, "MM" is a 40-year-old woman
13 with a teenage daughter I represented who has been a
14 stable member of her community residing in the same
15 apartment for 15 years. "MM" receives Section 8 and
16 pays a low rent in a gentrifying area. Her landlord
17 desperately wants her out so that he can convert the
18 apartment to market rate, and he has repeatedly filed
19 frivolous legal actions against her. In a span of two
20 years we successfully got three of these cases
21 dismissed. In June of this year, "MM" was served
22 with a fourth set of eviction papers for rent arrears
23 of less than 700 dollars. Embarrassed by her
24 situation, she attempted to handle the case on her
25

2 own and received an extension of time to pay. I'll
3 summarize quickly. After a few weeks she got the
4 money together and brought with her to court a money
5 order for the full amount, but she was evicted while
6 she was waiting in court for another extension. She
7 called me. I got on the phone right away, and we were
8 able to get her back into her apartment within a few
9 a days, but this never would have happened if I had
10 been on her case from day one. And there are
11 thousands of "MM's" in New York City every year. The
12 Bronx Defenders is grateful to be participating in
13 HRA's new Anti-Eviction Program, which refers clients
14 to us from Housing Court, but it's far from a cure-
15 all even within this program in which attorneys are
16 provided many clients are referred to us only after
17 they agree to a judgement against them. This is like
18 criminal defendants being given a lawyer only after
19 they pleaded guilty in their case. Our city has a
20 proud history of national leadership and progressive
21 causes, and I would urge the Council to support Intro
22 214A. Thank you.

23 COUNCIL MEMBER LEVINE: Thank you very
24 much. Would you be Ms. Ukegbu?

25 EZI UKEGBU: Ms. Ukegbu, yes.

2 COUNCIL MEMBER LEVINE: Please? Okay.

3 EZI UKEGBU: Good afternoon, Council
4 Members. My name is Ezi Ukegbu and I'm a Staff
5 Attorney in the Preserving Affordable Housing Program
6 at Brooklyn Legal Services Corporation A, Brooklyn A
7 for short. At Brooklyn A we prevent the evictions of
8 hundreds of low-income tenants and their families in
9 north and central Brooklyn, primarily Williamsburg,
10 Greenpoint, Bed-Stuyvesant, and East New York each
11 year through our model of collaborative group
12 representation. We also bring affirmative litigation
13 on behalf of tenants in order to defend them from
14 harassment and discrimination. Brooklyn A is also a
15 member of the Right to Counsel and LEAP [sic]
16 Coalitions, organizations that support this bill,
17 Intro 214A. I am here today to talk about how
18 crucial our right to counsel is for low-income New
19 York tenants in New York City based on one: seeing
20 that the working poor and rapidly gentrifying
21 neighborhoods like the ones we serve in Brooklyn are
22 incredibly vulnerable to displacement. And number
23 two: the uneven playing field in Housing Court where
24 tenants unlike landlords do not have legal
25 representation. A right to counsel is crucial

1 because many landlords harass and try to evict rent
2 stabilized tenants in low-income areas by any means
3 possible due to the current housing crisis in New
4 York City. These landlords file meritless eviction
5 cases, and if that doesn't work, they refuse to do
6 repairs, forcing tenants and their children to live
7 with collapsing ceilings, mold, no hot water and
8 heat, hoping that rent stabilized tenants will leave
9 so they can renovate the building and charge market
10 race prices. Due to these dire economic
11 circumstances, coupled with landlords' desire to
12 capitalize from gentrification, landlords often
13 harass tenants with the goal to evict them from their
14 rent stabilized apartments. For example, one tenant
15 in a rent stabilized building we currently represent
16 in East New York did not have a functioning bathroom
17 for a month because the landlord refused to repair a
18 pipe leak that caused her bathtub to be filled with
19 sewerage and sludge. As a result of this, tenant and
20 her young son had to shower in a neighbor's bathroom
21 for entire month. This same landlord also refused to
22 repair another tenant's bathroom sink for a year and
23 then brought meritless eviction action against this
24 tenant in Housing Court. Many landlords use similar
25

2 tactics to force out rent stabilized tenants out of
3 their homes. It is impossible to bear such terrible
4 housing conditions, withstand such harassment and at
5 the same time fight for your rights without counsel,
6 all in a Housing Court that is often plagued with
7 delays and in which landlords unlike tenants
8 virtually always never have a lawyer. Brooklyn A
9 enthusiastically supports this bill and hopes that
10 the Council will pass it into law. Thank you.

11 COUNCIL MEMBER LEVINE: Thank you, Ms.
12 Ukegbu. It's always great to hear from the people
13 who are on the ground doing this work. Thank you to
14 this wonderful panel. I'd like to call up for our
15 next panel: Elvis Santana, Wanda Swinney, Tahica
16 Fredericks, Matthew Abuelo, Charles Nunez, Vivian
17 Slonnenfeld [sp?], and Wayne Jackson Callaway. And
18 while you are making your way up, I want to point out
19 to the public that by my count we've had 45 panels
20 and 43 have spoken in favor of the legislation. I
21 like the way this is going. I like the way this is
22 going. Okay. Sir, would you please start us off and
23 tell us your name?

24 CHARLES NUNEZ: Good afternoon, everyone.
25 I'm Charles Nunez. I'm the Community Advocate at

1 Youth Represent. Youth Represent provides legal
2 representation for youth 24 and under who are court-
3 involved. Our representation spans around a variety
4 of re-entry legal issues that prevent or hinder our
5 clients from re-entering into society successfully.
6 So, in regard to the testimony today, I'll be
7 scratching my written testimony and just address our
8 few concerns at Youth Represent in the interest of
9 time. So, basically Youth Represent is fully in
10 support of Intro 214, but our only thing is that we
11 feel that one thing must be added into Intro 214.
12 Right now currently, NYCHA proceedings are not
13 explicitly-- NYCHA eviction proceedings are not
14 explicitly added into the-- are not included in the
15 214 intro. And right now, NYCHA currently houses
16 over 400,000 New Yorkers and they can start eviction
17 proceedings on their resident's base on
18 undesirability. That undesirability varies a whole
19 bunch of things that leads to an administrative
20 eviction process instead immediately going straight
21 into Housing Court. So before NYCHA tenants even
22 enter Housing Court, they could already sign away
23 their lease and a stipulation saying that either one
24 person from their home could be permanently excluded
25

2 or the entire household can be excluded before they
3 even enter Housing Court. And that's something we
4 felt that must be added into Intro. 214, because it's
5 left into interpretation just including eviction,
6 ejection or foreclosure. What must be added is NYCHA
7 eviction proceedings as well, because they are not
8 within the Housing Court capacity. And just to like
9 share light on this is that my parents are going
10 through eviction proceedings for one of my brothers
11 because my brother was arrested in front of our
12 housing development because of a trespassing charge
13 because he had no ID on him. Soon after that, NYCHA
14 called my parents with-- called my parents into--
15 called my parents into the housing development
16 management office, and my parents unknowingly removed
17 them from the lease and permanently excluded him.
18 And this happens not just to my-- this didn't just
19 happen to my brother. This happens to thousands of
20 New Yorkers and it's been going on for years, and
21 that's something that we must include. Make sure
22 that whenever NYCHA starts these eviction
23 proceedings, NYCHA residents are included as well and
24 that they get right to counsel also.

2 COUNCIL MEMBER LEVINE: Mr. Nunez, for
3 unprepared remarks, those were remarkably polished
4 and eloquent. So, I'm hoping one day we'll see you
5 sitting on this side of the table.

6 CHARLES NUNEZ: Awesome.

7 COUNCIL MEMBER LEVINE: And we couldn't
8 agree more strongly with your assertion that NYCHA
9 tenants should be covered, and in fact while it's not
10 clearly specified in the bill as you correctly
11 observed that, that is our goal for a future revision
12 of the language. So--

13 CHARLES NUNEZ: [interposing] Nice.

14 COUNCIL MEMBER LEVINE: We're in whole-
15 hearted agreement, and thank you for appearing today.

16 CHARLES NUNEZ: Thank you.

17 COUNCIL MEMBER LEVINE: Go ahead. Oh, I
18 want to acknowledge that if he's not up, that Harry
19 DeRienzo could please join this panel, who an eminent
20 leader at the Banana Kelly and known far and wide for
21 his work on housing. Thank you. Please take it away.

22 TAHICA FREDERICKS: Thank you so much for
23 hearing my voice this afternoon. My name is Tahica
24 Fredericks and I'm with Banana Kelly, and I want to
25 come from an artist's perspective as well as someone

2 who has experienced the Housing Court. Born and
3 raised in New York. I love this city and I want to
4 stay here, and a part of what I do for my art, I'm a
5 street fashion photographer. So, all I do is to show
6 the beauty of this city. So the foundation of what I
7 do rests on this city, but I do have experience in
8 the Housing Court where just standing there before
9 this judge who barely looked at me. They-- it really
10 makes you feel you have no rights, you have no voice,
11 you're barely human, and you know, it struck me while
12 I was listening to this perfect stranger, you know,
13 bring down a ruling on my life, it made me realize
14 this probably wouldn't be taking place if I had
15 someone to represent me so that I could have the
16 right to have the judge's attention, because the
17 conversation was just between the landlord's attorney
18 and the judge, and I just stood there until she
19 banged her gavel. And it just kind of sat with me
20 that once she banged her gavel, I had to leave my
21 home. I had to uproot my children, and then we were
22 just left without a place to stay. So, you have to
23 pass this. You know, it's late for me, but we found
24 a home a year later. Yay! But, you know, in the
25 interest of those who are in court now and are on

2 their way, this bill has to pass. So, no one has to
3 stand there and listen to a perfect stranger bring a
4 ruling down on their lives. Thank you.

5 COUNCIL MEMBER LEVINE: Thank you, Ms.
6 Fredericks for sharing your story. It really has an
7 impact. Thank you. Please?

8 WANDA SWINNEY: Hello, my name is Wanda
9 Swinney, and first of all, through experience I just
10 want to say that I am a person that came from the
11 shelter system as well. I know what it's like to
12 walk around with six children because you don't have
13 housing assistance, and saying with my heart in my
14 throat, "Do you know where I can find shelter for my
15 children?" So, I do thank you for allowing me to say
16 my testimony and support the 214A. My name is Wanda
17 Swinney and I am a member of Banana Kelly Resident
18 Council. I'm here today to speak in support of the
19 passage of 214A Right to Counsel. I would like to
20 explain why I personally feel the passage of this
21 bill will benefit me and my community. I myself come
22 from the shelter system and was given access to
23 affordable housing in the South Bronx, which allowed
24 me to raise six children in a stable environment.
25 The help that I received only-- not-- the helped that

2 I received on, early on, not only helped me to become
3 a working class shop steward union member of DC37
4 Local 420, it allowed me to found a tenant
5 association and create a community garden in my
6 neighborhood. Nearly 25,000 families, including
7 older adults, were evicted in New York City last
8 year, and as an adult, an older adult in the City,
9 this could be me. I have worked hard enough-- hard--
10 I have worked throughout my life to get to where I
11 am, and it is an injustice that any hardship fell on
12 me I could be back in the shelter. A right to
13 counsel in eviction proceedings-- I'm sorry, y'all--
14 will save the city money keeping families and adults
15 in their homes and avoiding homelessness will
16 strengthen our city, save money, and will give our
17 families stability. I urge the City to-- the City
18 Council to pass this bill, and again, I say thank
19 you.

20 COUNCIL MEMBER LEVINE: Thank you, Ms.
21 Swinney. My goodness. If I got all this right,
22 tenant leader, labor leader, community gardener. So
23 maybe you'll come back. I chair the parks committee.
24 Can you come back and talk about your gardening work
25 sometime as well?

2 WANDA SWINNEY: Yes, I will. Thank you.

3 COUNCIL MEMBER LEVINE: But in all
4 seriousness, the strength and fortitude you've shown
5 in the face of very serious challenges I know are
6 going to inspire a lot of people.

7 WANDA SWINNEY: Thank you.

8 COUNCIL MEMBER LEVINE: Thank you so much
9 for speaking out today.

10 VIVIAN SLONNENFELD: Hello, I'm Vivian
11 Slonnenfeld. I'm at Metropolitan Council on Housing
12 and also Eviction Intervention Services. As a tenant
13 advocate I have encountered many evictions that could
14 easily have been avoided. Very often tenants find out
15 where they can turn for help only after they have had
16 a bad experience in Housing Court. Many have been
17 misled by the landlord's attorney and have
18 consequently agreed to unrealistic commitments by
19 signing a stipulation. Unrepresented tenants are
20 frequently unaware that they are not required to
21 follow the orders of their landlord's attorney. So,
22 they unwittingly agree to statements or amounts that
23 might not even be accurate or to terms that are not
24 doable or reasonable. A sad example is that of the
25 non-payment case of an elderly gentleman with rent-

2 controlled apartment in Manhattan. He had called for
3 help only when he was expected to move out the very
4 next day. He had serious medical issues and was not
5 yet prepared to move out. He also did not have
6 anywhere to go. The tenant had by this time brought
7 his rent up to date. He had signed a stipulation in
8 which he agreed to bring the rent payments up to date
9 and to then vacate the apartment. I explained how he
10 could still go to court that day and to get an order
11 to show cause. He said that due to his health
12 situation he would not be able to get to the court
13 building that day. When asked if he could possibly
14 get there and back by taxi, he said he could not
15 afford to do that because he had paid all his money
16 to his landlord.

17 COUNCIL MEMBER LEVINE: Thank you so
18 much, Ms. Slonnenfeld, and we appreciate your ongoing
19 work on this issue. And now I believe is it Mr.
20 Abuelo, is that correct?

21 MATTHEW ABUELO: Yes, yes.

22 COUNCIL MEMBER LEVINE: Alright.

23 MATTHEW ABUELO: Hi, my name is Matthew
24 Abuelo and I'm testifying here today as a member of
25 Met council to support passage of bill 214A. It is

1 not a secret that landlords are well-represented in
2 Housing Court and have access to the best lawyer's
3 money can buy, but low-income tenants often have to
4 appear in court on their own since they are unable to
5 afford counsel and have little chance of winning
6 their case. I'm a former tenant of one of the last
7 remaining SRO's on the Upper West Side known as the
8 Dexter House. I've seen my neighbors taken to court
9 on bogus charges of owing rent. After the third or
10 fourth time being taken to court, many of these
11 residents have left. Almost one-third of the building
12 is now being run as housing for Columbia students who
13 pay three to four times the legal rent. The truth is
14 that most tenants around the City do not know their
15 rights as renters and often capitulate to frivolous
16 evictions to avoid being raked over the coals in
17 Housing Court. The end result of this has been a
18 growth of the City's homeless population and the loss
19 of 400,000 rent regulated apartments over the past
20 few decades. It is for this reason that I urge the
21 Council to pass bill 214A, which would guarantee low-
22 income tenants representation when facing the
23 management of their building in Housing Court. Even
24 murderers have been granted this right when facing
25

2 trial, yet somehow upstanding citizens with few
3 financial means have not and are subject to losing
4 their homes. By passing this bill, tenants will have
5 a fighting chance in court and will no longer have to
6 be railroaded by lawyers from the law firm of "Dewey
7 Screw 'em and How." Furthermore, this legislation
8 will act as a protection for New York natives in a
9 town that has become open for business. Thank you.

10 COUNCIL MEMBER LEVINE: Alright.

11 Supplying us with a much needed pun late in the
12 afternoon. Thank you, Mr. Abuelo. Mr. Santana?

13 ELVIS SANTANA: Hello. My name is Elvis
14 Santana. I'm a member of Banana Kelly Resident
15 Council. I'm here today to speak on support of 214A.
16 I would like to explain a little bit personally and
17 why would this benefit me in the community. So,
18 unfortunately, my mother was forced to appear in
19 court due to false allegations that she didn't pay
20 her rent two months ago. Because my mother doesn't
21 speak fluent English, my brother accompanied her to
22 translate. Immediately after he said two sentences
23 in Spanish, the judge asked, "Do you speak fluent
24 Spanish?" My brother replied saying "Yes. That's why
25 I'm here with my mother." Immediately after, the

1 judge ruled to reschedule and said directly to my
2 brother, "Bring someone who actually speaks
3 Spanish". So, I can say with full confidence my
4 whole family can speak Spanish fluently, even I, but
5 that's not why I'm here. I'm here because thousands
6 of families who suffer from what my mother suffered,
7 and that's truly being treated unfairly simply
8 because we're not given the right to counsel when
9 we're being financially crippled or misunderstood by
10 landlords or others like my mother in the eyes of the
11 court of law. Since then, my mother repeatedly had
12 to miss work without pay in attempt to yet again
13 prove against the landlord that's she's proven her
14 rent-- that she's paid her rent. It's been reported
15 on average that a family of four within my district,
16 District 17, makes little less than \$25,000 a
17 year. Affording a lawyer or hoping that a lawyer
18 would do pro-bono work would be unrealistic for my
19 family and other families around. Also, as you
20 probably know, close to 25,000 families were evicted
21 in New York last year most because they couldn't
22 afford legal representation. Across New York City
23 this has been happening and we're all wondering when
24 it's going to stop. That is why all I'm asking is
25

2 214A so that families and other mothers like mine are
3 given the best representation possible to avoid being
4 part of another statistic. Thank you.

5 COUNCIL MEMBER LEVINE: Thank you, Mr.
6 Santana. We'll go to you in a moment, Mr. Jackson
7 Galloway [sp?]. Maybe one of your colleagues could
8 give you a seat at the table, and then-- if that's
9 okay, and in the meantime, Mr. DeRienzo, if you could
10 give your remarks?

11 HARRY DERIENZO: Sure. My name is Harry
12 DeRienzo. Thank you for this opportunity and thank
13 you for your leadership on this issue. I am speaking
14 in support of this legislation as a President and CEO
15 of a nonprofit landlord, and we, Banana Kelly has
16 developed thousands of units. We directly oversee
17 1,200 units of housing. Our average rent is about
18 900 dollars a month. We have all the same expenses
19 every other landlord has including private mortgage
20 debt, and we do everything we can to keep our
21 apartments affordable and keep people out of court to
22 the extent possible. I'm here to support this for a
23 number of reasons, and you've heard a lot of these
24 reasons already today. One is the right thing to do.
25 You've heard that-- we've heard many, many times

1 before that justice is-- there is no justice except
2 among equals, and that maxim plays out every day in
3 Housing Court because of the inequality of the
4 litigants. We basically have a court. Housing Court
5 is supposed to be a court of justice. It's basically
6 a court of expedience right now, and we have to
7 change that, and starting with the passage of this
8 law. Another reason I think goes into what we do as
9 an organization, as a nonprofit community development
10 corporation. We spend a lot of our time keeping
11 people out of court, and we do that because most of
12 our people, and I'm sure this is not unusual for most
13 tenants that end up in Housing Court, are paid by the
14 hour. So, when they go to court and spend a couple
15 of hours in court, they don't get paid for that time.
16 If they miss too much time they get laid off and then
17 they ended up getting evicted anyway because they
18 don't have a job anymore. People go to court and
19 they're confronted with a lawyer, and they have to
20 make a decision. Do I wait and stay here all day and
21 wait for an afternoon trial or do I sign a
22 stipulation? Most sign stipulations, and that reason
23 I guess beyond any others is a good reason-- is the
24 right reason to pass this law. One more closing
25

2 comment is there are abuses. I've seen them as 7A
3 [sic] administrator, abuses by landlords. Of the
4 thousands of residents we have, I can count on one
5 hand the abuses by tenants. There is a need for
6 Housing Court reform, but we can't have comprehensive
7 reform without basic reform, and this is basic reform
8 and it must be passed. Thank you very much.

9 COUNCIL MEMBER LEVINE: Thank you, Mr.
10 DeRienzo, and thank you for your leadership of a
11 great nonprofit. Mr. Jackson Galloway, please?

12 WAYNE JACKSON GALLOWAY: My name is Wayne
13 Jackson Galloway. I live at 600 West 157th Street. I
14 thank Mr. Levine and everyone else on the Council. I
15 hope that this does pass because it is quite
16 necessary. I myself spent three glorious years in
17 Housing Court. I got to sit there and watch judges
18 berate 90-year-old gentlemen. I got to watch judges
19 and landlord's counsel have their inside jokes,
20 laughing at tenants. I had a judge write an order for
21 code enforcement to come into fix a hole, and what
22 they did when they fixed that hole was they covered
23 up a rotting beam. So then I had to wait another six
24 months for the ceiling to fall in again because of
25 the leak just to get HPD out there to see that this

2 was still not done, even though there were three
3 different affidavits served to the court by
4 individuals from the management company stating that
5 these repairs had been done. When I questioned and
6 asked, "Is this not perjury." I was told plain and
7 simple, "We don't have the resources to actually, you
8 know, go after this." But when my Legal Aid attorney
9 showed me the file after we were done, on the first
10 page of the file, that judge, Judge Krauss [sp?],
11 wrote that I was a liar. Now, I'm sorry, people lie
12 when they have something to lose. I myself brought
13 the landlord to court because for four years my
14 ceiling was falling in. it was growing mushrooms in
15 my corner, and as an HIV-positive person since 1985,
16 I think I'm not only above the curve, but I've done a
17 fantastic job in keeping myself alive, and I do not
18 believe my residence should be detrimental to my
19 health, and it is preposterous how it's-- the case is
20 whittled away by the landlord's attorney. Nobody's
21 telling you when they're dropping things off the
22 case. You're singing stipulations. HPD does not
23 come and see it, HPD does not write it as a
24 violation. 311 violations do not coincide with HPD
25 violations, so they have the tenants chasing their

2 tails. So I ask you, I beg you to pass this. Thank
3 you so much.

4 [applause]

5 COUNCIL MEMBER LEVINE: Thank you, Mr.
6 Jackson Galloway. Always a pleasure to see you and
7 thank you to this excellent panel. Alright. Next up
8 we have Anna Reyes [sp?], Nova Lucero [sp?], George
9 Sapiroff [sp?], Paul Carr [sp?], Lutella Dordan
10 [sp?], Angela Pham. You know, it's so rare that
11 people remain engaged in a hearing as it drags into
12 its fifth or sixth hour. I've lost track, and it's
13 just a testament to all of you who are here with us
14 about your passion for this issue. It sends a huge
15 signal to the whole city that hundreds of people have
16 come out today and so many of you have stayed to
17 testify. And you might not be aware of this, but we
18 are being live-streamed on the internet. So people
19 are watching from home, and I'm getting texts from
20 people who are still watching, and all of you, of
21 course, your comments will be entered into the
22 record, and actually a video of this will be archived
23 on the web. I just want everyone to know. I want
24 everyone to know how impactful it is that you've come

2 out to speak today. And sir, we'll start with you on
3 the end there. Please tell us your name.

4 EMMANUEL PARDILLA: Hello, my name is
5 Emmanuel Pardilla. I'm a tenant organizer from the
6 Northwest Bronx Community and Clergy Coalition.
7 However, I am representing-- speaking on behalf of a
8 tenant that couldn't be here, who--

9 COUNCIL MEMBER LEVINE: [interposing] And
10 whose name is that?

11 EMMANUEL PARDILLA: who originally asked
12 Nova to give the testimony. It's one of her tenants.
13 Her testimony goes as such: "Good morning elected
14 officials, Council Members, I especially want to
15 thank you, Council Member Helen Rosenthal, for
16 standing with my neighbors and I throughout our
17 construction nightmare. My home is on the Upper West
18 Side of Manhattan. In August 2015, the occupants of
19 my building came home one evening to find our terrace
20 [sic] doors and windows sealed with plastic and
21 bolted with metal rods. Not only did this leave us
22 with no access to fresh outside air, we were
23 forbidden to use our air conditioners in the evenings
24 or during the weekends when no construction was
25 scheduled. Our building has 28 floors and my

1 apartment is on the highest floor directly underneath
2 a rooftop water drain. In December 2015, there was
3 damage to my home causing the City of New York to
4 issue Code B violations that have still not been
5 remediated as of today. My landlord informed me that
6 they would repair my home once the construction was
7 over. Shortly after that, I took ill. I will ill and
8 went to visit my doctor. After several examinations,
9 my primary doctor referred me to an allergist who has
10 confirmed that I now have asthma due to the
11 construction dust that consumes my apartment. As a
12 result, my physician informed that I could no longer
13 live in my home during active construction. I
14 indicated I could return once the construction was
15 completed. There was other challenges such as
16 mental, emotional and physical tolls. For example, I
17 am now commuting into the City between two to three
18 hours in each direction every day just to get to work
19 and to handle all of my private affairs. I do have
20 counsel. That is why I am confident my situation
21 will be resolved. Just knowing that I have an
22 advocate intervening on my behalf gives me hope that
23 my situation would finally be resolved. I pray that
24 you vote yes to Intro 214A. Please give my fellow
25

2 New Yorkers the same opportunity to have for the
3 right to counsel.”

4 COUNCIL MEMBER LEVINE: Thank you for
5 sharing that powerful story. Thank you. Please?

6 ANGELA PHAM: Hello, I'm Angela Pham and
7 I'm a member of the Metropolitan Council on Housing
8 where I'm a volunteer for the Tenants' Rights Hotline
9 and also the Housing Clinic. When I represented
10 myself in Housing Court three years ago, I was
11 assured that I didn't have to be too worried. I
12 always heard that New York in Housing Court was
13 tenant friendly. Over the course of the six months
14 when I was in and out of court I learned how wrong
15 that statement is. There was nothing friendly for a
16 tenant without a lawyer. Every employee I spoke to
17 was inexplicably angry anytime I asked a question.
18 Signs explaining where to go and where to wait in
19 line were not clear even to a native English speaker.
20 And worst of all, I watched lawyers who represented
21 the landlords who virtually lived in these hallways,
22 greet and schmooze with the Housing Court staff like
23 they'd walked into a family reunion. Let me say
24 again that Housing Court is not tenant friendly. I
25 saw a Chinese family of seven pour into the room

2 pointing at paperwork that they didn't understand.
3 The only person available to help them was their
4 landlord's strapping white middle-aged lawyer. I saw
5 many, many women with their babies waiting on the
6 bench. I saw elderly tenants who looked too frail to
7 even walk. I saw employee still wearing their day job
8 work uniforms. None of us had lawyers, and all the
9 landlords did. And after so many adjournments, fire
10 drills, hours in line, gathering of paperwork,
11 commutes to the courthouse and reading a book for
12 hours on the bench when you should be at work working
13 instead. Even the tenant who has done absolutely
14 nothing wrong will still start to think maybe this
15 isn't worth it. Low-income citizens of this city
16 need a right to counsel. We have a housing crisis on
17 our hands, a socioeconomic disaster within our city
18 that could be alleviated quite a bit if we only
19 leveled the playing field a little more. Knowledge
20 is power and you and the City and this bill have the
21 power to share the wealth and enact this change.
22 Thank you.

23 COUNCIL MEMBER LEVINE: Thank you for
24 those wonderful comments and for the volunteer work

2 you're doing on behalf of tenants. We're truly
3 grateful. Would you be Mr. Satiroff [sp?] by chance?

4 GEORGE SATIROFF: Yes.

5 COUNCIL MEMBER LEVINE: Okay, please?

6 GEORGE SATIROFF: George Satiroff from
7 the Bronx, a member of CASA Community Action for Safe
8 Apartments. Yes, you had-- I'm neither a lawyer, nor
9 am I an economist, but you've got a preponderance of
10 evidence here that this is a necessary thing to do,
11 pass 214. And so I'll just give you a quick little
12 anecdote. When I was 12 years old I had heard a news
13 report that there was some public project and the
14 funds weren't available, and I mentioned that to my
15 father who just walked into the room after the
16 report, and I said, "The funds aren't available."
17 And he became quite stern, and he said, "If they want
18 to get this done, you will see the funds miraculously
19 appear." And it didn't mean much to me then, but it
20 sure does now. Here we are the richest country in
21 the world. This is the right thing to do, and we
22 cannot say that we don't have the funds to do the
23 right thing. That's my testimony.

24 COUNCIL MEMBER LEVINE: Thank you, Mr.
25 Satiroff. [speaking Spanish]

2 ANNA REYES: [speaking Spanish]

3 COUNCIL MEMBER LEVINE: Okay.

4 ANNA REYES: [speaking Spanish]

5 COUNCIL MEMBER LEVINE: [speaking
6 Spanish]

7 TRANSLATOR: My name is Anna Reyes. I
8 live at 2298 Cressna [sp?] Avenue in the Bronx, and
9 I'm here to talk about experience that I've had with
10 my landlord where many times they've sent me letters.

11 ANNA REYES: [speaking Spanish]

12 TRANSLATOR: The letters did make me very
13 nervous. I don't want to have any problems with the
14 court. The day that I went to court I was overtaken
15 by nerves.

16 ANNA REYES: [speaking Spanish]

17 TRANSLATOR: So I've received many, many
18 letters, but they still haven't done any repairs.
19 I've been without gas for two years. They started to
20 do the work, but it still hasn't been finished.

21 ANNA REYES: [speaking Spanish]

22 TRANSLATOR: So, instead they sent me
23 electric stove instead of fixing the gas, and what
24 that does, it increased my electric bill.

25 ANNA REYES: [speaking Spanish]

2 TRANSLATOR: So, they still haven't
3 finished the work on the gas line, and I'm still
4 asking them to finish the repairs on my bathroom as
5 well.

6 ANNA REYES: [speaking Spanish]

7 TRANSLATOR: My building, we still need
8 security cameras, and I've received multiple letters
9 that are accusing me-- that are harassing from my
10 landlord.

11 ANNA REYES: [speaking Spanish]

12 TRANSLATOR: In addition, the lock on my
13 door isn't functioning properly.

14 ANNA REYES: [speaking Spanish]

15 TRANSLATOR: So, I've asked many times if
16 they'd put cameras in my building, and he does not
17 want to maintain our building.

18 ANNA REYES: [speaking Spanish]

19 TRANSLATOR: Thank you very much, and
20 lastly I just want to say that I hope Intro 214
21 passes, because it's not just to live through all of
22 these experiences and go to court without somebody to
23 defend you. Thank you.

24 COUNCIL MEMBER LEVINE: Thank you, Ms.
25 Reyes. [speaking Spanish] And thank you, Susana

2 Blankly [sic] for that outstanding translation and
3 for making the statement [sic]. Would you be Ms.
4 Dordan [sp?], is that correct?

5 LUTELLA DORDAN: Correct.

6 COUNCIL MEMBER LEVINE: Okay, please?

7 LUTELLA DORDAN: Okay, thank you.

8 Greetings. My name is Lutella Dordan. I live in
9 central Harlem for 22 years, and I just want to read
10 off what I had wrote with your permission. I appeal
11 to the City Council and Mayor Bill de Blasio to pass
12 and fund this bill. It is so crucial for New York
13 City to have such a bill established so that tenants
14 such as myself can be protected from predatory
15 landlords who have exploited loopholes in existing
16 laws to move tenants out of their homes. I sit before
17 you and share a little bit of my story. The
18 continuous harassment my current and former landlord
19 was action I should have never endured, especially
20 being a tenant who was currently up to date with my
21 rent. The landlord was taking me to Housing Court
22 for nonpayment when rents had been paid. Excessive
23 payments have been paid and landlord had not properly
24 credited to the ledger. After successfully
25 organizing my documents, I realized then the landlord

1 willfully was seeking possession of the apartment.

2 As a result, I filed a complaint with the State

3 Division of Human Rights for discrimination and

4 harassment. As a proud member of DC 37, Local 372 I

5 was counseled by MELS legal services. I can share

6 with you a time when I was in Housing Court without

7 legal counsel, and it was very frightening. This is

8 why I'm here to be supportive of this bill, because

9 we shall not succumb to displacement. In this

10 expedited climate of greed and gentrification,

11 landlords have a discriminatory [sic] impact and have

12 targeted those who have lived in rent controlled and

13 rent stabilized apartments for 20, 30 and 40 years.

14 That would be low-income tenants, senior citizens,

15 working class families with federal subsidies. My

16 final thoughts: This is a situation that is

17 prevalent in our city and no less in our society as a

18 whole. In conclusion, I am asking that we cease

19 control of this situation for the sake of so many.

20 We must submit to doing what is right as if humanity

21 still exists in this city, and more so in the world

22 all over. Again, I appeal to you, Mayor de Blasio and

23 the City Council, to support and fund this bill 214A.

24 Let New York City become the first city in the nation

25

2 to have a right to counsel for tenants to defend
3 their homes. Thank you.

4 COUNCIL MEMBER LEVINE: Thank you, Ms.
5 Dordan. This was a very popular panel. Rightly so.
6 Appreciate all of your comments. And we're going to
7 all up next Mary Marshzulak [sp?], Lourdes Garcia,
8 Dave Shubrin [sp?], Roberto Corbit [sp?] or Roberta
9 Corbit maybe?

10 UNIDENTIFIED: Roberta.

11 COUNCIL MEMBER LEVINE: Roberta Corbit,
12 okay. Andrew Lehrer, and-- okay. And I have a last
13 name DeJesus. I'm having a hard time reading the
14 handwriting. Rivera DeJesus also from CASA? Maybe
15 Martina Rivera DeJesus? I'm having a hard time
16 reading the handwriting. Okay, since we have a
17 couple extra chairs, let's call up if Chris Chalfant
18 [sp?] is available. Monex Jacobs [sp?], Katy Dwarte
19 [sp?], and [speaking Spanish]. Okay [speaking
20 Spanish].

21 LOURDES GARCIA: [speaking Spanish]

22 TRANSLATOR: Thank you to the members of
23 the Council for allowing me here to testify. My name
24 is Lourdes Garcia. I'm a CASA Leader, an

2 organization of support and information about
3 tenants' rights in the Bronx.

4 LOURDES GARCIA: [speaking Spanish]

5 TRANSLATOR: I live at 1590 Undercliff
6 [sp?] Avenue in the Bronx where I've lived for 36
7 years with my husband and my daughter who is a
8 student at the University.

9 LOURDES GARCIA: [speaking Spanish]

10 TRANSLATOR: I haven't had a personal
11 experience in Housing Court, but I have had a lot of
12 experience with harassment on the part of my landlord
13 and many problems in my building.

14 LOURDES GARCIA: [speaking Spanish]

15 TRANSLATOR: We don't have sufficient hot
16 water. We also don't have sufficient light in our
17 building which causes security problems.

18 LOURDES GARCIA: [speaking Spanish]

19 TRANSLATOR: The elevators are the worst
20 and are always dirty.

21 LOURDES GARCIA: [speaking Spanish]

22 TRANSLATOR: I haven't presented my case
23 in court because I haven't had the opportunity, but
24 if I had had a lawyer, I-- with all of our rights, we

2 would have been able to defend our rights in the same
3 way that most landlords have attorneys.

4 LOURDES GARCIA: [speaking Spanish]

5 TRANSLATOR: Eviction is the number one
6 reason why people go into the shelter. We need to
7 make sure that we pass Intro 214 before this year is
8 out. We cannot wait anymore. We need peace, and we
9 need justice in the City, in New York, and dignity.
10 Thank you very much.

11 COUNCIL MEMBER GIBSON: Thank you.

12 Gracia. Next? Are you, Ms. Dewarte [sp?]?

13 UNIDENTIFIED: Yes.

14 COUNCIL MEMBER GIBSON: Okay, Ms. Katie
15 [sic], thank you. Roberta. I have it. You may
16 begin.

17 UNIDENTIFIED: We have the same landlord.
18 I live across the street. I'm being harassed. I need
19 [sic] to move out the building. They want me out. I
20 have leaks. I had a ceiling fall in the foyer. I
21 called the landlord several times. The super's son
22 was messing with the circuit breakers to my stove.
23 The stove doesn't work. I've called several times. I
24 haven't got it repaired. I think they're trying to
25 force me out. I've been there 30 years too, like

2 here. I've been there a long time. It's the long-
3 time tenants I think they're trying to get out.

4 COUNCIL MEMBER GIBSON: So you also agree
5 that this legislation would help you in your
6 situation.

7 UNIDENTIFIED: Oh yeah, exactly.

8 COUNCIL MEMBER GIBSON: Going to court and
9 making sure that those repairs are done.

10 UNIDENTIFIED: Right.

11 COUNCIL MEMBER GIBSON: Great, thank you.
12 Thank you for joining us today. Next? You can begin.
13 Thank you. Make sure the button's pressed.

14 DAVE SHUBRIN: Okay.

15 COUNCIL MEMBER GIBSON: There you go.

16 DAVE SHUBRIN: my name is Dave Shubrin
17 [sp?]. I'm a member of CASA and a transplant from the
18 Lower East Side known as "no sided [sic]" to the
19 Bronx. I'm here to testify that Intro 214A should be
20 passed and funded both during trial and appeal,
21 because while most landlords have lawyers, most
22 tenants do not. As a formerly homeless person, I can
23 attest from imperical [sic] experience that eviction
24 is the number one reason why people end up in the
25 shelter system. The Right to Counsel Bill, i.e.

1
2 214A, could pay itself and save the city over 300
3 million dollars per year and decrease the homeless
4 population from the present all-time high of 60,456
5 in the shelter system, of which 20,000 are children.
6 Unlike defendants in Criminal Court who already have
7 the right to counsel thanks to the landmark Supreme
8 Court decision of Gideon versus Wainwright of 1963
9 via the sixth and 14th amendment, tenants in Housing
10 Court do not have this right. The only law we have
11 at present close to Intro 214A is Intro 96, a Local
12 Law sponsored by Council Member Rosie Mendez, to
13 provide senior citizens and 202 housing legal counsel
14 for evictions and foreclosure proceedings. This bill
15 had over 40 Council Member sponsors. If those same
16 Council Members can again sign on to Intro 214A so as
17 to protect all, I repeat, all tenants of record this
18 time, it will not only be the right thing to do for
19 your constituents, but also help you for your re-
20 election. Just a hint. So, if this bill was to
21 pass, legal defenders like Bronx Defenders, MFY,
22 Urban Justice, ACLU, etcetera, etcetera will have
23 more funding to have a more comprehensive and
24 holistic defense of tenants. And also by the way,
25 you know, it's very ironic that since 1963 the right

2 to accuse have always had the guarantee of legal
3 counsel, while the right for abuse of New York City
4 tenants in the year 2016, we still don't have any
5 lawyer representation. So, in closing, I implore you
6 to pass this landmark bill because it's the right
7 thing to do and long overdue. Thank you.

8 COUNCIL MEMBER GIBSON: Thank you very
9 much. Thank you. Thank you. Mary?

10 CHRIS CHALFANT: Chris.

11 COUNCIL MEMBER GIBSON: Chris, okay.

12 CHRIS CHALFANT: Can you hear me? Is this
13 on? Okay. Good afternoon. My name is Chris
14 Chalfant. I live in Brooklyn. I am a-- I live with
15 a disability. I am a disability rights activist.
16 I've done a lot of grassroots organizing, and I have
17 seen living conditions all over the city, some of
18 which people should not have to endure. I would like
19 to speak today about my own building. I live in a
20 building that's rent stabilized. We have 60 units,
21 120-130 people, something like that. Many of the
22 tenants are immigrants. They're seniors. They have
23 disabilities. They have children with disabilities,
24 and there are a lot of things that people don't know
25 and are-- they don't have access. They don't

2 research. Even if they're offered opportunities to
3 get help, they don't take them. They're in fear of
4 intimidation of retaliation. So people are quiet.
5 They don't do enough for themselves. So, for
6 example, when we had an elevator replacement
7 recently, there were a number of people who were
8 severely affected. There was one gentleman who
9 lives-- who has a wheelchair and has a fulltime job,
10 and he was not able to go to work during this for
11 seven weeks. Well, we were able to get a lawyer for
12 him and he made a settlement with the landlord. So,
13 it was not a desirable situation to live in this
14 apartment for seven weeks, but at least he did get
15 his rent paid. Unfortunately, some people even
16 though we were able to get a lawyer to come to our
17 building, people would not speak up, because of the
18 fear of retaliation. Our landlord is powerful. They
19 have a lot of buildings. They use intimidation a
20 lot. If you speak up, you are harassed. You don't
21 get services. So, I encourage you to pass this bill,
22 and also make an effort for outreach so that people
23 who are afraid to speak up are still getting access,
24 that they are also getting SCRIE and DRIE, that they
25 know it exists. Because we have so many people just

2 in our building that if they knew about it, their
3 rent would be half of what it is now. Thank you very
4 much.

5 COUNCIL MEMBER GIBSON: Thank you very
6 much.

7 KATY DWARTE: Good afternoon. My name is
8 Katy Dwarte. I live in the High Bridge Neighborhood
9 in the Bronx. I'm 23 years old, and I have lived in
10 the same building for the past 17 years. I currently
11 live with my mother, my two younger sisters and my
12 uncle. When I was in sixth grade my mother was sent
13 to Housing Court, because the landlord claimed we had
14 missed the rent payment. I missed school that day to
15 accompany my mother to court. At the time, my mother
16 was not confident in her English-speaking skills, and
17 I accompanied her to translate and ease her nerves by
18 offering support. Now my mother is a fluent English
19 speaker and works in the New York City Department of
20 Education, but that wasn't the case 11 years ago. My
21 mother and I prepared our case before I arrived into
22 court, gathering the money order receipts for the
23 rent over the last couple of months as proof. Walking
24 into court that day was a daunting experience. Not
25 only was I responsible for presenting our testimony

2 to the court, but I was also advocating and
3 representing my mother and the household. That kind
4 of responsibility should not fall on the shoulders of
5 an 11 year old girl. It should be the responsibility
6 of the tenant's lawyer, and if the tenant cannot
7 afford a lawyer, then the state should provide legal
8 representation in order to warrant a fair hearing. In
9 the end, the court setting proved too punishing for
10 my 11-year-old self, and my mother and I least the
11 case. An agreement was made, and my mother paid the
12 landlord the assumed late rent in installments
13 throughout the next couple of months. Today, my
14 mother clips [sic] every money order receipt for the
15 rent in order to make sure something like that
16 doesn't happen to us again. The right to legal
17 representation in Housing Court would alleviate this
18 kind of pressure for my mother and lots of other New
19 Yorkers in the same situation. I'm Vassar college
20 graduate. As some of you may know, Vassar's one of
21 the most prestigious liberal art schools in the
22 country, but even with the check mark in the smarty
23 pants box, I still don't feel confident enough to
24 walk into Housing Court because I don't have the
25 technical [sic] knowledge necessary to have that kind

2 of advocacy for myself or for my mother. A law that
3 gives New Yorkers a right to a lawyer to legal
4 representation in Housing Court would level the
5 playing the field in the court, seeing as most
6 landlords have legal representation. Intro. 214A
7 will not only make Housing Court fair by allowing
8 reasonable arena for landlords and tenants to come to
9 mutual agreements leading to less evictions, but it
10 will also lessen the financial burden of the City to
11 support the would-be evicted tenants in the shelter
12 system. Intro. 214A should be passed, and New
13 Yorkers can't wait.

14 COUNCIL MEMBER GIBSON: That was a great
15 way to close. Intro. 214 should be passed, and New
16 Yorkers cannot wait. Thank you. Thank you all. I
17 appreciate you being here. Keep telling your stories
18 and keep speaking up on behalf of tenants. The work
19 you're doing has an amazing impact. Everyone has a
20 story, and you've heard so many stories, and I
21 appreciate you all coming down here today and really
22 making sure that we understand how important Intro
23 214 is. So, thank you for joining us today. Thank
24 you. Keep up the good work. Our next panel is
25 Gracia Montik [sp?], I believe, Janet Guitierrez

2 [sp?], Lourdes Cruz [sp?], Fitzroy Christian, Valerie
3 Stevens, and Elizabeth Thompson. Gracia's here.
4 Janet, Lourdes, okay. Fitzroy is here. Valerie is
5 here, and Elizabeth. Okay, we're going to add
6 Elizabeth Hellman [sp?]- still here-- Earnest
7 Martinez? Okay, we're ready. Who wants to begin?

8 LOURDES DE LA CRUZ: [speaking Spanish]

9 TRANSLATOR: Good afternoon. My name is
10 Lourdes de la Cruz. I live in 1505 Townsend Avenue
11 with my two children and my husband.

12 LOURDES DE LA CRUZ: [speaking Spanish]

13 TRANSLATOR: I'm a leader of CASA, an
14 organizations that gives power to tenants to claim
15 their rights.

16 LOURDES DE LA CRUZ: [speaking Spanish]

17 TRANSLATOR: My husband in the past had
18 been to court for a few different reasons, and he
19 never allowed me to go so that I wouldn't have to
20 experience the horribleness that is court.

21 LOURDES DE LA CRUZ: [speaking Spanish]

22 TRANSLATOR: Every time he would come
23 home I would ask him how it was, and ultimately I
24 would say, "Don't bring me to court, because if you
25 bring me to court we're going to have problems from

2 what I hear about the disrespect that tenants face,
3 the discrimination, and in general the way that
4 tenants are treated.”

5 LOURDES DE LA CRUZ: [speaking Spanish]

6 TRANSLATOR: But afterwards, we
7 experienced collective action that CASA helped us to
8 do where we brought our landlord to court, and that
9 experience was totally different. A group of tenants
10 with a lawyer went to court and the lawyer talked to
11 the judge and we won the case.

12 LOURDES DE LA CRUZ: [speaking Spanish]

13 TRANSLATOR: On another point, when we're
14 talking about tenants that are evicted and go through
15 the shelter system, the City pays 3,000 dollars for
16 tenants to stay in an apartment. We could use-- in
17 my building there are 10 apartments that are being
18 used for that purpose. We could use that money to
19 pay for right to counsel.

20 LOURDES DE LA CRUZ: [speaking Spanish]

21 TRANSLATOR: We absolutely need to make
22 sure that right to counsel is passed.

23 LOURDES DE LA CRUZ: [speaking Spanish]

24 TRANSLATOR: And it would be really great
25 if we could all read this epithet that's up there

2 that hasn't been true in the past, but we can make it
3 true now. Thank you.

4 COUNCIL MEMBER GIBSON: Thank you.

5 LOURDES DE LA CRUZ: Thank you.

6 COUNCIL MEMBER LEVINE: You know,
7 sometimes it takes a fresh pair of eyes to notice
8 something that you've looked at 100 times. [speaking
9 Spanish]

10 LOURDES DE LA CRUZ: [speaking Spanish]

11 COUNCIL MEMBER LEVINE: [speaking
12 Spanish] Okay. Please ma'am?

13 VALERIE STEVENS: Hi, good afternoon. My
14 name is Valerie Stevens. I live in the Bronx.

15 COUNCIL MEMBER LEVINE: Could you
16 approach the mic, please, ma'am?

17 VALERIE STEVENS: My name is Valerie
18 Stevens. I live in the Bronx. I'm here today. I'm a
19 member of CASA. Excuse me. I lived in my apartment
20 for 29 years. In 2003 I was given a foster child.
21 Then come to find out in 2011 I took the landlord to
22 court because after several years of him not fixing
23 things on the property, and as a result of me taking
24 on the court, he called me himself to my face a
25 trouble-maker. We went to court. The judge was

1 Judge Kline [sp?]. Very disrespectful. I didn't-- I
2 was not aware that I needed counsel. No one told me
3 that. I was evicted from my apartment in April of
4 2013. I'm currently living in a shelter apartment,
5 actually scatter site housing, and I have furniture
6 in storage which I pay a bill of 360 dollars a month.
7 I also pay rent at the scatter site apartment which I
8 don't think is fair. I was black listed. For three
9 years I've been filling out applications for
10 affordable housing. Some of the applications were
11 never even returned. My foster child, she's like two
12 credits away from getting her Associate's Degree, and
13 every day she tells me that she feels like dropping
14 out of school. That's not the plan. I plan on her
15 going back to get her, you know, her Associates, then
16 her Bachelor's Degree. It's just like some horrific
17 conditions I lived under. I lived there for so many
18 years not realizing that there was black mold in the
19 apartment until I called 311 and they sent HPD. They
20 found that it was black mold. There was water
21 leaking. I was unable to cook in my kitchen for like
22 90 days, because as a result of the landlord knowing
23 that I took him to court, he didn't send anyone to
24 make-- to do the repairs. I was evicted in 2014,
25

2 April 25th of 2014. I'm in-- I'm a little nervous.
3 I'm in scatter site housing. An apartment over there
4 is not any different from where I was at, honestly.
5 You know, and like I'm here today to just say that,
6 like, the bill needs to be passed so a lot of people
7 don't have to go through what I've gone through. As
8 a result of this also I'm physically, mentally and
9 spiritually whipped. The Mayor made a statement and
10 the Governor last week about how they're going to
11 have several affordable houses in five years. In
12 five years, I might not be here because of my health
13 condition, you know, and I'm just hoping that the
14 bill is passed. Thank you.

15 COUNCIL MEMBER LEVINE: Well, thank you,
16 Ms. Stevens, for sharing your story. I'm sorry to
17 hear of your challenges, but I'm very glad that
18 you've come here to speak on the record. It gives us
19 more impetuous to pass this bill that's so very
20 needed. Thank you. Thank you, Ms. Stevens, and is
21 it Ms. Thompson? Okay, please.

22 ELIZABETH THOMPSON: My name is Elizabeth
23 Thompson. I'm an activist. I do community volunteer
24 for our Kingsbidge Heights Neighborhood Improvement.
25 I have been in my building for 32 years. I'm rent

1 stabilized, and my landlord definitely want a lot of
2 us out because we have people who've been in the
3 building for 40 years. Right now we're in court.
4 He's saying that we owe plenty money of rend
5 reduction he wants back. He haven't done any of the
6 things in the building. Forget any rent back. And
7 we feel as tenants-- we have a Tenants' Association.
8 We do have a nice lawyer we have from MFY, yes. So I
9 am very glad that we have that company to help us
10 out. So, we definitely need this bill passed, make
11 sure we get more tenants to get the lawyers. And the
12 thing is, the Housing Court is terrible. You walk in
13 the building and you see a majority of the elderly,
14 and it's sad. We have paid our dues. We shouldn't
15 be going to court. You know, things that is not
16 helping the elderly, and it's a shame that we have
17 been put in this position. We have paid our dues,
18 like I said, and we should be living our retirement
19 without being harassed by our lawyer. And one thing
20 I see, that when the landlord wants a vacant
21 apartment, he-- one particular building, two
22 particular buildings, you have 40 apartments, and
23 each of those buildings on University Avenue, and
24 nobody's doing anything about it. He paid people to
25

2 move. How long is five and 6,000 dollars going last
3 [sic] these people? And it's sad. We need more
4 help. Thank you.

5 COUNCIL MEMBER LEVINE: Thank you so
6 much, Ms. Thompson for your very strong comments.

7 ELIZABETH THOMPSON: Thanks.

8 COUNCIL MEMBER LEVINE: The gentleman
9 sitting to your right is somewhat of a celebrity in
10 our world, Mr. Fitzroy Christian. We're happy that
11 you're here and look forward to hearing your remarks.

12 FITZROY CHRISTIAN: Thank you very much
13 my friend and Council Member, and Council Member
14 Gibson, my own Council Member from the Bronx. Thank
15 you for this opportunity to speak with you today.
16 I'm going to praise [sic] what I have, because I'm
17 not going to be saying anything new. You've heard a
18 lot of it today, but it is no accident that Housing
19 Court in New York City is popularly referred to as
20 the Landlord's Collection Agency and Eviction Mill.
21 That is because tenants until very recently had no
22 help in Housing Court. They had no legal
23 representation. Things are changing, and with the
24 money that the Mayor has invested in legal services,
25 we see a dramatic difference, which makes it even

2 more important for us to go to the next step and pass
3 214A. Intro. 214A will make a dramatic difference.
4 What we have seen so far is a great imbalance and
5 very high eviction rates especially in the Bronx.
6 And there's also tremendous collateral damage in the
7 forms of the destruction of families and communities,
8 the loss of affordable housing, children suffering
9 lifelong trauma and the other incalculable costs to
10 individual families in the City. Intro 214A will
11 make a big difference because it will go far in
12 leveling the playing field and kicking the scales of
13 justice back to a semblance of balance and making
14 Housing Court a place where tenants can go to get
15 justice instead of a place to go to get evicted. It
16 will also change the nature of the court because
17 court officials from judges down to clerical staff
18 will behave very differently when tenants are
19 represented by attorneys. Apart from my advocacy
20 work as a tenant leader at CASA, I'm employed-- at
21 the Bronx I was in court as a coordinator, and there
22 I get to speak with hundreds of tenants every month
23 and get to hear the persons' stories. What we hear
24 is that tenants have to make a choice that they
25 should never have to make. Do they risk losing their

2 jobs by asking for time off week after week after
3 week as landlords keep postponing and adjourning
4 their cases? Or do they sign agreements with their
5 landlord giving up all their rights, and in the end
6 still getting evicted? I see and hear various
7 abusive tactics and strategies landlords use to
8 intimidate tenants into agreeing to pay probably
9 illegal fees and charges that are typically not a
10 part of Housing Court proceedings. This again
11 happens because they have no legal support. We are
12 asking today that the City Council passes and passes
13 this year Intro. 214.

14 COUNCIL MEMBER LEVINE: Thank you so--

15 FITZROY CHRISTIAN: [interposing] This is
16 the last hope that we have. You have it in your hands
17 not only to help New Yorkers, the indigent, but to be
18 the light guiding all of the United States into doing
19 the right thing. New York City's in a position to do
20 it. You guys in a position to make it happen. We're
21 asking you to make 214A a law because we need it. We
22 have worked for it. We deserve it, and we expect to
23 have it as our Christmas gift. Pass Intro. 214A now.

24 COUNCIL MEMBER LEVINE: Amen. Amen. Way
25 to bring the house down. Thank you, Mr. Christian.

2 And we're going to have Ms. Hellman and Mr. Martinez,
3 if you could make some room for them at the table,
4 and Ms. Hellman, we'll pass it on to you if you're
5 ready.

6 ELIZABETH HELLMAN: Thank you. I'm a
7 tenant and I've done some outreach work with
8 University Settlement. I've lived at 221 Mott Street
9 since 1978, which you may know is the epicenter or
10 one of the epicenters of gentrification on this
11 planet. I've been in and out of tenant Housing Court
12 my entire tenancy. I'm a rent stabilized tenant.
13 Since 1992, my landlord has been the notorious Steven
14 Crowman [sp?], recently astonishingly arrested. Many
15 times his lawyer took me to court for nonpayment of
16 rent which had been paid. They were building cases
17 which they never won, but which cost me lost teaching
18 time as an adjunct professor, extreme emotional
19 stress and too much exposure to violations of the
20 code of habitability. In 1995 after I won one of
21 many cases, Mr. Crowman threatened to "have someone
22 the 5th precinct break my door down." And his
23 contractor added that I would be "physically
24 restrained." So, in 2008, 2009 I spent five months
25 fighting this landlord, and I had represented myself,

2 but it was-- I had to get counsel at that point and I
3 was to find someone who charged me next to nothing
4 because I missed so much work. I won this case which
5 did go to trial, but I received a draconian
6 probationary stipulation lasting two years. I lived
7 with housing violations, and most recently between
8 2013 and 2015 I was in court fighting for repairs for
9 my bathroom ceiling which repeatedly fell down and
10 exposed me to mold. The mold exposure actually
11 caused me to lose my voice. Let me just cut--

12 COUNCIL MEMBER LEVINE: [interposing] If
13 you can just wrap up for us.

14 ELIZABETH HELLMAN: Yeah, I'll just wrap
15 it up. Okay. For unrepresented tenants, this
16 Housing Court experience is panic-striking. It's
17 grueling, and it's entirely unjust. Tenants, working
18 people, poor, elderly people on fixed incomes, people
19 who do not speak English cannot even conceive of the
20 legal complications their landlord's lawyers are
21 expert at exploiting in order to harass, intimidate
22 and evict unrepresented tenants whose their job is to
23 break them, to break them down.

24

25

2 COUNCIL MEMBER LEVINE: Thank you. We're
3 out of time, but we still have so many people who are
4 waiting to testify. Thank you.

5 ELIZABETH HELLMAN: Thank you.

6 COUNCIL MEMBER LEVINE: We'll enter your
7 full remarks into the record. Thank you for being
8 here and sharing your story. And Mr. Martinez?

9 EARNEST MARTINEZ: Good afternoon.
10 Hello. My name is Earnest Martinez, and I'm a
11 Housing Court Navigator in Brooklyn Housing Court
12 through University Settlement. University Settlement
13 is the first and oldest settlement house in the
14 country. We are a comprehensive community-based
15 organizations that provides holistic all-inclusive
16 programming to many members of the community. We
17 serve through a variety of programs aimed at the
18 needs of very young children to seniors and all ages
19 in between. As a Housing Court Navigator, my main
20 rule is provide non-attorney oen on one support to
21 tenants without legal representation throughout the
22 course of their Housing Court case. A can provide
23 unrepresented tenants with assistance in preparing
24 their paperwork, completing court forms, providing
25 legal information accessible through the court wide

2 Access to Justice System, go through stipulations
3 before they sign and respond to factual questions
4 asked by judges and other court staff. In addition
5 to those services, an important task I do is
6 providing emotional support to tenants in the extreme
7 distressing and hard-to-navigate setting which is
8 Brooklyn Housing Court. Because I am in Housing
9 Court on the daily, I see firsthand the unequal
10 playing field in which unrepresented tenants must go
11 through their Housing Court proceedings. I have
12 witnessed continuous intimidation tactics, tactics of
13 confusion, misrepresentations of facts, harassment,
14 and the sharing of misleading information that
15 landlord lawyers bring upon unrepresented tenants. I
16 have noticed the tenants which face the brunt of
17 these procedures are tenants that live in rent
18 stabilized apartments, especially in rapidly
19 gentrifying areas. If each tenant had the
20 representation of a qualified attorney, it would
21 prevent unfair treatment, court case driven trauma
22 and detrimental effects on whole families. The right
23 to counsel would vindicate the right to due process
24 and fundamental fairness and the lopsided
25 tenant/landlord proceedings that happen throughout--

2 on the daily throughout New York City. University
3 Settlement became a coalition member of the Right to
4 Council Coalition in support of preserving New York
5 City communities in this climate of economic
6 inequality that they face. We are committed to
7 preserving affordable housing through addressing the
8 problem such as unfair and illegal evictions. The
9 passing and funding of Intro. 214A by the end of the
10 year would do just that. Thank you.

11 COUNCIL MEMBER LEVINE: Thank you, Mr.
12 Martinez. Thanks to University Settlement, and
13 thanks to this great panel. Next up we have Diane
14 Hawkins, Geneva Burton [sp?], Aurelia Figueroa [sp?],
15 Hemmer Pascale [sp?], Lucy Arroyo, Ayisa Oglivie,
16 Cahterine Trappani [sp?]. Okay. Looks like we have
17 folks who have had to leave. We'll add a few more
18 names. Okay. Let's call Caroline Nagi [sp?] and
19 Lisa Young Ruben [sp?]. Okay, sir, why don't you
20 start us off?

21 PABLO: Good afternoon, Council Member
22 Mark Levine and Council Member Vanessa Gibson. My
23 name is Pablo. I'm the lead organizer at CASA, and
24 I'm testifying on behalf of Dionne Hawkins who
25 coincidentally had to leave early because she had to

1
2 go see an attorney. Her attorney because she's been
3 in Housing Court over the last few years, and she
4 wanted to share with City Council. "Over the past
5 decades I've seen many unjust evictions to families
6 in my building and community. This includes seniors
7 and disabled due to the fact that they have no
8 representation in Housing Court. I myself have been
9 in and out of Housing Court without representation. I
10 was overwhelmed with stress, worries, anxiety, lack
11 of sleep, afraid of being homelessness, not to
12 mention intimidation and constant harassment from my
13 landlord. Many families presently still face the
14 problems today because of the lack of legal
15 representation. Today I'm still facing eviction for
16 nonpayment of rent which is paid, but now with the
17 support from CASA and attorney from the Bronx Legal
18 Services, I'm stable." And the only thing that I
19 would add is that this is also a result of her-- I
20 was an organizer for her building, and from her
21 becoming a leader in the building is-- she became a
22 target. So I think that the right to counsel would be
23 really important. When people finally have the
24 courage in their because to fight back and enforce
25 the rights, that they know they're not going to face

2 the kind of retaliation on their own, that they can
3 have support from legal services. Because our
4 organizing work is really important and powerful, but
5 we can't do it alone. We can't do it without being
6 able to make sure that people are still able to stay
7 in their homes, because people are taking a big risk
8 if they have no representation. And then the last
9 thing I would really just add that maybe hasn't been
10 said today is also right to counsel for our
11 organization really means it's also about racial
12 justice. We organize low-income tenants of color
13 primarily in the southwest Bronx. It's also about
14 families and women. It's about racial justice, and
15 we hope that while I'm just here along with Dionne
16 Hawkins to say that Intro. 214A must pass by the end
17 of the year. Thank you.

18 COUNCIL MEMBER LEVINE: Thank you, Pablo
19 for sharing those important remarks with us. Ms.
20 Oglivie.

21 AYISHA OGLIVIE: Hello,--

22 COUNCIL MEMBER LEVINE: [interposing]

23 Great to see--

24 AYISHA OGLIVIE: my Council Member, Mark
25 Levine. Glad to be here. My name is Ayisha Oglivie.

1 I'm a twice-appointment member of Community Board 12
2 of Manhattan. I'm the Chair of the both the Housing
3 and Human Services Committee and also a member of the
4 Youth and Education Committee for the most northern
5 communities of Manhattan, Washington Heights and
6 Inwood. It is important that I say I'm not speaking
7 on behalf of my board, though I understand from Aya
8 Keef [sp?], we did very early on sign on to support
9 Intro 214. I am here to speak from a very personal
10 place. I've lived in a rent stabilized apartment
11 which I lived in for 37 years. I raised my son who is
12 now 20 years old and on full scholarship at Lawrence
13 University in Wisconsin as a single parent while
14 personally dealing with the battle and loss of my
15 mother to cancer, fighting the Board of Education
16 over the course of five years for educational
17 neglect, which I did end up being successful with,
18 where my exceptional [sic] son is concerned, the loss
19 of employment due to the burdens of all the above and
20 shifts in the employment market, and left to depend
21 on social services and unemployment from time to time
22 in order to subsist. I have been in Housing Court
23 more times than I would like to have. I bring this
24 up because it is through these experiences that I
25

2 grew to become the advocate and activist that I am
3 today, not solely because of my own experience, but
4 because of all the people with stories like mine who
5 I've had the opportunity to meet along the way. In
6 their faces I see myself, and in their children, my
7 child. Many I've come across have been at even more
8 of a disadvantage than myself that I've ever been,
9 and I've stepped in to get help that they need to
10 navigate in a non-professional role, and then
11 currently as a Community Board member on the Housing
12 Committee. When dealing with a gamut of different
13 types of burdens that we may find ourselves in life,
14 which lead unfortunately to be drawn into Housing
15 Court. It is of the utmost importance that each and
16 every tenant, especially those in need be provided
17 with representation. The problems that tenants are
18 facing certainly do not begin the day that they
19 receive a dispossess in the mail. Many people simply
20 don't have the wherewith all to fight the necessary
21 fight to protect their right to housing. Some never
22 take what may be considered simple steps to do so due
23 to how overwhelming they are by the nuances of the
24 process, which can be very intimidating and lose
25 their homes outright. However, a great many do fight

2 that fight every day, some teetering on the edge of
3 panic attacks and possible nervous breakdowns. I can
4 remember finding a woman I had known my whole life
5 looking out the window of 111 Center Street singing a
6 Spanish ballad because it was the only way she could
7 calm herself facing the fear of losing her housing
8 without help. Fortunately, I was able to help her
9 save her apartment and get her much needed help. What
10 I've continued to witness where Housing Court is
11 concerned and experience myself is a theft of justice
12 and a violation of human rights in my opinion. The
13 experience can have such a damaging impact that it
14 takes years for tenants to recover from even when
15 they save their homes, but especially when they
16 don't. Some never recover. This is some of what
17 I've witnessed. I'll try to be--

18 COUNCIL MEMBER LEVINE: [interposing] If
19 you could just sum up, please.

20 AYISHA OGLIVIE: very quick, yeah.
21 Housing Courts that give wrong information, judges
22 that make you feel invisible and unheard, who rush
23 you along and don't listen to what you have to say.
24 Most often tenants depend on government benefits. I
25 met a woman who was homeless for four months, only to

2 learn that the checks had been at the welfare office
3 for a longer period. If she had a lawyer, that lawyer
4 would have helped her navigate that before she lost
5 her home with her children and her mother to be in
6 the street. When tenants go to court without an
7 attorney and whether they end up evicted or not,
8 often times it takes a tenant to navigate or obtain
9 help and fight their case creates a running clock
10 which then allow attorneys to demand legal fees that
11 be paid either by themselves or by the City. So the
12 City ends up taking on a much greater cost than if
13 they would have had representation--

14 COUNCIL MEMBER LEVINE: [interposing]

15 Thank you. Sorry to jump in, we're just--

16 AYISHA OGLIVIE: [interposing] Thank you.

17 I'll submit--

18 COUNCIL MEMBER LEVINE: [interposing] We
19 have so many people waiting--

20 AYISHA OGLIVIE: [interposing] my entire
21 testimony.

22 COUNCIL MEMBER LEVINE: But thank you for
23 speaking. Thank you for your service on the
24 Community Board 12 Housing Committee where you've
25 been an incredible asset.

2 AYISHA OGLIVIE: Thank you.

3 COUNCIL MEMBER LEVINE: And your full
4 remarks will be entered onto the record.

5 AYISHA OGLIVIE: Thank you.

6 COUNCIL MEMBER LEVINE: Appreciate you
7 being here. Thank you. Okay, yes? [speaking
8 Spanish]

9 LUCY ARROYO: Hi, my name is Lucy Arroyo,
10 and I live here in the Bronx, 1175 Dorad [sp?]
11 Avenue. I'm here to represent in a strong way for the
12 Intro. 214A, and I'm here to represent that and also
13 the tenants in my building and in other buildings
14 that need help. I'm here because a lot of the
15 citizens who are here, and especially the elderly,
16 especially the senior citizens who are in need of a
17 lot of help, really, when they are being harassed by
18 the landlord, and they are being evicted from their
19 own home which they have no knowledge of defending
20 themselves because they cannot speak English or they
21 cannot read or they have no knowledge of any rights.
22 So I'm here representing them that this law would
23 come through to help them eventually in court so they
24 won't be evicted. A lot of elderly people cannot
25 speak. Even disability people cannot be here to

2 represent themselves to say how they feel and what
3 they have gone through. A lot of them are getting
4 counsel. A lot of them are stressed out. A lot of
5 them cannot even pick up a phone and speak the way
6 they want to because they're under a nerve attack or
7 under so much harassment from the landlord because
8 they don't want to end up in a shelter or in the
9 street. So, I'm here representing them and here with
10 a strong ability for the 214 Intro. A would come, you
11 know, through this year, at least for Christmas,
12 before Christmas, because we do really need it. We
13 do really need it. Even myself and all the other
14 tenants who are not here who cannot be here because
15 they are senior citizens or they're disabled and
16 cannot travel, but I'm here to represent all of them,
17 and I'm here strongly for Intro. 214A.

18 COUNCIL MEMBER LEVINE: Well, we
19 appreciate that, and maybe we'll get even luckier and
20 it'll happen before Thanksgiving. We're going to
21 push, that's for sure. Thank you. Please, sir?

22 HEMMER PASCALE: Good afternoon, Council
23 Member Mark Levine, and good afternoon, Vanessa
24 Gibson, and also a good afternoon to fellow
25 constituents here today. Hello ladies and gentleman

2 and fellow constituents. I'm here today with CASA as
3 well as an organization called Mothers on the Move to
4 testify not only on my own behalf but also to help
5 represent so many other proud veterans who could not
6 be able to attend today's testimony hearing. Please
7 allow me to open up with this saying: "It should feel
8 good within the human experience to do good will
9 towards others." I'd been living at 73 Prospect
10 Avenue for nearly six years now. I live alone with
11 the hope of one day having my 87-year-old grandmother
12 live out her life comfortably in my home and not her
13 last few precious years within confines of a nursing
14 home. I've had both the misfortune and fortune of
15 acquiring adequate legal representation. Almost 98
16 percent of landlords have legal counseling, whereas,
17 90 percent or if not more respondents being brought
18 to Housing Court have less-- has no representation
19 whatsoever. According to an article printed in 2015
20 by reporter Zan Belson Simms [sp?] from Metropolitan
21 Council on Housing, she noted that supporters of the
22 bill argue that helping tenants fight eviction would
23 actually help save the City 143 million in funding
24 for homeless shelters. It is nearly unnerving-- it
25 is eerily unnerving and unsettling to see that a

2 large majority of those tenants represented in
3 Housing Court or not unrepresented in Housing Court
4 are primarily people of color, not to mention legal
5 or illegal immigrants, single parents, the elderly,
6 and people with visible and invisible disabilities
7 who are already faced with lifelong challenges of
8 having to face a possible eviction by themselves and
9 alone. Another one of my many concerns deals with the
10 impact of having to go through Housing Court with
11 proper legal representation on how it can contribute
12 greatly towards an increase in depression and/or
13 suicidal rates. In the pursuit of trying to organize
14 and form a tenant association with the my building
15 several times-- several notices, excuse me, were
16 posted throughout the apartments advising the tenants
17 not to organize or seek aid, but instead to contact
18 the landlord's attorney if there were any questions,
19 concerns or comments. I personally experienced a
20 moment in Housing Court myself where the sense of
21 faith and trust of the court's emphatic position of
22 being impartial was long erased when I personally can
23 overhear the landlord's attorney correspond with
24 either the mediator or the judge as to inquire their
25 family's wellbeing. In closing, I find it

2 repulsively laughable that certain unscrupulous
3 landlords such as in my case are fervent towards
4 evicting tenants for nonpayment when they themselves
5 are actually in the process of foreclosure. And what
6 altruistically worries me is the thought of how many
7 head of households are forced to be faced with the
8 decision that the rent on life is too expensive to
9 even afford. Thank you, and please continue to
10 support Intro 214-A.

11 COUNCIL MEMBER LEVINE: Thank you, sir.
12 And I don't believe you stated your name. Are you
13 Mr. Pascal?

14 HEMMER PASCALE: Hemmer Pascale, yes, I'm
15 sorry.

16 COUNCIL MEMBER LEVINE: Okay, great. Just
17 wanted to get that on the record. Thank you. Lisa
18 Young Ruben, great to see you.

19 LISA YOUNG RUBEN: Thank you. Thank you.
20 Good afternoon, New York City Council Members and co-
21 sponsors, Mark Levine, Vanessa Gibson. My name is
22 Lisa Young Ruben. I'm a paralegal advocate who worked
23 on the Right to Counsel Legislation in its previous
24 phase while I worked with then Council Member Alan J.
25 Gerson, and I would like to thank the co-sponsors and

2 current and former Council Members and Professor
3 Andrew Scherer of New York Law School, the Godfather,
4 if you will, of the idea that we must establish the
5 right to counsel for persons in New York City who are
6 in proceedings that could result in the loss of their
7 homes. And while I understand that financial
8 constraints have limited the scope of this proposed
9 bill to persons who are within 200 percent of the
10 federal poverty line and who are in actual
11 proceedings. I think that there could be cost-
12 effective and helpful steps that the Council can take
13 to help a wider pool of New York City residents at
14 risk of losing their homes and perhaps cut down on
15 the need for attorney time in court to begin with.
16 One, the Council should require that the Mayor's new
17 Office of Civil Justice establish a central hotline
18 within or the via the 311 or perhaps the 211 system
19 and prominently displayed link within the
20 Newyorkcity.gov website that persons at risk of
21 losing their homes even before they are served with
22 any court papers can call or view for immediate
23 linkage and/or referrals to appropriate community-
24 based agencies. The Office must provide adequate
25 funding so that these office agencies can be staffed

2 with intake attorneys and paralegal who can at least
3 provide legal information, and if necessary,
4 additional referrals. Those persons who are at risk
5 of losing their homes, irrespective of whether they
6 would qualify for assistance under the Right to
7 Counsel Bill could at least obtain legal and
8 procedural information about what preliminary steps
9 they can do to perhaps prevent the proceedings from
10 occurring, or to prepare themselves for the pending
11 proceedings. The Office must also establish attorney
12 and paralegal funding for these agencies that help
13 people with "ancillary issues" especially if the
14 resolution of these issues could eliminate or reduce
15 the risk. For example, if someone's having a problem
16 with social security benefits or SCRIE or DRIE and
17 the resolution could help prevent the eviction, there
18 need to be adequate staff to help with those issues
19 as well. Thank you very much for your sponsor [sic]-

20 -

21 COUNCIL MEMBER LEVINE: [interposing]

22 Thank you, Lisa, it's great to see you, and thanks to
23 this wonderful panel. Okay, we're going to call up
24 Kim Austin [sp?]-

25 UNIDENTIFIED: Thank you.

2 COUNCIL MEMBER LEVINE: Thank you all.
3 Adelina St. Clair, Felix Lassa Hernandez [sp?],
4 Rochelle Thompson [sp?], Annette Laine [sp?], Monique
5 Murray [sp?], Madeline Mendez, Althea Matthews, and
6 Richard William Flores. Is there anyone who's filled
7 out a witness form who I did not call? A staff
8 member will come to you right now, ma'am. Thank you.
9 Okay, how about you start, please, ma'am? And tell
10 us your name.

11 UNIDENTIFIED: My lucky day.

12 UNIDENTIFIED: Her or me?

13 COUNCIL MEMBER LEVINE: Well, since you
14 were sitting down first, I was going to get you, but
15 then-- but either one's fine.

16 ALTHEA MATTHEWS: Is it on? Hello, good
17 evening. Hi, thank y'all for having this hearing.
18 Welcome. My name is Althea Matthews, and I'm a CASA
19 leader as part of the Right to Counsel Coalition, and
20 I'm going to do a little different take. Everybody
21 been saying the same thing, you know? And it's all
22 real. We live in the Bronx. I live in, reside in the
23 Bronx, and we have five boroughs, which is part of
24 one of the greatest well-known cities, New York City,
25 and they can spend money to come. When people come

2 out of state they get extra security, all this money,
3 but they can't protect the people that live in the
4 City. I believe the Right to Counsel is the right
5 way to do. Furthermore, it's a right because it's
6 part of the basic needs of housing, clothing and
7 shelter. There was a lady, the Commissioner Mary
8 Bassett, had said recently about how it affects the
9 people through stress, low birth rate, mental illness
10 and stuff like that. If this is passed, it will save
11 the City medical bills, it would bring children grade
12 level up instead of decreasing, more graduate will be
13 going to from high school to college. All of this
14 money will save the city as well as part of the what
15 the study also showed that they will save over 320
16 million dollars. I don't get it. I believe that the
17 money is here. They need Mayor de Blasio, City
18 Speaker, Melissa-- what's her last name-- Viverito
19 Mark Melissa, y'all need to get on board and be part
20 of the making of history of having the Right to
21 Counsel, the first city in the nation to have this
22 bill passed. Thank you.

23 COUNCIL MEMBER LEVINE: Thank you for
24 being here, and it's always wonderful seeing you at
25 the tenant demonstrations, Ms. Matthews. I do want

2 to clarify that our wonderful Council Speaker Melissa
3 Mark-Viverito is actually been an incredibly
4 passionate advocate of civil justice and certainly
5 anti-eviction legal services. We're very lucky to
6 have her leading this body. And now, please, take it
7 away.

8 MADELINE MENDEZ: My name is Madeline
9 Mendez, and I live in the Bronx. I live in the
10 Highbridge area of the Bronx. I live around Cromwell,
11 Jerome Avenue, the area that's going to start to be
12 rezoned. I need a lawyer. We all need a lawyer, and
13 I'm just tired of people telling us they're going to
14 do for us and they don't. I'm tired. And if this
15 bill don't get passed, that's telling us that poor
16 people in their own community in their own city don't
17 have a right for anything. My neighborhood, my
18 community is going to be rezoned, and I'm going to
19 see a lot of people being displaced, a lot of people,
20 the elderly, the disabled. You know, it's crazy.
21 It's like poor people don't deserve. You're just
22 like telling us we don't have a right to have a roof
23 over our head. You're telling us that we don't have
24 no right? We have every right. We're part of New
25 York City. And I have a right to be represented in

2 Housing Court. I have never been evicted, but I have
3 to take my slum landlord who's one of the slummiest
4 [sic] landlords in New York City for him to fix in my
5 apartment, and that is scary. If it's scary for me,
6 you know, how many people that go into Housing Court
7 that don't have representation, how scary it is for
8 them? I know that feeling, and I feel that we
9 shouldn't go through that. I feel that landlords
10 shouldn't be harassing us. That's all I have to say.

11 COUNCIL MEMBER LEVINE: Even after six
12 hours of testimony, Ms. Mendez, your words have a lot
13 of power and I'm so glad that you've--

14 MADELINE MENDEZ: [interposing] Thank
15 you.

16 COUNCIL MEMBER LEVINE: joined us today
17 to share your perspective with us. It has really a
18 big impact on me and all my colleagues. Thank you.
19 Please?

20 ADELINA SAINT CLAIR: Good evening, all.
21 And I thank the Council--

22 COUNCIL MEMBER LEVINE: [interposing] If
23 you could just push your mic.

24 ADELINA SAINT CLAIR: Good evening, all.
25 I thank the Councilman Mark Levine and Vanessa

2 Gibson. It is a privilege to be here, because for
3 many years I've been in the Housing Courts, and I
4 said to myself, if I can do legal work to go to
5 university for others, I can do for myself, too. So I
6 went to the libraries and read the law whenever I
7 needed it. This being said, it has not been easy.
8 For over a decade and a half I have had to deal with
9 the courts. As a matter of fact, it has not always
10 been bad, because I document everything and I go in
11 prepare for [inaudible] juries [sic]. The issue is
12 that there is a vibration in the Housing Court that
13 says that if you are not the lawyer or the judge or
14 some clerk there, you are not important, and the
15 energy is bad there in the first place. The way they
16 deal with people is bad in the first place. So, I am
17 here to explain very briefly because I brought a lot
18 of pages, but it's not essential. Everybody has said
19 parts of it. I will put out a document to you all
20 this week for some of the stuff that I will show at
21 this time, there the people who need to speak, and I
22 will do a synopsis. The synopsis is as follows: I
23 first want to see the bill passed, period, 100
24 percent, period. And also, that the abuse of the
25 tenants should be stopped, even when they are in the

2 courts and the land-- and actually, I cannot talk
3 about my landlord very badly, because he was not in
4 New York, and the management I want to sue alone, but
5 they will not allow you to put that, and therefore,
6 it's misguided to go only after the landlord, but the
7 people who are behind the scenes who do the work for
8 him, including their lawyers, who are vicious,
9 fabricate, tell lies. I tell them you misrepresent
10 and you lie. They say 10 days [sic] secure [sic].
11 Ten day secure [sic], you're a liar. Probably get it
12 so I don't have to deal with you.

13 COUNCIL MEMBER LEVINE: Thank you so
14 much, Ms. Thompson.

15 ADELINA SAINT CLAIR: End of story.

16 COUNCIL MEMBER LEVINE: Thank you. Thank
17 you for sharing.

18 ADELINA SAINT CLAIR: and I will put-- I
19 will give you all the story. It's already-- it's
20 already typed up and everything else, and I will do
21 more of this for you, but I--

22 COUNCIL MEMBER LEVINE: [interposing]
23 Please enter--

24 ADELINA SAINT CLAIR: [interposing] Thank
25 you.

2 COUNCIL MEMBER LEVINE: Please enter that
3 into the record, and we're so glad that you spoke in
4 person here.

5 ADELINA SAINT CLAIR: Sure.

6 COUNCIL MEMBER LEVINE: Thank you, Ms.
7 Thompson.

8 ADELINA SAINT CLAIR: Adelina Saint
9 Clair.

10 COUNCIL MEMBER LEVINE: Oh, Ms. Saint
11 Clair, forgive me. Thank you.

12 ROCHELLE THOMPSON: My name is Rochelle
13 Thompson, and I'm known of the First Lady of Jazz in
14 Harlem USA, and I have been in Housing Court for my
15 apartment since 1992. I won two Supreme Court cases,
16 City versus Thompson, Thompson versus Donovan,
17 Thompson versus Odessa Apartments. I need to change
18 the conversation. It has to veer to another point
19 now. Yes, I'm in support of this bill. I love my
20 country. I love my community. I am down in Housing
21 Court with seniors who are 84 years old. They will
22 not give them a video conference. They can hardly
23 walk. I have the Underground Railroad Housing Clinic.
24 I go with fellow black women, mothers with newborns,
25 college students, advocating, making sure we're

1 represented. This is the problem: When we go to
2 Housing Court, once the petition is filed against
3 you, you're as good as being evicted. I have gone to
4 Housing Court with my certified green/white [sic]
5 receipt, a narrative, my money order, I produce all
6 of my documents saying that I had paid my rent. They
7 tried to do a roll-over and bring me back to court
8 from 2013, and the current petition was 2015. That
9 has to change. We tell the court, we show our
10 documents and prove our case. Our case should be
11 dismissed, not-- it's a process that we have to do a
12 return motion or a dismissal of a motion. And then
13 if we do have an attorney it takes us forever to
14 counsel. You're on the phone three hours or you have
15 to call Monday or Thursday between one and four.
16 What has happened to us as Americans? I met Mrs.
17 Clinton in 1999. I asked her to do something about
18 our housing. I cannot watch her debate tonight
19 because I will be in Housing Court for a senior who
20 has lived in her building for 40 years. I've been in
21 my building for 31. I'm sorry, you all have to do
22 more for us and protect us. Thank you. And I
23 remember you, I met you at your barbeque on Amsterdam
24 Avenue.
25

2 COUNCIL MEMBER LEVINE: I remember you
3 well, Ms. Thompson.

4 ROCHELLE THOMPSON: I thought you would.

5 COUNCIL MEMBER LEVINE: You're
6 unforgettable. I'm glad to be in company with Hillary
7 Clinton in that regard.

8 ROCHELLE THOMPSON: I'm not.

9 COUNCIL MEMBER LEVINE: Pleasure to see
10 that.

11 ROCHELLE THOMPSON: Thank you, sir.

12 COUNCIL MEMBER LEVINE: Okay, ma'am.

13 MONIQUE MURRAY: hello, my name is
14 Monique Murray, and I work and I live in the Bronx,
15 and actually when CASA called me and they said we
16 would like for you to come and support this bill for
17 Right to Counsel, I actually was more than willing to
18 come. I asked my employer, "Can I please have a
19 vacation day?" so that I could come down here to
20 support. I'm born and raised in the Bronx. I can
21 remember my mother being taken to court. First, the
22 building was I believe on Third Avenue and then again
23 on 161st Street, and as a young child, I could
24 remember not wanting to be there again. However, I
25 realized that just because you don't want to be

2 somewhere doesn't mean that you won't go there. The
3 landlord that I'm currently with, I have no problems
4 with. The management is okay. However, there are
5 times when miscommunications come up, and you are
6 threatened that you will have to go to court. Now,
7 working and going to school fulltime-- I live in the
8 Bronx. I've lived in the same apartment 20 years.
9 It's what I know. It's home, and for someone to say
10 because we can't come to a solution right now, you're
11 going to be evicted, and to think that when I have to
12 work, to take off and go to a court, and knowing what
13 I'm going to expect, having no legal representation
14 is frightening. One thing that I can say is that
15 when you are speaking to a lawyer they use jargons,
16 they use terminologies that they studied for years,
17 and here I've come, I'm a fulltime worker, I work for
18 1199, I'm in Lehman College, and when I go there
19 we're not speaking the same language. And I just
20 think that it would be fair for me in case I need it
21 and for anyone else would need it, that we won't be
22 so stressed out and losing days for work or school.
23 We know that we would be legal represented. Thank
24 you.

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COUNCIL MEMBER LEVINE: Thank you, Ms. Murray, and thanks to this wonderful panel. I'm going to call up three people who will validate that old adage that we save the best for last because this is our final panel, but I'm looking forward to hearing from Hillary Exter, or Ext [sic], Exer [sic], Jose Rentas [sp?], and Beverly Creighton, and while these three are coming up, I just want to thank all of you for having given up a day of your life to be part of this hearing, those of you who are here, those that are watching online. Some of you took a day off work for this. I know this was not a small undertaking, but you sent an incredibly powerful message to the entire leadership of this city by the turnout here today, by the longevity of all the participants, and most importantly by the incredible power of all the witnesses that we've heard. We've now heard from no fewer than 76 witnesses, and I've been keeping the tally, and currently it stands as follows: 74 have spoken in favor of Intro 214, two have said they had no opinion, and none have spoken against, an incredible validation of the public support. The public support for this bill really

2 makes a very strong statement. So, would you be Ms.
3 Exter?

4 HILLARY EXTER: Yeah.

5 COUNCIL MEMBER LEVINE: Okay, please?

6 HILLARY EXTER: My name is Hillary Exter,
7 and I'm an attorney and the Coordinate with the Urban
8 Justice Center, and the coordinator of an anti-
9 harassment tenant protection program. We're the lead
10 agency for 13 different legal services providers
11 working through a city-funded grant to provide free
12 legal services to low-income tenants who are victims
13 of threats, harassment or displacement aimed at
14 causing or likely to cause the tenant to move out of
15 their apartments in targeted zip codes in the City of
16 New York. Our organizations defend tenants from
17 eviction or to be restored to possession after being
18 evicted or ousted inappropriately from the apartment
19 or home in Housing Court in each borough. We enforce
20 the right to live in safe and habitable housing, and
21 we're tenants suffering from conditions in their
22 apartment or homes that threaten or seriously
23 diminish [sic] the tenancy that have not been
24 repaired after reasonable time and notice, we're able
25 to obtain court-ordered repairs. There have been a

2 number of contracts such as the one I help coordinate
3 with legal services providers to provide tenants
4 representation in Housing Court. In a sense, they can
5 be viewed as attest to the effectiveness of
6 representation. Does having a lawyer in Housing
7 Court make a difference? Can a lawyer protect
8 tenants from eviction or provide time for tenants to
9 secure alternative housing and avert the consequences
10 of being forcibly removed? The results are clear and
11 convincing. Lawyers play a critical role in averting
12 eviction and obtaining repairs. The impact is
13 tremendous, both in the lives of the families who
14 have been protected from eviction and in the fabric
15 of the communities in which they live, what can be
16 more basic than having a place to live, the ability
17 of students, children and adult learners to focus on
18 their studies, the ability of households to prepare
19 nutritious food, to get a good night's sleep, the
20 importance of having a place to visit with family and
21 friends, or require a home? We must protect the
22 housing of all city residents and the right to
23 counsel is essential to do this, and the passage of
24 Intro. 214 will assure this. Thank you.

2 COUNCIL MEMBER LEVINE: Thank you, Ms.
3 Exter, and now Ms. Creighton, please? Would you
4 please turn your microphone on?

5 BEVERLY CREIGHTON: Hi, I'm Beverly
6 Creighton. I am a CASA leader and I live in the Bronx
7 since 1972. And I live by myself, and I'm disabled.
8 It was my mom's apartment. She passed in 2007, and
9 ever since then I'm still being harassed by my
10 landlord. I've been to Housing Court, and it's
11 traumatizing me. It's traumatic. I didn't have a
12 lawyer, and he had a lawyer, and within the hour I
13 said, "Oh, my God, [inaudible] out of my house." I
14 didn't have a lawyer at all. Had I had a lawyer, I'd
15 been okay, but this landlord he wants things his way.
16 This is why I want 214 to be passed because these
17 landlords have got to be stopped. And the other day,
18 excuse me, four years getting my apartment fixed. I
19 have called this landlord more than enough times.
20 "I'm coming. I'm coming." When? I got my lease a
21 week ago, and my lease was out September [inaudible].
22 Excuse me. My lease was out September 30th, and I
23 asked him where's my lease? "I'm slow. It's on my
24 desk." [inaudible] And my found [sic], got my lease.
25 Please pass 214. Thank you.

2 COUNCIL MEMBER LEVINE: My goodness.
3 Thank you, Ms. Creighton. Thank you for being here
4 and for sharing your story. Thank you. Mr. Rentas,
5 please?

6 JOSE RENTAS: How you doing? My name
7 Jose Rentas. I live at 737 East 219th Street. I
8 thank God for CASA. I already got my landlord caught
9 for HVX-ing [sic] harassment. I took a tape when he
10 made a threat to me. He called me a "spic", told me
11 to get the hell out of his building, and I told him,
12 "If I'm a spic, you are a yellow skin." You know
13 what a yellow skin is? A yellow skin is that he's
14 Chinese. He goes to China and eat cat. That's why
15 the cats are here. You know, so I'm a type of
16 person, I got a learning disability, and I thank God
17 to CASA got me the right way, and I'm going to give
18 him a fight. And I know I learned this in prison, do
19 legal work, do the research. I go to places. Okay.
20 I believe that the tenants should have lawyers,
21 because 90 percent of these so-called-- they go to
22 get lawyers and they afford it and we cannot. And I
23 seen it all. I used to sleep in the street, but I
24 will never be in a city shelter. I will go to Queen
25 of Peace. My Mother Theresa [inaudible], and they

2 open the door for me. I believe y'all have the power
3 for this. I've been in and out the hospital with a
4 stroke, and I thank God CASA helped me out with my
5 HP-action [sic]. I'm already got him. I'm going to
6 get him in court, and I'm going to give them a fight,
7 if I don't have a lawyer. And I believe all these
8 tenants should have a lawyer. I see y'all [sic] on
9 TV all the time. I've never been here. That's what
10 I have to say.

11 COUNCIL MEMBER LEVINE: Thank you so
12 much, Mr. Rentas, for opening up and sharing your
13 story and for being here today. Thank you. Mr.
14 Flores? Sorry, do I have your name correct?

15 RICHARD FLORES: Yes.

16 COUNCIL MEMBER LEVINE: Okay, please?

17 RICHARD FLORES: I'm in favor of passing
18 Intro 214 A. I think from every testimony that I've
19 heard today, everyone who's testified today, there
20 seems to be an issue of vulnerability, and almost
21 anyone can be vulnerable to this situation.

22 Ironically, I worked for a customer service-- I
23 worked as a customer service rep for a real estate
24 company called Vantage Realty. They own properties
25 in Queens and in Manhattan, and they were

2 successfully sued by many tenants in the building for
3 variety of issues that were going on in the building,
4 no heat, leaks in the apartment, the apartments were
5 in a state of disrepair, and they were harassed by
6 their landlords. They were calling Vantage over and
7 over again. I spoke to the tenants on the phone, and
8 the tenants used to come to the building crying,
9 trying to save their apartments. So, I myself was in
10 a situation where I was evicted, and I didn't have
11 representation in court, and I was evicted, and I was
12 homeless subsequently as a result. So, personally,
13 I'd just like to say that I think that anyone can be
14 vulnerable to this situation, and if they pass Intro.
15 214, which I believe they're going to, it may be able
16 to help everyone now and in the future.

17 COUNCIL MEMBER LEVINE: Thank you, Mr.
18 Flores, a very powerful note to conclude on. Thanks
19 to everyone for joining us tonight, and I'd like to
20 quote my colleague and partner in this effort, the
21 great Council Member Vanessa Gibson for some
22 concluding words.

23 COUNCIL MEMBER GIBSON: Ladies and
24 gentleman, you did it. Your patience, your
25 understanding, yes--

2 [applause]

3 COUNCIL MEMBER GIBSON: you can give
4 yourself a round of applause.

5 [applause]

6 COUNCIL MEMBER GIBSON: I have never been
7 more honored to be a Council Member at this time, to
8 be your partner and your advocate in this process.
9 We have heard from 80 people in all of these hours,
10 overwhelming support for Intro. 214. I am so proud,
11 and I have to just shout out CASA Bronx, and to
12 everyone from the district I'm so proud to represent
13 in the Bronx, I am so proud of you. You have
14 demonstrated the power and the voice of tenants
15 through the Bronx and throughout this entire city,
16 and we would not be here if not for all of your work,
17 and it was important. Council Member Mark Levine and
18 I made sure we cleared our schedules for today,
19 because we had to be here to hear every last person
20 come forward and talk about their story, their
21 journey, their trial, their tribulation, and yet,
22 you're still standing. And so you know that strength
23 only comes in numbers, and you know that our work is
24 not done. This was a major step to get here. Look
25 how long it took us to get this hearing, but we are

2 not done yet. People have spoken. The voices of the
3 tenants have never been as loud as now, and I am so
4 proud of all of you. I really have to thank Mark.
5 Mark has been amazing. What an incredible colleague
6 to work with. And Aya Keefe [sic] from his office, I
7 want to thank her for her leadership, and from my
8 office, Kaitlyn O'Hagan [sp?] and Dana Wax, and Dana
9 has a walking boot on and still here, because this is
10 just so important. I mean, I feel it in my heart
11 because I see all of you. I hear the stories, and I
12 know that you're telling the truth. You live this
13 struggle each and every day, and it is our
14 responsibility to make sure that we can take away
15 that pain, take away that frustration and pass Intro.
16 214. So, our work is not done. After 80 different
17 stories, we know that we are now more united than
18 ever to make sure that Intro. 214 is passed. I want
19 to thank all of our colleagues, the 43 sponsors
20 including our Public Advocate Tish James, our Speaker
21 Melissa Mark-Viverito, and the staff, and can we give
22 it up for our Sergeant at Arms? They're great. They
23 are amazing. They keep us safe. They keep our
24 hearings orderly. Thank you all. This has been a
25 great afternoon talking with all of you, and I look

2 forward to more work, and I have to recognize Andy
3 Scherer from New York Law School. What will we do
4 without you, Andy? And you're still here. Thank you
5 to you and your team and former Chief Justice
6 Johnathan Lippman who's been such a pioneer and
7 trailblazer. Thank everyone for being here. Looking
8 forward to working with you, and God bless you all.

9 COUNCIL MEMBER LEVINE: Thank you all very
10 much. This concludes our hearing.

11 [gavel]

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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.



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