

Testimony Of Steven Banks, Commissioner Of The New York City Human Resources Administration, at the New York City Council's Courts and Legal Services Committee on Civil Legal Services – April 15, 2015

Good morning Speaker Mark Viverito, Chairman Lancman, lead sponsor Councilman Levine, and Councilmembers Kallos, Menchaca, Gibson and Ignizio. Thank you for inviting us to appear before you today to discuss the role that civil legal assistance plays in providing access to justice, and to testify today regarding Int. No. 736 that provides for the creation of a Civil Justice Office in New York City, which is a concept that we support.

As you know – every day in all five boroughs – the City's Human Resources Administration (HRA) is focused on carrying out the Mayor's priority of fighting poverty and income inequity and preventing homelessness. With an annual budget of \$9.7 billion and a staff of 14,000, HRA provides assistance and services to some three million low-income children and adults, including:

- economic support and social services for families and individuals through the administration of major benefit programs (Cash Assistance, Supplemental Nutritional Assistance Program benefits (food stamps), Medicaid, and Child Support Services);
- homelessness prevention assistance, educational, vocational, and employment services, assistance for persons with disabilities, services for immigrants, civil legal aid, and disaster relief;
- and for the most vulnerable New Yorkers: HIV/AIDS Services, Adult Protective Services, Home Care and programs for survivors of domestic violence.

As part of our reorganization of the agency last year to carry out the Mayor's priority of addressing poverty and preventing homelessness, we have created the Homelessness Prevention Administration headed by Bruce Jordan at HRA. In this new program area in the agency, we streamlined existing programs targeted at homelessness prevention and established these two new programs to enhance our ongoing efforts to provide low-income New Yorkers with access to legal assistance regardless of whether they are HRA clients.

The Early Intervention Outreach Team (EIOT) is the Homelessness Prevention Administration's newly-created central office whose mission is outreach to families and individuals in need of legal assistance or emergency rental assistance. The Team's work is currently based on early warning referrals from Housing Court Judges, with "early warning" referrals soon to be added for NYCHA tenant arrears cases and NYCHA Section 8 eviction actions, as well as Adult Protective Services referrals and referrals from New York City marshals. The Outreach Team makes referrals for tenant counsel to legal services organizations in accordance with contractual allocations set by HRA's Legal Assistance Initiatives Unit.

And, of particular relevance to the hearing today, we established our new **Legal Assistance Initiatives Unit** to manage HRA's legal assistance programs.

The provision of civil legal assistance is part of HRA's overall effort to address poverty and prevent homelessness. To advance this effort, for the City Fiscal Year that began on July 1, 2014, the Mayor has consolidated all of the civil legal assistance programs in the City's baseline budget at the Human Resources Administration. This consolidation has been implemented to enhance the coordination and effectiveness of these important programs.

The consolidation at HRA includes legal services funding that had been allocated previously to the Department of Homeless Services (DHS), the Department of Housing Preservation and Development (HPD), the Department of Youth and Community Development (DYCD), and the Mayor's Office of Criminal Justice (MOCJ). The new contracts at HRA fund anti-eviction legal assistance, immigration legal aid, and a range of other civil legal services that are vital to vulnerable New Yorkers. These legal assistance programs provide civil legal help to clients regardless of whether they are applicants or recipients of other HRA benefits and services.

The civil legal services programs and the \$18.8 Million in associated funding in the City's baseline budget that have been consolidated at HRA are as follows:

- \$13.5 Million for anti-eviction legal services, which represents an increase of \$7.1 Million above the previous funding levels as part of the Mayor's new initiatives to prevent homelessness that were announced in September; and
- \$5.3 Million for legal assistance for immigrants, including legal services for survivors of domestic violence, immigrant workers, and immigrant City residents with legal needs involving citizenship and permanent residency.
- In addition, during the course of this fiscal year, two additional legal assistance programs have been developed at HRA:
 - a new program in the 13 zip codes in and around the rezoning areas that will provide access to legal assistance for community residents identified as victims of tenant harassment in order to prevent displacement, keep families and individuals in their homes, and maintain affordable housing – when fully implemented this program will fund \$31M in civil legal assistance and \$5M in HRA support services on an annual basis;
 - a new program to assist children and adults with disabilities obtain federal disability benefits in place of state and local public assistance for Appeals Council Review and Federal Court Services; and
 - a new \$660,000 program in FY15 to support legal assistance to help New Yorkers benefit from the President's Executive Action for immigrants.

These initiatives in the baseline budget represent an unprecedented commitment of resources by the Administration for civil legal assistance. For example, the prior Administration invested up to \$6 million in annual baseline funding for anti-eviction legal services for families in contrast to the current

Administration's investment of approximately \$45 million for direct civil legal assistance to prevent homelessness. No other municipality allocates even a small fraction of what New York City is committing to provide access to civil justice.

Moreover, as we testified at our agency's Preliminary Budget hearing, we are developing a study to evaluate the remaining need for legal assistance in Housing Court after taking into account the Administration's new commitment of resources to provide representation to preserve housing. Unfortunately, recent estimates of the need and the costs of meeting that need are based on data from the 1990s. When we complete this evaluation, we will report on the outcome to the Council as part of the reporting specified in the legislation under consideration today.

In addition to the Administration's commitment of resources in the baseline budget, as part of the FY15 budget agreement between the Mayor and the City Council, \$17.6 Million in discretionary funding has also been added to the City budget for this year for these programs:

- \$11.725 Million for civil legal services, including citywide civil legal services, legal services for low-income workers, legal assistance to obtain unemployment insurance benefits and federal disability benefits, legal services for survivors of domestic violence, legal services for veterans, and anti-eviction and SRO housing legal services;
- \$1 Million for the Unaccompanied Minors Initiative; and
- \$4.9 Million for a unique Family Unity Project to keep immigrant families together and avert deportation.

Included with this testimony is a report on both the baseline budget programs and the discretionary funding that presents the breadth and depth of each of the current initiatives. In combination, as Chief Judge Jonathan Lippman has done for the Judiciary's civil legal assistance initiative, these programs prioritize providing civil legal assistance in core matters involving the "essentials of life" – legal problems in the areas of:

- housing (including evictions, foreclosures, and homelessness);
- family matters (including domestic violence, children, and family stability);
- access to health care and education; and
- subsistence income (including employment wages, disability and other basic benefits, and consumer debts).

As illustrated by this summary of available legal assistance programs that have been consolidated at HRA, we currently oversee essential legal assistance programs for low-income New Yorkers. These programs emphasize the provision of preventative legal assistance that can avert or reduce the need for litigation and highlight the need for the provision of comprehensive services that require a seasoned, well-trained civil legal services staff to address often complex, interrelated legal matters.

Bringing all services together at HRA enables the City to utilize existing HRA mechanisms to claim available State and federal reimbursement for legal services, streamline the contract management

process to avoid duplication of effort and maximize resources for the direct provision of legal assistance, and enhance planning to address service gaps, the evaluation of emerging new legal needs, and responsiveness as emergencies arise.

In light of the Mayor's commitment to access justice as evidenced by the unprecedented municipal commitment of resources for civil justice efforts, we are pleased to highlight HRA's civil legal services programs and to continue to partner with the Council as Int. No. 736 moves through the legislative process to enactment. In view of the consolidation of the City's legal services programs at HRA and the dramatically increased legal services funding that the Mayor has already allocated to HRA, we greatly appreciate that the legislation provides that such an office may be established by the Mayor "within any department the head of which is appointed by the mayor." This provision will make it possible for the Administration to continue with the new legal services initiatives that are already underway.

Thank you again for including us in this hearing and we welcome any questions you may have.

Legal Service Initiatives at HRA

The de Blasio administration consolidated legal services from DHS, HPD, DYCD, and MOCJ in order to ensure maximum service impact and provider accountability. The contracts provide anti-eviction, immigration, and a range of other civil legal services that are vital to vulnerable New Yorkers

FY 15 Baseline HRA Legal Services*		
Program	Total Funding	Number of Providers
Homelessness Prevention Law Project	\$13,500,000	10
Anti-Harassment/Tenant Protection**	\$5,000,000	2/HRA
Immigrant Opportunity Initiatives	\$3,226,694	39
Immigrant Services (CSBG)	\$2,131,062	15
Executive Action Services	\$660,000	TBD
	\$23,857,756	

FY15 HRA Legal Services: City Council Discretionary Funds		
Program	Total Funding	Number of Providers
Legal Services for DV Victims	\$350,000	3
Anti-Eviction Legal Services	\$5,372,167	9
City-Wide Civil Legal Services	\$3,750,000	3
Legal Services for the Working Poor	\$1,748,000	10
UI/SSI Advocacy	\$1,000,000	2
Legal Services for Veterans	\$100,000	1
New York Immigrant Family Unification Project	\$4,900,000	4
IOI: Unaccompanied Minors Initiative	\$1,000,000	5
	\$18,220,167	

Total FYF15 Funding: \$42 million dollars.

HRA legal services can be broken into the following categories:

- Anti-eviction Legal Services
- Immigration Services
- Additional Council-Funded Legal Services

*HRA SSI Advocacy Initiative is in the procurement process for FY16 start

**At full implementation, funding will be \$31 million for legal service providers and \$5 million for HRA services

1. Anti-Eviction Legal Services

Homelessness Prevention Law Project

- Annual baselined budget increased in FY15 from \$6.4 million to \$13.5 million
- Former DHS contracts focused on preventing homeless shelter entry
- Made up of nine community contracts and one court-based program (Housing Help)
- Robin Hood Housing Help Expansion (\$500,000 dedicated to the Bronx)

Service Targets, Outcomes, and Procurement

- Over 90% of all families do not enter a homeless shelter within a year of service
- RFP released in February, new contracts to begin July 1st.
- New contracts will serve over 10,000 households in FY16

Current HPLP Providers (Transferred from DHS)			
Provider	Service Area	FY15 Pro-Rated Budget	FY16 Budget
Bronx Aids Services Inc. [Boom!Health]	Bronx	\$153,360	\$172,523
CAMBA Legal Services Inc.	Brooklyn	\$1,232,632	\$1,307,632
Housing Conservation Coordinators, Inc. (HCC)	Manhattan	\$153,360	\$172,523
Legal Aid Society (LAS)	Citywide	\$2,228,620	\$2,532,084
Legal Aid Society (Legal Aid Housing Help Program)	Court-Based	\$2,931,996	\$3,323,449
Legal Services New York City (LS-NYC)	Citywide	\$2,228,620	\$2,532,084
Neighborhood Association of Inter-Cultural Affairs (NAICA)	Bronx	\$1,855,703	\$2,087,582
New York Legal Assistance Group (NYLAG)	Queens	\$665,829	\$749,027
Northern Manhattan Improvement Corporation (NMIC)	Manhattan	\$381,867	\$429,583
Ridgewood Bushwick Senior Citizens Council Inc. (RBSCC)	Brooklyn	\$172,371	\$197,871
		\$12,004,358	\$13,504,358

Anti-Harassment/Tenant Protection Initiative

- On February 3rd, the Mayor announced a new \$36 million dollar initiative in his State of the City address
- The City would provide access to legal assistance for residents identified as victims of harassment currently living in six neighborhoods across five boroughs identified for rezoning in order to prevent tenant harassment and displacement, keep families and individuals in their homes, and maintain affordable housing.
- Thirteen zip codes in and around the rezoning areas were targeted for services.
- The only two city-wide legal service providers under the Homelessness Prevention Law Project (formerly DHS contracts) will each receive \$2 million dollars to spend through June, HRA will receive \$1,000,000 for services
- HRA is currently drafting an RFP and will have new contracts for the expanded program in place by the fall of FY16.

Anti-Harassment/Tenant Protection Initiative	
Provider	FY15 Budget
Legal Aid Society	\$2,000,000
LSNYC	\$2,000,000

Anti-Eviction & SRO Legal Services

- City Council discretionary funds
- Nine legal service providers receive \$5.3 million dollars annually
- Services include housing court representation as well as tenant organizing, anti-harassment, administrative hearings with NYCHA and SRO targeted-services

Service Targets and Outcomes

- Over 3,000 households projected to be served in FY15

Anti-Eviction and SRO Legal Services	
Provider	Budget
Brooklyn Legal Services Corporation A	\$207,500
Brooklyn Legal Services Corporation A	\$255,000
Catholic Migration Services, Inc.	\$15,000
Catholic Migration Services, Inc.	\$10,000
Central Brooklyn Legal Services Corp.	\$10,000
Eviction Intervention Services Homelessness Prevention, Inc.	\$5,000
Eviction Intervention Services Homelessness Prevention, Inc.	\$10,555
Goddard Riverside Community Center	\$775,000
Goddard Riverside Community Center	\$7,000
Goddard Riverside Community Center	\$8,500
Goddard Riverside Community Center	\$10,556
Goddard Riverside Community Center	\$6,000
Goddard Riverside Community Center	\$5,000
Legal Aid Society / Civil Division- Bronx	\$311,500
Legal Aid Society / Civil Division- Brooklyn	\$410,000
Legal Aid Society / Civil Division- Community Law Office	\$657,000
Legal Aid Society / Civil Division- Queens	\$234,500
Legal Aid Society / Civil Division- Staten Island	\$172,000
Legal Services NYC – Bronx	\$219,000
Legal Services NYC - Brooklyn Branch	\$758,000
Legal Services NYC - Manhattan Legal Services	\$364,000
Legal Services NYC - Queens Branch	\$255,500
MFY Legal Services, Inc.	\$435,000
MFY Legal Services, Inc.	\$3,000
MFY Legal Services, Inc.	\$4,000
MFY Legal Services, Inc.	\$7,000
MFY Legal Services, Inc.	\$10,556
MFY Legal Services, Inc.	\$5,000
Northern Manhattan Improvement Corporation	\$201,000

\$5,372,167

2. Immigration Services

Immigrant Services (Former DYCD)

- \$2.1 million in federal CSBG funding
- Four service options: Legal Services, DV & Human Trafficking Youth, Workers Rights
- Currently 15 contracts
- Over 2,000 households projected to be served in FY15

Procurement:

- An RFP will be released in April
- The new contracts will start by the end of 2015t and run for three years with an option to renew for another three years.

Immigrant Services (CSBG)	
Provider	FY15 Budget
Legal Services for Immigrants	
BronxWorks, Inc.	\$ 119,284
Catholic Charities Community Service, Archdiocese of NY	\$ 77,296
Gay Men's Health Crisis, Inc.	\$ 116,797
HANAC, Inc.	\$ 104,827
New York Legal Assistance Group	\$ 198,489
Shorefront Jewish Community Council	\$ 104,970
The Ansob Center for Refugees	\$ 89,225
Legal Services for Immigrant Youth	
The Door - A Center for Alternatives	\$ 272,923
The Legal Aid Society	\$ 156,501
Services for Domestic Violence and Trafficking	
CAMBA, Inc.	\$ 88,270
New York Asian Women's Center	\$ 89,532
New York Legal Assistance Group	\$ 86,076
Northern Manhattan Improvement Corporation	\$ 140,192
Sanctuary For Families	\$ 214,712
Services for Immigrant Workers	
Make the Road New York	\$ 271,968
	\$ 2,131,062

Immigrant Opportunities Initiative (Former City Council discretionary funds through DYCD)

- \$3.2 million, currently 39 providers
- Over 2,000 households projected to be served
- Outreach, screening, application and representation services for immigrants

Procurement: The RFP will be released in April and the new contracts will start in early FY16. The RFP will include executive action services.

Immigrant Opportunity Initiatives	
Provider	Budget
African Services Committee, Inc.	\$26,168
Asian Americas for Equality	\$49,024
Association of the Bar of the City of New York Fund, Inc.	\$45,000
Boro Park Jewish Community Council	\$35,000
Boys & Girls Club of Metro Queens, Inc.	\$45,000
BronxWorks, Inc.	\$50,000
Brooklyn Chinese American Association	\$25,000
Brooklyn Defender Services	\$20,000
CAMBA, Inc.	\$20,000
Caribbean Women's Health Association, Inc.	\$25,000
Catholic Migration Services, Inc.	\$55,000
Central American Legal Assistance	\$83,861
Committee for Hispanic Children and Families, Inc.	\$57,237
Comprehensive Development, Inc.	\$23,200
Council of Jewish Organization of Flatbush, Inc.	\$60,000
Desis Rising Up and Moving (DRUM)	\$10,000
Emerald Isle Immigration Center	\$177,750
Haitian Americans United for Progress	\$40,000
HANAC	\$100,000
Housing Conservation Coordinators, Inc. (HCC)	\$38,000
Legal Services for New York	\$425,000
MFY Legal Services, Inc.	\$125,575
Minkwon Center for Community Action	\$33,000
Neighborhood Defender Service, Inc.	\$42,037
New York Legal Assistance Group	\$395,000
Northern Manhattan Coalition for Immigrant Rights	\$30,205
Northern Manhattan Improvement Corporation	\$38,000
Polish & Slavic Center	\$20,000
Queens Community House, Inc.	\$20,000
Safe Horizon, Inc.	\$20,000
Sanctuary for Families	\$200,119
SBH Community Service Network, Inc.	\$25,000
Southside Community Mission, Inc.	\$65,000
The HIV Law Project, Inc.	\$38,000
The Legal Aid Society	\$585,000
United Jewish Organization of Williamsburg	\$20,000
Urban Justice Center	\$74,518
West Bronx Housing & Neighborhood Resource Center	\$25,000
Youth Ministries for Peace and Justice	\$60,000

New York Immigrant Family Unification Project

- \$4.9 million in City Council discretionary funding
- All indigent immigrant population detained at the New York/New Jersey immigration courts
- Approximately 1,000 households projected to be served in FY15

New York Immigrant Family Unity Project	
Providers	Budget
Bronx Defenders	\$1,551,000
Brooklyn Defenders Services	\$1,551,000
Legal Aid Society	\$1,551,000
Vera Institute of Justice	\$247,000
	\$4,900,000

IOI Unaccompanied Minors Initiative

- \$1 million in City Council discretionary funding with additional \$800K from Robin Hood and New York Community Trust
- 280 out of 780 target served through 1/31

Immigrant Opportunities Initiative Unaccompanied Minors Initiative	
Providers	Budget
Catholic Charities Community Services, Archdiocese of NY	\$250,000
Center for NYC Law at New York Law School - Safe Passage Project	\$160,000
Legal Aid Society	\$250,000
Central American Legal Assistance	\$90,000
The Door	\$250,000
	\$1,000,000

3. Additional Council Funded Legal Service Programs

City-Wide Civil Legal Services

- \$3.75 million, 3 service providers
- This program supports the provision of legal advice; community legal education presentations; pro-bono/volunteer lawyer programs; and hotlines. Legal areas may include: consumer/finance, education, employment, family, juvenile, health, housing, income maintenance, individual rights, and miscellaneous benefits.

Citywide Civil Legal Services	
New York Legal Assistance Group, Inc.	\$750,000
Legal Aid Society	\$750,000
Legal Services NYC	\$750,000
Legal Aid Society	\$750,000
Legal Services NYC	\$750,000
	\$3,750,000

Legal Services for Domestic Violence Victims

- \$350,000, three service providers
- Provides comprehensive legal services and information to indigent victims of domestic violence appearing in court.
- 450 households receive full representation, over 800 receive brief legal services

Legal Services for DV clients	
InMotion	\$100,000
Safe Horizon	\$125,000
Sanctuary for Families	\$125,000
	\$350,000

Legal Services for Veterans

- \$100,000, one service provider
- Provides legal services for NYC Veterans including family law, housing, public benefits, healthcare, financial planning, and consumer protection.
- 60 veterans will receive full representation and 240 will receive brief services

Veterans' Legal Services	
NY Legal Assistance Group	\$100,000

UI/SSI Advocacy Program

- \$1 million, two service providers
- Helps individuals with disabilities and the unemployed receive Unemployment Insurance Benefits and/or the Supplemental Security Income benefits
- 233 will receive full services and 800 will receive brief legal services

Unemployment Insurance Project	
Legal Aid Society	\$500,000
Legal Services NYC	\$500,000

\$1,000,000

Legal Services for the Working Poor

- \$1.5 million, 10 service providers
- This program supports civil legal services for the working poor, including: assistance in preventing eviction; improvement of living conditions; organization and representation of tenants groups; assistance for family members in getting appropriate disability benefits such as SSD or SSI; immigration assistance protection from workplace abuses, such as harassment and violation of fair wage and hour laws; consumer protections from creditors; representation of domestic violence victims; and assistance with recovering illegal rents and other improper rent charges.
- 595 legal cases will be represented in addition to 185 brief service cases

Legal Services for the Working Poor	
Provider	Budget
CAMBA Legal Services	\$305,000
Housing Conservation Coordinators	\$305,000
MFY Legal Services	\$305,000
Northern Manhattan Improvement Corporation (NMIC)	\$305,000
Urban Justice Center	\$305,000
Brooklyn Legal Services Corporation A	\$3,500
Catholic Migration Services, Inc.	\$4,000
MFY Legal Services	\$5,000
MFY Legal Services	\$5,000
Central Brooklyn Legal Services Corp.	\$3,500
Eviction Intervention Services Homelessness Prevention, Inc.	\$20,000
Housing Conservation Coordinators, Inc.	\$15,000
Housing Conservation Coordinators, Inc.	\$3,500
Housing Conservation Coordinators, Inc.	\$115,000
Housing Conservation Coordinators, Inc.	\$3,500
Manhattan Legal Services	\$3,500
Manhattan Legal Services	\$3,000
Manhattan Legal Services	\$3,500
Manhattan Legal Services	\$3,500
Manhattan Legal Services	\$4,000
Manhattan Legal Services	\$3,500
Manhattan Legal Services	\$5,000
MFY Legal Services, Inc.	\$5,000
MFY Legal Services, Inc.	\$3,500
MFY Legal Services, Inc.	\$3,500
MFY Legal Services, Inc.	\$3,500
MFY Legal Services, Inc.	\$3,500

\$1,748,000



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Gale A. Brewer, Borough President

**Testimony of Gale A. Brewer, Manhattan Borough President
Hearing of the New York City Council Committee on Courts and Legal Services
April 15, 2015**

Good afternoon. I am Gale Brewer, the Manhattan Borough President, and I offer my thanks to the Committee and Chairman Lancman for moving ahead on this crucial issue. I strongly support the proposed legislation to create an Office of Civil Justice.

For years I have seen- and helped- constituents struggle through civil legal proceedings without adequate representation. Going to court is always stressful. For those without legal counsel or adequate financial resources those stresses can destroy families.

We desperately need legal representation for tenants in Housing Court. As a Council Member and now as Manhattan Borough President my staff and I often have to go from agency to agency on behalf of indigent constituents, trying to get them help and prevent their eviction.

A fully funded, empowered, and staffed Office of Civil Justice Coordinator promises to reduce the injustice faced by many civil defendants who are without counsel, and to limit resulting family hardships. I applaud the Administration and Council for bringing this proposal forward. I believe it is long overdue.

The facts are sobering:

We have nearly 60,000 homeless, a record high, many of them families and children that the city must shelter at a cost of about \$38,000 per year.

For the last year we have data, nearly 30,000 households were evicted through Housing Court.

In the last decade more than 100,000 units of regulated housing have been lost in Manhattan alone, and evictions played a significant role in these losses. We know that once a regulated apartment becomes vacant, the chances of it remaining affordable for another family are quite slim.

The city and state housing laws and court proceedings are notoriously complex and arcane. Nearly 90% of the landlords who brought eviction proceedings in Housing Court are represented by attorneys; 90% of defendants are without counsel. We have seen multiple studies showing that expert legal representation can prevent evictions in an astonishingly high percentage of cases.

These facts, compelling as they are individually, are also deeply entwined. A key factor in keeping affordable housing is to prevent evictions and the most effective way to do that is through the provision of legal counsel. I believe that a Civil Justice Coordinator office, if adequately led, staffed, and funded, would be able to limit evictions and resulting homelessness, and reduce the shelter population and its related costs. I also believe that, with representation, more tenants will be able to raise the issue of repairs needed in their homes, and actually obtain those necessary repairs.

While I support the pending legislation that would ensure legal representation in eviction proceedings for very low income tenant households, we must help a wider group of New Yorkers. The proposed Office of a Civil Justice Coordinator could do just that. I would hope to see it do much more and serve a greater need by coordinating and monitoring cases, and managing efficiently an expansion of free and low-cost legal services- something I consider essential to basic fairness and equal justice.

But the challenge is not only to assist the lowest income tenants. We must address the needs of working families and individuals who need legal representation in civil matters but who

are ineligible for public assistance or existing legal services programs, yet unable to afford a private lawyer at prevailing rates.

The Office created by this legislation should be charged with supporting and coordinating with agencies and programs that assist working families and individuals. It should also work with those agencies to develop innovative programs and new models for providing adequate legal representation in Civil matters for all who require it.

In summary, I strongly support legislation to create a robust Office of Civil Justice Coordinator with a clear legal mandate and adequate funding and staffing to address the issues outlined above.

Thank you.

**TESTIMONY OF THE LEGAL AID SOCIETY
ON
INT. 736-2015**

**A LOCAL LAW TO AMEND THE NEW YORK CITY CHARTER
IN RELATION TO AN OFFICE OF CIVIL JUSTICE
PRESENTED BEFORE
THE NEW YORK CITY COUNCIL
COMMITTEE ON COURTS AND LEGAL SERVICES
CITY HALL**

**April 15, 2015
New York, New York**

The Legal Aid Society welcomes this opportunity to testify before the New York City Council Committee on Courts and Legal Services concerning the creation of an Office of Civil Justice in New York City and thanks Chair Lancman and the Committee for this opportunity.

The Legal Aid Society

The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, is more than a law firm for clients who cannot afford to pay for counsel. It is an indispensable component of the legal, social, and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal and juvenile rights matters, while also fighting for legal reform.

The Legal Aid Society has performed this role in City, State and federal courts since 1876. It does so by capitalizing on the diverse expertise, experience, and capabilities of more than 1,900 lawyers, social workers, investigators, paralegals, and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, the Society provides comprehensive legal services in all five boroughs of the City for clients who cannot afford to pay for private counsel.

The Society operates three major legal practices – Civil, Criminal and Juvenile Rights – and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program. Annually, the Society handles more than 300,000 cases and legal matters for low income New Yorkers with civil, criminal and juvenile rights problems, as well as law reform cases which benefit all two million low-income families and individuals in New York City and the landmark rulings in many of these cases have a statewide and national impact. In the Civil Practice alone, we handled more than 46,000 individual civil matters in the past year benefiting nearly 116,000 New Yorkers.

Intro 736

We applaud the City Council and New York City Administration's emphasis on addressing income inequality and access to justice through the establishment and expansion of legal initiatives. The visionary leadership of the City Council has greatly expanded a range of civil legal services targeted specifically to the most vulnerable New Yorkers – those facing eviction, and homelessness; immigrant children fleeing oppression; detained immigrants facing deportation; survivors of domestic violence, and

members of our communities dealing with gun violence. This same leadership established during this fiscal year the nation's first program guaranteeing legal representation for immigrants facing deportation. At the same time the Speaker and the City Council established this Committee on Courts and Legal Services – a committee charged with promoting access to legal representation to ensure equal justice under the law, and working with community partners and city agencies to identify ways to meet that fundamental goal. This body realized that for years criminal justice issues were supported by a separate office – the Mayor's Office of Criminal Justice with a Criminal Justice Coordinator; while the critical issues of civil legal services were not focused on by any particular city office. In fact Chair Lancman asserted that the issue of legal services would benefit from an independent committee focused on legal representation issues across a range of subject matters.

Given the City Council's strategic leadership and investment in legal services, we support Intro 736 which will establish an office of Civil Justice headed by a coordinator to advise and assist the Mayor with respect to the delivery and implementation of civil legal services to those New Yorkers most in need. Among other things, the coordinator would have the power and duty to review and prioritize budget requests, submit annual reports of the civil legal services needs of New Yorkers and the availability of free or low-cost services, make recommendations regarding the expansion of existing services, and submit a regular five-year plan to the Mayor. Notably, Intro 736 explicitly prioritizes the expansion of housing-related civil legal service needs of low-income city residents. We view this priority as further supporting the effort of guaranteeing a right to counsel for low-income New Yorkers in Housing Court. To that end, we also urge enacting Intro 214 which would establish a right to counsel and the implementation of a program to provide free legal representation to low-income tenants in eviction, foreclosure and ejectment cases.

The creation of this office is consistent with the City Council's establishment the nation's first program guaranteeing legal representation for immigrants facing deportation. In order to ensure that an office of civil legal services is not adversely impacted by changes in City leadership or policymakers or funding priorities, legislation like Intro 214 is needed to make these programs a sustainable reality. In conclusion, The Legal Aid Society again wants to thank the City Council for its commitment to access to justice and addressing income inequality in New York City. We look forward to working closely with all of you in making these goals a reality.

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April 15, 2015

Testimony before the Committee on Courts and Legal Services



Legal
Services NYC

My name is Raun Rasmussen and I am the Executive Director of Legal Services NYC. Thank you Speaker Mark-Viverito, Councilmember Lancman and all of the members of the Committee on Courts and Legal Services for the opportunity to testify in support of the creation of the Office of Civil Justice.

Legal Services NYC fights poverty and seeks racial, social and economic justice for low-income New Yorkers. For nearly fifty years, we have challenged systemic injustice and helped our clients meet basic needs for housing, access to high-quality education, health care, family stability, and income and economic security. Our staff of nearly 350, with deep roots in all of the communities we serve throughout the City, help more than 70,000 New Yorkers annually.

This is a historic moment. For the first time in my thirty years as a legal services lawyer in New York City, the Mayor and the City Council have joined with us to attack the failure of the legal system to provide justice for all New Yorkers. Funding for civil legal services has increased significantly; the delivery systems for that funding have been brought together under one roof—at HRA—and are being managed by a Commissioner who has a deep understanding of the benefits and challenges of delivering civil legal services; and there is renewed interest in creating a right to counsel for all low-income New Yorkers faced with the loss of their homes. Now, through the creation of an Office of Civil Justice, we have the opportunity to incorporate the pursuit of justice as part of the permanent infrastructure of our City.

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LSC

New York City is blessed with an abundance of creative, highly effective legal services providers. This new Office will allow us all to contribute to a more comprehensive assessment of service delivery systems and to create a more coordinated, better funded service network throughout all the areas of greatest need. The development of annual reports and five-year plans, with associated budget recommendations, provides the opportunity to support both innovation and multi-year planning by the provider community.

With the creation of the Office of Civil Justice, the City is poised to build on the stunning work of the Chief Judge, and to work in partnership with his Task Force to Expand Access to Civil Legal Services which for several years has studied the need for civil legal services, supported the creative expansion of those services, and catalogued, in report after report, the benefits of civil legal services—both for the low-income families who receive them and for the State as a whole.

There is no better time for this initiative. The improved economy has both increased displacement pressures on low-income New Yorkers and created an opportunity for the expansion of civil legal services to address the full range of critical needs—preserving housing; providing family safety and economic stability; and providing access to education, health care, and immigration services.

Civil legal services make this City fairer and more just for all. With the creation of the Office of Civil Justice, we will be able to continue our partnership with the City to deliver those services more effectively and comprehensively than ever before.

Thank you for your continued commitment to help New York's most vulnerable families and individuals.

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Testimony by New York Legal Assistance Group (“NYLAG”)

before the NYC Council Committee on Courts & Legal Services regarding:

An Office of Civil Justice

April 15, 2015

Chair Lancman, Council Members, and staff, good morning and thank you for the opportunity to speak to the Courts and Legal Services Committee about Intro 736, which will establish an Office of Civil Justice in New York City. My name is Randal Jeffrey, and I am the Director of the General Legal Services unit at the New York Legal Assistance Group (NYLAG). NYLAG is a nonprofit law office dedicated to providing free legal services in civil law matters to low-income New Yorkers. NYLAG serves immigrants, seniors, the homebound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence victims, persons with disabilities, patients with chronic illness or disease, low-wage workers, low-income members of the LGBTQ community, Holocaust survivors, and veterans, as well as others in need of free legal services.

Office of Civil Justice

NYLAG is deeply appreciative of the commitment by the City Council and the Administration to increasing the availability of civil legal services. Thanks to the financial support the City has shown, civil legal services organizations such as NYLAG have been able to expand the breadth of our services and increase the number of New Yorkers we are able to serve each year. Still, the need for free civil legal services for low-income New Yorkers remains enormous; just a small sample of the underserved includes:

- 98% of appellants lack representation at the City's administrative fair hearings for government benefits.
- 96% of defendants are unrepresented in consumer credit cases, including cases of identity theft.
- 91% of petitioners do not have lawyers in child support matters in Family Court.
- 90% of tenants were unrepresented in eviction cases in last year.

We know that having a lawyer makes a huge difference. In housing court, for example, the likelihood of eviction drops dramatically when a tenant is represented. Numerous studies show that tenants represented by counsel default less often, receive better settlements, and win more often at trial. Landlords who know that tenants are represented by attorneys are less likely to attempt to deceive or bully tenants out of their homes.

We are gratified that the City recognizes the need to provide these critical services to those who cannot otherwise afford them, and we enthusiastically welcome the creation of an Office of Civil Justice to coordinate these efforts. We want to especially thank Speaker Melissa Mark-Viverito and Councilmember Mark Levine for their tireless advocacy for civil legal services and for creating this dedicated office.

In particular, we believe that the Civil Justice Coordinator, as head the Office of Civil Justice, will be able to make an immense impact on the expansion of services throughout New York City by performing a focused assessment of the needs for a variety of legal services, planning for the expansion of legal services to meet these needs, determining the most effective way to provide them, and studying the effectiveness of various approaches to the delivery of legal services.

We believe that the work of the Office of Civil Justice will demonstrate conclusively the benefits of civil legal service programs to the City, to taxpayers – who save money in areas such as

shelter costs, healthcare costs, and public benefits – as well as to poor and near-poor New Yorkers whose lives and prospects are greatly improved. Armed with the knowledge gleaned from its assessments, the Office of Civil Justice will have the ability to carefully plan the expansion of civil legal services as funding continues to increase, ensuring that services grow in tandem with current and future needs, and that services are coordinated among providers throughout the City.

We strongly believe that further review will show that increased, sustained funding in the areas of **housing, immigration, veterans services, domestic violence, and consumer protection, public benefits and employment law** is necessary to maintain New York City's vibrant and diverse communities. NYLAG has included an addendum to this testimony that provides the Committee with more information about each of these areas of concern so that, in the interest of time, I can restrict the remainder of my remarks to civil legal services in Housing Court.

The Right to Counsel in Housing Court

NYLAG is a member organization of the Right to Counsel Coalition, a group of more than 30 legal services organizations, tenant organizing groups, tenant advocates, and law school faculty. We are strongly committed to a codified right to counsel in Housing Court for low-income New Yorkers (defined as those at or below 200% federal poverty level). We are encouraged by and grateful for the recent substantial increases in funding for housing services over the past several years, but that funding is not permanent and is vulnerable to changing priorities and economic exigencies. By passing this legislation, New York City will ensure that the tenants most in need of counsel in Housing Court will be guaranteed representation.

NYLAG has been providing housing services since its inception. NYLAG established its dedicated Housing Project in 2008 in recognition of the humanitarian crisis related to the lack of affordable housing in the City. With 20 staff members, NYLAG's housing preservation practice is

one of the largest in the City. Along with many of the other organizations testifying today, we are an important safety net for low-income New Yorkers who currently do not have the right to representation in Housing Court. Unfortunately, current services are simply not enough. The need for housing services continues to outpace the availability of experienced attorneys. With increased funding, we are confident that the City's legal services organizations will develop effective processes for staffing our housing programs with qualified attorneys, eventually ensuring that all low-income New Yorkers have representation in Housing Court.

Creation of the Office of Civil Justice is a visionary step for our City and a demonstration of our commitment to providing critical support to the most vulnerable among us. By playing a leadership role in advocating for a City-funded right to counsel in Housing Court, the Civil Justice Coordinator will build on that vision and make New York the first jurisdiction in the nation to level the playing field between landlord and tenant in eviction proceedings.

I want to once again take the opportunity to thank Chair Lancman and the members of the Committee for their outstanding leadership and commitment to civil legal services. We look forward to continued conversations about the role of the Office of Civil Justice and the Civil Justice Coordinator.

Respectfully submitted,

Randal Jeffrey

Director, General Legal Services

Addendum to Testimony by New York Legal Assistance Group (“NYLAG”)

before the NYC Council Committee on Courts & Legal Services regarding:

An Office of Civil Justice

April 15, 2015

NYLAG strongly believes that the creation of the Office of Civil Justice will have an immense and positive impact on the expansion of civil legal services throughout New York City by studying the need for legal services and determining the most effective way to provide them. Further review will show that increased, sustained funding in the areas of housing, immigration, veterans services, domestic violence, consumer protection, public benefits and employment law is necessary to maintain New York City’s vibrant and diverse communities. This addendum provides the Committee with more information about each of these areas of concern.

Housing

The decline of affordable housing in New York City has become a humanitarian crisis. Rent-stabilized and rent-controlled apartments are at a premium and evictions often lead them to be returned to market rate, shrinking the affordable housing market even more. NYLAG and other legal services organizations work hard to ensure that communities retain their character, diversity and affordability by representing tenants in nonpayment and holdover proceedings, obtaining and preserving rent subsidies, and ensuring that people are given the time to find reasonable accommodations if they are evicted, keeping them out of the shelter system. The Council and the administration have both shown a strong commitment to increased funding for housing services, and we are grateful. The need for housing legal services is extraordinary and we are confident that the Office of Civil Justice will find that funding even beyond the current level is necessary to ensure that we preserve safe and affordable housing for vulnerable tenants and homeowners, prevent homelessness, provide economic security for families, and promote stability in our communities.

Immigration

The influx of unaccompanied minors arriving to the United States from Central America last year, along with President Obama’s recent announcement of administrative relief for some undocumented immigrants already living here, have made clear the need for immigration legal services in New York. Civil legal services organizations, often in conjunction with the City Council and the administration, have been working together to ensure that immigrants are carefully evaluated for all potential forms of relief, assisted with application processes, and represented in administrative and administrative hearings. In the wake of a crisis or changes in immigration law, it is critical for legitimate legal services providers to maintain close ties to

immigrant communities to ensure that they are not the victims of immigration fraud. The City has done an impressive job of responding rapidly to address critical immigration needs as they arise, but further study and funding is essential to ensure that all immigrants are given the information and assistance they need. NYLAG is currently exploring different models of serving the immigrant community effectively, especially in the form of large-scale legal services clinics, and we look forward to working with the Civil Justice Coordinator to expand this important work. Our community-based legal services clinics at the Council-sponsored Key to the City events are extraordinarily successful and we know that further study of the model will prove the need for increased funding for this type of service to immigrant communities.

Veterans

Tens of thousands of veterans in our community are poor or at high risk of poverty. Mental and physical health problems, as well as the fact that many veterans postponed or sacrificed higher education in order to pursue service, largely account for veterans' high unemployment rates compared to other New York City residents, and their corresponding financial problems. NYLAG was honored to receive the inaugural Legal Services for Veterans grant in the City budget last year and we believe that the Civil Justice Coordinator will find that the need for legal services in veteran communities, including assistance with VA benefits, public benefits, housing, consumer protection, and advance directives among others, is substantial and continuing to grow. We hope that this finding will lead to increased funding for services to those who have selflessly served our country.

Domestic Violence

When domestic violence victims choose to leave their abusive partners, they often must navigate complex family law proceedings alone. Access to legal services greatly reduces the likelihood that a victim will be forced to return to the abuser; in fact, studies have shown that legal services are equally as important as shelter, counseling and other traditional services for domestic violence victims. Low-income victims of domestic violence require legal assistance with divorces, child and spousal support, orders of protection, and custody and visitation, among other issues. We hope that the Office of Civil Justice will study of the efficacy of legal services for domestic violence victims in New York City, resulting in an increase in the funding for this vulnerable population.

Consumer Protection

Despite recent improvement to the national economy, many New Yorkers still struggle with unemployment, depleted savings and unstable housing. Others, especially recent college graduates, are now experiencing the financial hardships that come with massive student loan debt. These vulnerable New Yorkers are often targets of identity theft, debt collection scams, credit reporting errors, unjust foreclosure, and subprime loan conditions. Civil legal services for consumers are desperately needed, yet there are not nearly enough practitioners. Study of the

consumer protection needs of low-income New Yorkers should lead to funding for this often-overlooked, yet vitally important area of civil legal service work.

Public Benefits

Access to free legal services is critical to those who have been denied public benefits for which they are eligible. SNAP (food stamps), Supplemental Security Income (SSI), Social Security Disability (SSD), Medicaid, Medicaid home care, Medicare, and cash assistance benefits all provide a safety net for some of the most vulnerable New Yorkers. Unfortunately, all too often New Yorkers eligible for these benefits are unable to access them, due to bureaucratic errors or systemic failures to follow policy. In these cases, representation by lawyers and other legal advocates in administrative fair hearings and intervention with government agencies can mean the difference between securing available benefits and going without. A Civil Justice Office can fully assess the needs in this area and recommend appropriate funding to more fully address them.

Employment Law

Many low-wage workers, especially immigrants, suffer from the failure of their employers to pay minimum wage and/or overtime, as required by the law. Others suffer from discrimination and harassment. Many workers must fight for unemployment insurance when they lose their jobs. These legal violations harm not just the workers involved, but also the broader community: wages are suppressed, leading to less spending in lower-income communities. We are confident that a Civil Justice Office will see the need for funding in the employment law area.

Disaster Response

Legal services play an essential role in the response to an emergency. Organizations such as NYLAG have played a central role in addressing wide-ranging emergency situations from the terrorist attack on 9/11 to natural disasters, most recently Superstorm Sandy. In the chaos that often follows a disaster, legal services organizations can provide vital information to victims and survivors. For example, within 48 hours of Superstorm Sandy NYLAG mobilized its employees and volunteers, coordinated with organizations in Louisiana that had worked with victims of Hurricane Katrina, and began providing emergency services related to FEMA and SBA applications, insurance, and housing issues. More than two years later, NYLAG's Storm Response Unit is the largest of its kind in the State, continuing to provide services on increasingly complex disaster-related issues. The Office of Civil Justice will have the capacity to plan ahead for the potential of emergencies and the ability to organize legal services providers in the wake of future disasters.

Alternative Dispute Resolution: Mediation

In order to ease the already overburdened Family Court system, attorneys often turn to mediation when a family law conflict may be settled out of Court. NYLAG began its Mediation Project in 2013 to address a gap in services for poor and moderate income families seeking mediations in family and matrimonial disputes. The benefits of mediation include: faster outcomes than litigation; the ability of parties to decide the timing, pace, and length of their meetings and the issues discussed. Because mediation is a more flexible process, it allows people to communicate their goals, and find solutions that parties can live with more comfortably, especially important where children are concerned. . Many low-income New Yorkers are unable to afford costly mediation services, while the limited free services available fall short of their needs. Many underserved individuals are not even aware that mediation is an option. We hope that the Office of Civil Justice will include alternative dispute resolution in its scope of work and study, as this is a critical but underfunded area of legal services.

The lack of access to justice is one of the most serious social issues we face. We are grateful to the City Council and administration for recognizing the critical role that civil legal services can play in improving the lives of the poor and near poor.

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**WRITTEN TESTIMONY OF NEW YORK CITY BAR ASSOCIATION
BRENNA DE VANEY ON BEHALF OF
DEBRA RASKIN, PRESIDENT, NEW YORK CITY BAR ASSOCIATION**

**NEW YORK CITY COUNCIL
COMMITTEE ON COURTS AND LEGAL SERVICES
HEARING ON INT. 0736-2015
IN RELATION TO AN OFFICE OF CIVIL JUSTICE**

APRIL 15, 2015

Chairperson Lancman and members of the Committee on Courts and Legal Services, thank you for providing the New York City Bar Association with the opportunity to testify before you today on the creation of an office of civil justice in New York City. My name is Brenna DeVaney, Chair of the City Bar's Committee on Pro Bono and Legal Services, and I am testifying on behalf of Debra Raskin, President of the City Bar, who regrets that she is unable to appear today. The City Bar is a membership organization of over 24,000 members, including lawyers, law students and academics holding positions in the private, nonprofit and public sectors. Through our 160 committees, we call upon the expertise of our members to address legal and public policy issues, including access to justice and right to counsel issues. The City Bar's testimony today is informed by the work of our Pro Bono and Legal Services Committee and our Housing Court Committee.

Int. 0736 would create an office of civil justice to advise and assist the mayor with respect to the delivery of civil legal services to those New Yorkers most in need. In sum, this new office would review budget requests, submit annual reports assessing the civil legal services needs of the City's low-income residents and the availability of services, make recommendations on how best to expand existing services, provide public outreach, and submit a five-year implementation plan. The bill explicitly identifies housing-related civil legal services needs as a

priority of the office's work, which comports with the Citywide consensus that has emerged in support of providing low-income tenants with a right to counsel in Housing Court.

Let me start by saying that the City Bar applauds the Council's significant and game-changing commitment to addressing and serving the civil legal services needs of New York's low-income individuals, in particular, people who cannot afford a lawyer when facing the threat of eviction or deportation. We acknowledge and greatly appreciate the Council's keen understanding of how important it is to support a fair civil justice system in this City. For its part, the City Bar has long supported the notion that legal representation should be provided in civil cases involving fundamental needs to those who cannot afford an attorney as a way to level the playing field in court and provide meaningful access to justice. To that end, as a general matter, we support the creation of an office within the city government whose mission is to ensure that civil legal services are funded and provided in the most efficient way possible to those most in need.

In order to make such a program a lasting reality, however, legislation is needed to establish a right to counsel in civil cases involving a basic necessity of life like shelter. The place to start is Housing Court. Therefore, while we support the long term goals of Int. 0736, we also urge the Council to pass Int. 0214 post-haste and to expedite the implementation of a program to provide free legal representation to low-income tenants in eviction, foreclosure and ejectment cases. In this City of growing income equality, shrinking affordable housing stock and increasing homelessness, a clear consensus has emerged that the Housing Court representation program is needed now. Moreover, getting a program up and running in Housing Court can provide important lessons and guideposts which then can be studied by the office of civil justice as part of its mandate under Int. 0736.

I have attached to this testimony our memo in support of Int. 0214, and I would like to highlight a few points here. As discussed, Int. 0214 provides low-income tenant-respondents (defined as individuals at or below 125% of the federal poverty level) with a right to counsel in Housing Court, or in other courts where litigants are defending against ejectment or foreclosure proceedings. We explain at pages 5 – 7 of our report why we think financial eligibility should be

increased to 200% of the federal poverty level, and I refer you to that discussion. Eligibility is an important consideration when it comes to any legislation concerning legal services, but I understand that is not the primary purpose of this hearing.

Only twenty percent (20%) of low-income people in New York City (and the United States as a whole) have access to legal counsel in civil cases. The lack of legal representation dramatically affects the ability of low-income people to navigate the court system effectively and obtain successful outcomes.¹ Represented parties benefit from statistically more favorable results in Housing Court.² And, in New York City Housing Court, the vast majority of litigants without representation are racial minorities.³

The benefits of having a right to counsel in housing cases are particularly compelling. While preventing evictions and saving City taxpayer money is certainly important, a stable housing environment is highly correlated with children's better educational outcomes, a sense of belonging in the community at large, higher levels of employment, better mental and physical health, improved family relationships, lower crime, and a better support system. Evidence also shows that by providing a right to counsel in eviction cases, the Council would potentially reduce costs associated with evictions and homelessness by millions of dollars on an annual basis.⁴ By obtaining more successful outcomes, and preventing many more individuals and families from entering the costly homeless shelter system, New York City would likely receive a positive

¹ TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVS. IN N.Y., *Report to the Chief Judge of the State of New York 2* (2013), available at http://www.nycourts.gov/IP/access-civil-legal-services/PDF/CLS-TaskForceReport_2013.pdf; see, also LEGAL SERVS. CORP., *Documenting the Justice Gap in America: The Current Unmet Civil Needs of Low Income Americans 1* (2009), available at http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting_the_justice_gap_in_america_2009.pdf.

² Russell Engler, *Connecting Self-Representation to Civil Gideon: What Existing Data Reveal About When Counsel is Most Needed*, 37 FORDHAM URB. L.J. 37, 46-51 (2010).

³ See TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVS. IN N.Y., *Report to the Chief Judge of the State of New York 11-12* (2010), available at <http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-TaskForceREPORT.pdf>.

⁴ See, e.g., TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVS. IN N.Y., *Report to the Chief Judge of the State of New York 3* (2014) (“nationally recognized experts, commissioned by the Task Force on a pro bono basis over the past three years, have determined that investing in civil legal services provides substantial economic benefits to our State—specifically, more than six dollars for every one dollar of funding for civil legal services. For example, using conservative estimates, the 2011 Task Force Report ... documented that anti-eviction legal services programs funded by IOLA have saved approximately \$116 million annually in averted shelter costs for government”).

return on its investment in the right to counsel. There would also be collateral economic benefits such as increased public school attendance when families have stable living situations and attendant state reimbursements.

The lack of meaningful access to counsel in housing cases is out of step with international norms and consensus, as further detailed at pages 4 – 5 of our report. Here is yet another chance for the Council to lead the way and demonstrate to other cities that New York City takes very seriously its obligation to provide meaningful access to our courts. It surely cannot be disputed that the housing laws in New York City are complex, that the right to housing is as fundamental as any other right, and that individuals in Housing Court (or defending in other fora against ejection or foreclosure proceedings) without a lawyer are unable to represent themselves effectively.

Finally, I should note that pro bono legal services should not be seen as a suitable replacement or alternative to legal aid services for the poor, including but not limited to the housing context. While the delivery of pro bono services over the last decade in particular has become more sophisticated and arguably more effective, given the rise of a specialized group of lawyers at large, private law firms running pro bono programs, studies continue to show that pro bono help offers only a scant fraction of the legal resources necessary to serve low-income clients in eviction proceedings. Moreover, law firms with pro bono programs face challenges in representing tenants and defendants in foreclosure actions, given conflict issues.

In conclusion, on behalf of the City Bar, I thank the Council for its commitment to improving access to justice in the City and the significant work it has done to raise public awareness around this issue. Please call upon us if we can provide any assistance to these efforts going forward.

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**REPORT ON LEGISLATION BY THE
PRO BONO AND LEGAL SERVICES COMMITTEE AND
HOUSING COURT COMMITTEE**

Int. 0214-2014 Council Members Levine, Gibson, Barron, Chin, Dickens, Eugene, Ferreras, Johnson, Lander, Mendez, Wills, Treyger, Rodriguez, Kallos, Koslowitz, King, Rosenthal, Cornegy, Cohen, Reynoso, Torres, Palma, Levin, Richards, Espinal, Miller, Mealy, Gentile, Maisel, Koo, Van Bramer, Cumbo, Williams, Constantinides, Rose and the Public Advocate (Ms. James)

A Local Law to amend the administrative code of the city of New York, in relation to providing legal counsel for low-income tenants who are subject to eviction, ejection or foreclosure proceedings.

THIS BILL IS APPROVED WITH RECOMMENDATIONS

There are currently four bills pending before the New York City Council related to providing the right to counsel in eviction, foreclosure and/or ejection cases in New York City which can result in the litigant's loss of shelter. In summary, the four bills each seek to provide a right to counsel to different segments of the population: (1) low-income litigants, defined as any litigant with income at or below 125% of the federal poverty level (Int. 0214-2014); (2) parents who have "minor children"; minor children is an undefined term, and the bill does not place an income limitation on the parents who would be able to access free legal services (Int. 0221-2014); (3) senior citizens, defined as anyone 62 years of age or older, and whose income, aggregated by household, does not exceed \$50,000 (Int. 0096-2014); and (4) disabled individuals, defined by the New York City Administrative Code, which provides a definition similar to the definition in the federal Americans With Disabilities Act (Int. 0501-2014); this bill is similar to the one that would cover parents with minors to the extent that it does not place an income limitation on anyone who might otherwise qualify under the bill for representation.

The Pro Bono and Legal Services Committee and Housing Court Committee (the Committees) of the New York City Bar Association support the enactment of Int. 0214-2014, which seeks to provide all tenant-respondents in Housing Court, or in other courts where litigants are defending against ejection or foreclosure proceedings, and who qualify financially with a right to counsel. We recommend that the economic level for accessing counsel be increased to include any individual or family whose income is at or below 200% of the federal poverty level. This change is necessary because of the inability of most of such litigants to access counsel in the present legal framework and the significant increase in likelihood of successfully averting an

eviction or loss of shelter if legal representation is available. Moreover, the bill will result in a significant cost savings to the New York City government (or at least be cost neutral) because more people would not be left homeless as a result of the absence of representation in Housing Court or other courts where such proceedings take place. And, we believe that it is important for the New York City Bar Association to inform the City Council, as a corollary to this recommendation, that pro bono legal services should never be viewed as a substitute for government funded legal aid, but should serve to fill the gaps that such legal representation cannot provide and/or assist the legal services providers with such representation. We also suggest that this recommendation be subject to modification pending further consolidation of the pending four bills, additional information provided by the Independent Budget Office, and input from the advocacy community.

General Background Regarding the Current Legal Landscape and the Right to Counsel

It has long been recognized that less than twenty percent (20%) of low-income people in New York City (and the United States as a whole) have access to legal counsel in civil cases. This statistic has been recognized recently by the Task Force to Expand Access to Civil Legal Services established by and reporting to New York State's Chief Justice, the Honorable Jonathan Lippman:

[A]t best, 20 percent of low-income New Yorkers have a lawyer to assist them in responding to matters involving life's most basic necessities, such as food, shelter, clothing, health care, subsistence income, education, and family safety and stability. As a result, Office of Court Administration data shows that some 2.3 million litigants in civil matters in courts in every region of New York State are unrepresented, and most of these unrepresented New Yorkers are low-income families and individuals. ... The Task Force has documented that when New Yorkers appear in civil matters in court without representation, litigation and other costs are higher and the opportunity to resolve disputes without litigation or to settle cases expeditiously is lost.¹

The lack of legal representation dramatically affects the ability of low-income people to effectively navigate the court system and obtain successful outcomes.² Represented parties benefit from statistically more favorable results in Housing Court, among other fora.³ And, in

¹ TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVS. IN N.Y., *Report to the Chief Judge of the State of New York 2* (2013), available at http://www.nycourts.gov/IP/access-civil-legal-services/PDF/CLS-TaskForceReport_2013.pdf; see, also LEGAL SERVS. CORP., *Documenting the Justice Gap in America: The Current Unmet Civil Needs of Low Income Americans 1* (2009), available at http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting_the_justice_gap_in_america_2009.pdf.

² *Id.* at 2.

³ Russell Engler, *Connecting Self-Representation to Civil Gideon: What Existing Data Reveal About When Counsel is Most Needed*, 37 *FORDHAM URB. L.J.* 37, 46-51 (2010).

New York City Housing Court, the vast majority of litigants without representation are racial minorities.⁴

Therefore, the access to justice gap is disproportionately affecting those who are already most vulnerable in our society, with the fewest resources to vindicate their fundamental human rights.

Further aggravating this problem is the fact that a significant percentage of people who are unrepresented in fact qualify for governmentally funded legal representation but do not receive it due to the limited resources of the legal services organizations representing low income people.⁵ And, it must be noted that many low-income people in need of assistance are ineligible for services because they do not meet the extremely low threshold for legal services eligibility – the same figure used in the current City Council bill that provides the otherwise most expansive access to counsel of the four pending bills.⁶

The benefits of having a right to counsel in housing cases are particularly compelling. While preventing evictions and saving city/taxpayer money is certainly important, a stable housing environment is highly correlated with children's better educational outcomes, a sense of belonging in the community at large, higher levels of employment, better mental and physical health, improved family relationships, lower crime, and a better support system.

Importantly, the evidence also shows that by providing a right to counsel in eviction cases, the New York City Council would potentially reduce costs associated with evictions and homelessness by millions, if not tens of millions of dollars on an annual basis.⁷ This figure may be near or equal to the cost of providing the right to counsel in the first place. The cost savings results from the positive impact that lawyers would have for clients facing eviction,

⁴ See TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVS. IN N.Y., *Report to the Chief Judge of the State of New York* 11-12 (2010), available at <http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-TaskForceREPORT.pdf>.

⁵ See LSC, *Documenting the Justice Gap*, *supra*, at 1-2, 11 (finding that “roughly one-half of the people who seek help from LSC-funded legal aid providers,” such as Legal Services NYC, “are being denied service because of insufficient program resources”).

⁶ LSC-funded services are presumptively available to those at or below 125 percent of the federal poverty line but in many if not most cases are available to those at or below 200 percent of the federal poverty level. See 45 C.F.R. pt. 1611. In 2014, this cutoff translates to no more than \$47,700 in gross income for a family of four.

⁷ See, e.g., TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVS. IN N.Y., *Report to the Chief Judge of the State of New York* 3 (2014) (“nationally recognized experts, commissioned by the Task Force on a pro bono basis over the past three years, have determined that investing in civil legal services provides substantial economic benefits to our State—specifically, more than six dollars for every one dollar of funding for civil legal services. For example, using conservative estimates, the 2011 Task Force Report ... documented that anti-eviction legal services programs funded by IOLA have saved approximately \$116 million annually in averted shelter costs for government”); *Housing Court, Evictions and Homelessness: The Costs and Benefits of Establishing a Right To Counsel*, Community Training and Resource Ctr. & City-Wide Task Force on Housing Court, Inc. at ii-iv (June 1993) (advocacy report prepared to contribute to the public debate on the right to counsel in Housing Court for eviction cases, and concluding that “[e]xtending a right to counsel to 70,000 tenants would save money” and that the study “demonstrates that protecting people before they become homeless is far more sound and humane social and fiscal policy than attempting to address the problem after people have become homeless”).

foreclosure or ejection. By obtaining more successful outcomes, and preventing many more individuals and families from entering the homeless shelter system which is very expensive, not to mention collateral economic savings, such as increased public school attendance due to families having stable living conditions, and the attendance-associated state reimbursements, New York City would likely receive a positive return on its investment in the right to counsel.⁸

Against this background, it is perhaps not surprising to learn that New York City (and the United States as a whole) is out of step with norms around the world relating to the right to counsel in cases where fundamental human rights, such as the right to shelter, are at stake. The United Nations Committee on the Elimination of Racial Discrimination (the “CERD Committee”) has expressed concern with the United States’ human rights record in this regard, calling particular attention to the “disproportionate impact that the lack of a generally recognized right to counsel in civil proceedings has on indigent persons belonging to racial, ethnic and national minorities, and calling on the United States to provide the resources to ensure these individuals have access to counsel where basic human needs are at issue.”⁹ The CERD Committee has further elaborated these rights and has called for states to recognize a civil right to counsel and to implement measures to guarantee access to justice in civil matters. In General Recommendation No. 29, the CERD Committee recommended that States “[t]ake the necessary steps to secure equal access to the justice system for all members of descent-based communities, including by providing legal aid.”¹⁰ The Committee also recommended that State Parties “[r]emove obstacles that prevent the enjoyment of economic, social and cultural rights by non-citizens, notably in the areas of ... housing.”¹¹

Other international bodies have reached similar conclusions concerning the importance of civil legal representation to fundamental fairness and protection of human rights. For example, the United Nations Human Rights Committee, which oversees compliance with the International Covenant for Civil and Political Rights, has observed that “[a]ccess to administration of justice must effectively be guaranteed in all such cases to ensure that no individual is deprived, in procedural terms, of his/her right to claim justice The availability or absence of legal assistance often determines whether or not a person can access the relevant proceedings or participate in them in a meaningful way States are encouraged to provide free legal aid in [non-criminal cases], for individuals who do not have sufficient means to pay for it. In some cases, they may even be obliged to do so.”¹²

Numerous U.N. special rapporteurs and independent experts have likewise emphasized the importance of ensuring access to counsel in civil cases, particularly where counsel is

⁸ *Id.*

⁹ Comm. on the Elimination of Racial Discrimination, *Concluding Observations – United States of America*, ¶ 22, U.N. Doc. CERD/C/USA/CO/6 (May 8, 2008).

¹⁰ CERD Comm., General Recommendation No. 29, Article 1, Paragraph 1, of the Convention (Descent), ¶ 5(u), U.N. Doc. A/57/18 at 111 (2002).

¹¹ CERD Comm., General Recommendation No. 30: Discrimination Against Non-Citizens, ¶ 7(29), U.N. Doc. A/59/18 at 93 (2004).

¹² Human Rights Comm., General Comment No. 32: Article 14, Right to Equality Before Courts and Tribunals and to a Fair Trial, ¶¶ 9-10, U.N. Doc. CCPR/C/GC/32 (Aug. 23, 2007).

necessary to secure basic human rights, and these sources have singled out housing in particular. The Special Rapporteur on Adequate Housing has noted that legal remedies are an important procedural protection against forced evictions but that such remedies are only effective where provision is made for the supply of legal representation.¹³ The Special Rapporteur on Extreme Poverty has similarly commented that the “[l]ack of legal aid for civil matters can seriously prejudice the rights and interests of persons ... for example when they are unable to contest tenancy disputes [and] eviction decisions.”¹⁴

New York City’s (and the United States’) failure to ensure meaningful access to counsel in housing cases is also out of step with international consensus. For example, the European Court of Human Rights has articulated the obligations of the state to provide counsel in civil cases. In 1979, the Court in *Airey v. Ireland* ruled that the right to a fair trial may demand that a state provide free legal assistance to those unable to obtain it when that assistance is necessary to provide effective access to the court.¹⁵ Explaining its reasoning, the Court stated that the European Convention on Human Rights “is intended to guarantee not rights that are theoretical or illusory but rights that are practical and effective. This is particularly true of the right of access to the courts in view of the prominent place held in a democratic society by the right to a fair trial.”¹⁶ The Court later expanded on this holding, emphasizing that legal aid may be required depending on the particular circumstances of a case, including “the importance of what is at stake for the applicant in the proceedings, the complexity of the relevant law and procedure and the applicant’s capacity to represent him or herself effectively.”¹⁷ It surely cannot be disputed that the housing laws in New York City are complex, that the right to housing is as fundamental as any other right, and that individuals in Housing Court (or defending in other fora against ejection or foreclosure proceedings) without a lawyer are unable to represent themselves effectively as borne out by the statistics cited above.

Recommendations

Against this background, the Committees endorse (subject to modification pending additional input from the New York City Council, the Independent Budget Office and the advocacy community) New York City Council Bill Int. No. 0214-2014 that provides access to counsel to the greatest number of people who are facing eviction or foreclosure of the four pending bills. This bill applies generally to all individuals who are at or below 125% of the federal poverty level. Each of the other pending bills is limited to a narrower population and therefore does not close the access to justice gap as much as Int. No. 0214-2014. And, given the above analysis, it is clear that the right to counsel in Housing Court (and in other fora with respect to ejection or foreclosure proceedings) likely will deliver economic return, as well as

¹³ Human Rights Council, *Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in this Context*, ¶ 69, U.N. Doc. A/HRC/22/46 (Dec. 24, 2012).

¹⁴ Human Rights Council, *Special Rapporteur on Extreme Poverty and Human Rights*, Report of the Special Rapporteur on Extreme Poverty and Human Rights ¶ 62, U.N. Doc. A/67/278 (Aug. 9, 2012).

¹⁵ 2 Eur. Ct. H.R. 305, ¶ 26 (1979).

¹⁶ *Id.* at ¶ 24.

¹⁷ See *Steel & Morris v. United Kingdom*, 22 Eur. Ct. H.R. 403 (2005).

dignity and hope to the clients, and correspondingly better results in the courtroom for these litigants seeking to retain their fundamental right to shelter.

By passing this legislation, but increasing the financial eligibility cut-off to individuals at or below 200% of the federal poverty level, the New York City Council would be utilizing the financial criteria that the New York State Office of Court Administration uses to fund legal services in each county (*e.g.*, based on the proportion of the population living at or below 200% of the federal poverty line),¹⁸ and how the Legal Services Corporation of America permits grantees, including those in New York City, to serve and count clients in many and even most cases.¹⁹ Consistent with this framework, the Chief Judge's Task Force to Expand Access to Civil Legal Services has specifically recommended that government funded legal service cover all low-income individuals who are at or below 200 percent of the federal poverty level because it is virtually impossible for such individuals to otherwise access counsel.²⁰ By enacting this legislation with this modification, New York would stand as a model for other jurisdictions to fund right to counsel programs that are the only meaningful way to bridge the long-standing access to justice gulf. Perhaps most important, a right to counsel for low income tenants will help make one of the most critical parts of our system of justice, primarily the Housing Court, functional and something that we can be proud of.

Furthermore, for this right to counsel legislation to be meaningful it needs to be understood by all parties that (i) funding must be adequate to provide full representation, and (ii) representation must be provided by competent, experienced, qualified attorneys with workable caseloads and sufficient social services and related support to effectively achieve the ultimate goal of averting evictions and enabling tenants to pay and landlords to receive their legally due rents. It is our recommendation, therefore, that the delivery system for this representation be by approved, institutional, non-profit providers who demonstrate adequate experience and capacity for comprehensive support to clients in order to achieve these requisite goals, and that the funding to implement this legislation be sufficient. Such representation is also expressly called for by New York's Task Force to Expand Access to Civil Legal Services:

“[The] Task Force again concludes that the most urgent unmet legal needs for which the proposed funding should be directed are civil legal services in matters involving “the essentials of life”— [*e.g.*,] housing (including evictions, foreclosures, and homelessness) Moreover, the Task Force continues to recommend that prevention efforts and early intervention be prioritized, and continues to find that well-trained and seasoned

¹⁸ See <http://www.nycourts.gov/admin/bids/PDFs/JCLS-RFP-2013.pdf>.

¹⁹ See 45 C.F.R. § 1611.5.

²⁰ See TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVS. IN N.Y., *Report to the Chief Judge of the State of New York* 19 (2014) (recommending that “the most vulnerable families and individuals who receive funded civil legal assistance should continue to include those living” at or “below 200 percent of the federal poverty level”).

experts are necessary to address the complex legal problems that low-income clients frequently face.”²¹

Finally, it must be noted that pro bono legal services should not be seen as a suitable replacement or alternative to legal aid services for the poor, including but not limited to the housing context. While the delivery of pro bono services over the last decade in particular has become more sophisticated and arguably more effective, given the rise of a specialized group of lawyers at large, private law firms running pro bono programs, studies continue to show that pro bono help offers only a scant fraction of the legal resources necessary to serve low-income clients in eviction proceedings, and that law firms with pro bono programs face challenges in representing tenants and defendants in foreclosure actions, given conflict issues.

Therefore, through this legislation, the City Council should encourage all private lawyers in New York City to devote more resources to low-income clients in Housing Court and otherwise. However, the types of cases that are best suited for pro bono attorneys who are generally not experts and do not have the training or experience to represent the clients in the difficult eviction and foreclosure cases (and may even be conflicted from doing so given the paying clients that many large law firms represent), are those that would not be covered by the pending bills. This includes housing repair (“HP”) cases and Article 7A proceedings, the latter where an administrator is sought to be appointed to remedy hazardous housing conditions, long term neglect and/or harassment. In addition, pro bono resources could be devoted to clients who fall outside the 200% income limit that is recommended.

February 2015

²¹ TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVS. IN N.Y., *Report to the Chief Judge of the State of New York* 18-19 (2014) (emphasis added).

April 15, 2015

**Testimony of Executive Director McGregor Smyth
On Behalf of New York Lawyers for the Public Interest
Before the New York City Council's Committee on Courts and Legal Services**

We would like to thank the Speaker, Councilmember Levine, Chairperson Lancman, and the Committee on Courts and Legal Services for this opportunity to provide testimony in support of **Int. No. 736**, creating a new Office of Civil Justice.

I. New York Lawyers for the Public Interest

For nearly 40 years, New York Lawyers for the Public Interest (NYLPI) has been a leading civil rights and legal services advocate for marginalized New Yorkers. Through our community lawyering model, we bridge the gap between traditional civil legal services and civil rights, building strength and capacity for both individual solutions and long-term impact. Our work integrates the power of individual legal services, impact litigation, and comprehensive organizing and policy campaigns. Guided by the priorities of our communities, we strive to create equal access to health care, achieve equality of opportunity and self-determination for people with disabilities, ensure immigrant opportunity, strengthen local nonprofits, and secure environmental justice for low-income communities of color.

Our full-time staff of 32 includes lawyers, community organizers, social workers, legal advocates, development professionals, and administrators.

In the past five years alone, NYLPI advocates have represented thousands of individuals and won campaigns improving the lives of millions of New Yorkers. Our work with community partners has led to landmark victories including deinstitutionalization for people with mental illness; access to medical care and government services for those with limited English proficiency; increased physical accessibility of New York City public hospitals for people with disabilities; cleanup of toxins in public schools; and equitable distribution of environmental burdens.

In addition, NYLPI's Pro Bono Clearinghouse provides critical services to strengthen non-profits throughout every community in New York City. Drawing on volunteer lawyers from New York's most prestigious law firms, we help nonprofits and community groups thrive by providing free legal services that help organizations overcome legal obstacles, build capacity, and develop more effective programs. Through educational workshops, trainings for nonprofit leaders, individual counseling and a series of publications, the Clearinghouse is at the forefront of helping nonprofits maximize their impact on communities in each of your Districts.

II. Need for An Expanded Conception of Civil Legal Services

Under the leadership of this Council and Mayor de Blasio, we are at a moment of tremendous and exciting new investment by the City in civil legal services. As the Speaker recognized in her State of the City address this year, New York City residents and their families grapple with many challenges such as housing, health, and employment, which cannot be

resolved without legal assistance, yet the evidence shows that more than a million low-income residents lack access to the critical legal services they need. We applaud the Speaker's and the Council's commitment to tackle these issues and explore innovative approaches to civil legal services.

This historic climate – and the potential with Intro. No. 736 for a new Office of Civil Justice – provide an important opportunity to talk about forging a broader conception of civil justice, beyond what many people conceive as traditional “civil legal services.” It also provides an opportunity to examine which needs in communities around New York City are **not met** by the current conception of “civil legal services,” and what we as a City must do to meet those urgent needs.

As the Council begins to examine and build new concepts of civil legal services, we at NYLPI urge you to take a broad view of what civil justice means in 2015. A model of civil justice services that provides a large and systemic impact, along with concrete deliverables measured by how people's lives are improved, can be achieved. This is proven by NYLPI's work and the range of successful service models of its partners in LEAP, a legal advocacy network of 14 New York City civil legal services providers who came together in 2004 to expand the availability of quality legal services. Our network includes Brooklyn Legal Services Corporation A, Brooklyn Defender Services, Catholic Migration Services, CAMBA Legal Services, The Door, Goddard Riverside Law Project, Housing Conservation Coordinators, Lenox Hill Neighborhood House, Make the Road New York, MFY Legal Services, New York Lawyers for the Public Interest, Northern Manhattan Improvement Corp. Legal Services, The Bronx Defenders, and Urban Justice Center. Collectively, we employ hundreds of lawyers, advocates, organizers, and other staff members, who provide critical assistance to over 80,000 low-income households every year through innovative legal services delivery models. With vastly increased civil justice funding, we urge the Council to support both traditional “emergency room” civil legal services, and to focus on longer-term, more proactive legal solutions.

III. Two Communities in Need of Civil Justice Services: People with Disabilities and Immigrants

Two communities that NYLPI serves who face pressing civil justice needs and would benefit from an expanded concept of “civil legal services” under Intro. No. 736 are people with disabilities and immigrants. Both of these communities face high levels of poverty, significant barriers to opportunity, and have significant needs beyond the traditional legal services model.

Nearly 15% of NYC residents have a disability. People with disabilities are disproportionately poor. It is estimated that 32% of people with disabilities live in poverty, and the “poverty gap” between people with and without disabilities is wider in New York City than the rest of the State and in the United States.¹ In New York City, the poverty rate for people with disabilities is 18.3% higher than for people without disabilities, and this rate climbs to 25.9% in Manhattan. A sizeable population of individuals with disabilities in New York City are thus subsisting at 200% of the federal poverty level or below. Similarly, there is an employment gap of 41% between the disabled and non-disabled. According to a 2009 HUD report, more than

¹ <http://www.cidny.org/resources/News/Reports/Disability%20Matters.pdf>

40% of the homeless population is made up of people with disabilities.

In addition, an estimated half million New York City residents are undocumented and uninsured. An estimated 36% of the potential health insurance enrollee population prefers to speak a language other than English.

These two communities share the need for innovative civil legal help in two critical areas: access to health care and housing. For example, undocumented and uninsured New Yorkers with serious medical conditions must be able to access available health insurance, and by extension critical health care in their communities, and their pressing needs are often missed by traditional delivery models of legal services. Similarly, people with disabilities are at grave risk of landlord displacement and harassment in their longtime homes, but because of isolation, language, and physical barriers, are often unable to access traditional legal services.

Meaningful Access to Health Care

Both people with disabilities and immigrants face tremendous barriers in their meaningful access to health care. We have seen an exponential increase in the number of insureds in New York City through the Affordable Care Act. But although many more individuals may technically be enrolled in Medicaid or other health insurance, they **still** face serious obstacles to actually seeing and communicating with their medical providers. These may be transportation barriers, for example because Access-A-Ride – the City’s accessible transportation service for people with disabilities who cannot use public transportation – has for so long failed to provide interpretation and translation services, making it impossible for riders to use it who are Limited English Proficient. NYLPI is working through class action litigation and policy reform to correct the Transit Authority’s refusal to provide critical language services.

Once clients even physically arrive at their medical providers, they often face huge accessibility barriers to equal access to medical care at their doctor’s offices, clinics, or hospitals. These barriers include difficult building entrances and inaccessible basic medical equipment such as examination tables. In 2012, NYLPI published a report on barriers to health care for women with disabilities, “Breaking Down Barriers, Breaking the Silence: Making Health Care Accessible for Women with Disabilities.” After the release of our report, which spurred a City Council oversight hearing on accessible care, the City Council agreed to give \$5 million to the City’s public hospital system for accessibility changes. The City hospitals also agreed to give trainings to all their staff on disability competency. In conjunction with ICS, NYLPI has been providing the legal obligations component of such trainings, and in the past two years, has provided eight trainings to 300 attendees about medical access to healthcare for people with disabilities, including to healthcare providers throughout New York City. However, these problems persist throughout the City, particularly in the context of private medical providers.

In addition, if they can physically get to their doctor’s office and access it, they often face significant communication barriers because medical providers – in the private sector especially – are not living up to their legal obligations to provide interpretation and translation services. Patients must be able to communicate with their doctors in a language they understand, and they have a legal right to do so.

For these immigrant New Yorkers who are uninsured, access to healthcare is also deeply limited; they rely primarily on expensive visits to the emergency room or simply go without medical care entirely. This situation is most dire for older individuals and persons suffering from

serious, chronic illnesses such as End Stage Renal Disease. In particular for this group of individuals with serious health conditions, access to insurance – and thus a full-range of healthcare services – can be life-changing and can also reduce uncompensated care at hospitals. NYLPI is working on a variety of fronts to assist undocumented and uninsured New Yorkers with serious medical conditions obtain access to critical healthcare. Through outreach to community-based healthcare providers and dialysis centers, NYLPI has learned that many individuals with long-term healthcare needs have never been assessed by a lawyer for immigration relief. In New York State, persons with pending applications for an immigration benefit are immediately eligible for full Medicaid, which can make a critical difference in their health. We provide immigration screenings and legal representation to enable uninsured, undocumented patients to gain immigration status and enroll in Medicaid. Throughout the New York City area, there is a huge, unmet need to continue and expand this representation.

These barriers to medical care of equal access and communication are prevalent for people with disabilities and immigrants. Real, long-term solutions require extensive outreach, organizing, and education, in addition to direct and impact legal services that few provide.

Obtaining and Maintaining Accessible and Stable Housing

People with disabilities and immigrants also face unique barriers to obtaining and maintaining accessible and stable housing.

Because of poverty, underemployment, and isolation, and sometimes by virtue of the nature of their disabilities, people with disabilities are some of the most frequent targets of landlord harassment and neglect. Many landlords refuse to install legally required accommodations such as ramps and grab bars. Other landlords refuse to renew leases for people with disabilities, particularly those who receive government subsidies to pay their rents, and often in the face of rising gentrification in buildings and neighborhoods. People with disabilities and who are Limited English Proficient are also often the least able to access legal help to protect their rights when faced with discrimination and abuse. They may be afraid to go to court. Protecting the rights of people with disabilities faced with landlord harassment and discrimination allows them access housing and remain in their homes with proper accommodations.

The impact and cost of eviction for people with disabilities is profound. Many New York City homeless shelters do not even accommodate or serve people with disabilities. Among other barriers, community partners report individuals with mental illness being inappropriately screened out of shelter services, Deaf individuals not being provided with sign language interpreters or other reasonable accommodations, and blind individuals being told they cannot keep their service animal. In other circumstances, people with disabilities may be forced to remain in abusive situations or end up living on the street. Widespread physical inaccessibility and source of income discrimination makes obtaining new housing for people with disabilities, who often have housing subsidies, incredibly difficult.

Solutions to these problems demand that we move beyond traditional housing court work. NYLPI aggressively enforces federal and state fair housing and anti-discrimination laws to prevent the illegal harassment and discriminatory treatment of tenants with disabilities. This may be in federal court in affirmative actions brought before a landlord has even commenced an eviction proceeding. There are a range of venues and solutions outside of housing court, whether they be an administrative proceeding, federal court, or informal advocacy, all of which lead to **real and tangible outcomes** of saving and preserving people's housing.

IV. NYLPI's March 24, 2015 Report on Ensuring Access to New York City Courthouses for People with Disabilities

As this Committee considers the civil legal services needs of New Yorkers in this changing landscape, we also want to bring to the Committee's attention a report NYLPI released three weeks ago, entitled "Accessible Justice: Ensuring Equal Access to Courthouses for People with Disabilities." The report uncovers numerous accessibility barriers for people with mobility impairments at New York City courthouses. Among other findings, the report finds that City agencies, including the New York City Department of Correction (DOC), discriminate against people who use wheelchairs, in violation of the American with Disabilities Act (ADA), by failing to provide accessible booking areas, holding pens and restrooms. In addition, as detailed by the report, an investigation of numerous courthouses throughout the city reveals that people with mobility impairments experience countless barriers trying to access public areas such as courthouse entrances, courtroom spectator seating, and jury boxes.

The barriers identified in NYLPI's report lead to undignified and humiliating treatment of people with disabilities. Some New Yorkers in wheelchairs have reported being carried down several flights of stairs to be booked and processed at Manhattan Criminal Court (MCC)'s central booking area. People with disabilities in DOC's custody have been held in the DOC holding pens without access to wheelchair-accessible bathrooms. MCC is not the only site of inaccessibility. A client has reported encountering inaccessible holding pens at the 111 Centre Street courthouse, and we are concerned about the inaccessibility of DOC holding pens throughout the City. Additionally, we have heard of troubling accounts of complete inaccessibility of the criminal court at 67 Targee Street in Staten Island.

Our report details findings from our investigation of the public areas of courthouses throughout the city, and sets forth a number of recommendations to address the barriers impeding equal access. To summarize, we recommend that DOC work with the relevant entities, such as the Department of Citywide Administrative Services (DCAS) and the Office of Court Administration (OCA), to do the following: (1) make immediate improvements by removing egregious barriers; (2) create an inter-agency task force to audit and survey every courthouse; (3) train staff to safely, effectively and efficiently ensure that individuals with disabilities have equal access to courthouses; and (4) ensure oversight and accountability of ADA compliance at courthouses.

We thank Chairperson Lancman for his leadership on this issue. Chairperson Lancman has announced his plans to hold an oversight hearing on the matter and to introduce legislation that would require an annual accessibility audit.

V. Conclusion

It is critical that the New York City Council, and the proposed Office of Civil Justice, help ensure that these needs are sufficiently analyzed and that a wide range of civil justice models are supported to meet them. Once again, we would like to thank the Committee for convening this hearing. We appreciate the opportunity to provide this testimony on behalf of our clients and the communities we serve. We hope the issues we have identified above will inform the Committee's advocacy in the coming months. Please contact McGregor Smyth at (212) 244-4664 or msmyth@nylpi.org for further information or discussion.

The Bronx Defenders

Redefining public defense.

**Spoken Comments of The Bronx Defenders in Support of Intro 736:
A Local Law to Establish the Office of Civil Justice
New York City Council Committee on Courts and Legal Services
April 15, 2015**

Good afternoon. My name is Kate Rubin and I manage the Civil Action Practice at The Bronx Defenders. We are also a member of LEAP—a network of fourteen legal services providers here in the City.

Thank you to the Committee for the opportunity. You have my longer written comments, but for today I just have a few bullet points:

- First and foremost, we enthusiastically support Intro 736.
- One of the key things we hope the Civil Justice Coordinator will do is work with agencies to collect and share data, and implement policy reforms that will both reduce the need for and sustain the impact of civil legal services. We urge these collaborations to include agencies like Department of Correction, Probation, and even NYPD as well as the usual suspects.
- As the city takes tremendous steps to strengthen legal services, I want to underscore the importance of a diverse community of providers to meet diverse needs. This includes small programs with deep ties to neighborhoods; new and innovative models; and citywide programs that serve clients in multiple boroughs even without physical borough-based offices—we have fabulous examples of those in LEAP.
- But I especially want to highlight the holistic defense model at The Bronx Defenders. We offer comprehensive civil legal services *within* a city-funded criminal and family defense office. When a family is facing eviction because of an arrest, or a woman's cash is subject to civil forfeiture after she was falsely arrested for prostitution, or a child remains in foster care because of unsafe conditions in her mother's apartment,

our Civil Action Practice provides early and effective intervention. Three lessons from holistic practice that we think are helpful.

1. *Legal services providers must be equipped to serve people with criminal histories.* Millions of New Yorkers have criminal records, the vast majority in poor communities of color. The future of civil legal services must include this group.
 2. *Most clients will seek services first where they have received them before, and early intervention can prevent worse consequences down the road.* When a client has an open criminal case, a simple plea consult can prevent deportation or preserve a job.
 3. *Interdisciplinary teams really work.* Because each member of our staff is trained differently, they focus on issues an attorney in isolation might miss.
- Finally, we echo our colleagues calling on the Council to enact Intro 214, ensuring a fundamental right to counsel in Housing Court in New York City.

The Bronx Defenders

Redefining public defense.

Written Comments of The Bronx Defenders in Support of Intro 736:

A Local Law to Establish the Office of Civil Justice

New York City Council Committee on Courts and Legal Services

April 15, 2015

Good afternoon. My name is Kate Rubin and I am the Managing Director of the Civil Action Practice at The Bronx Defenders. I submit these comments in support of Intro 736 on behalf of The Bronx Defenders and thank the City Council and members of the Committee on Courts and Legal Services for the opportunity to testify.

The Bronx Defenders provides innovative, holistic, and client-centered criminal defense, family defense, civil legal services, and social work support to indigent people of the Bronx. Our staff of nearly 250 represents over 35,000 people each year and reaches thousands more through outreach programs and community legal education. We work in interdisciplinary teams to ensure that each client of The Bronx Defenders has seamless access to multiple advocates and services to meet his or her legal and non-legal needs. The primary goal of our holistic defense model is to address the underlying issues that drive people into the criminal justice system and mitigate the devastating impact of criminal justice involvement, such as deportation, eviction, removal of children from the home, or loss of employment, student loans, and public benefits. Instead of referring to these outcomes as “collateral consequences,” we use the term “enmeshed penalties,” which better reflects the grave risks and realities that our clients face from the moment of arrest.

The Bronx Defenders is also one of the three legal providers for the groundbreaking New York Immigrant Family Unity Project (NYIFUP), the first universal public defender program in the country for immigrants facing deportation. Created by the City Council through a pilot program in 2013 and expanded last year, NYIFUP provides free, high-quality legal representation to every detained indigent immigrant facing deportation in the City of New York.

Studies have found that that access to counsel can improve the chance of winning a deportation case by as much as 1000%.

In addition to the NYIFUP Consortium, The Bronx Defenders is also a member of LEAP, a legal advocacy network of 14 New York City civil legal service providers; the Association of New York State Civil Legal Services Organizations, where I sit on the Board of Directors; and the New York State Coalition of Reentry Advocates. We are active members of the Right to Counsel NYC Coalition and numerous other campaigns, coalitions, and partnerships whose mission is to expand access to justice for all New Yorkers.

We are in a truly exciting moment for civil legal services in New York City, exemplified by the achievements of Chief Judge Lippman's Task Force to Expand Access to Civil Legal Services; the extraordinary commitment of this City Council and the Mayor to continuing to expand access to counsel, especially in housing and immigration court; the formation of the Committee on Courts and Legal Services; the momentum of the Right to Counsel NYC campaign; the creation of new programs like Immigrant Justice Corps and Poverty Justice Solutions through public-private partnerships; and the establishment of the new statewide association of civil legal service providers.

Given ongoing developments and the multitude of stakeholders involved—including clients, communities, providers, advocates, funders, and the government—there is a crucial role for a robust Office of Civil Justice to coordinate city-level efforts and champion legal services in New York City for decades to come. We enthusiastically support the establishment of this role and we thank the Council for its leadership in creating it. We also echo our colleagues in the Right to Counsel Coalition of NYC in calling on the City Council to build on the vision of the Civil Justice Coordinator and move quickly to hold hearings on and enact Intro 214, which would ensure a fundamental, City-funded right to counsel in Housing Court.

Scope and Mandate

The Bronx Defenders supports Intro 736 because an Office of Civil Justice will help us serve our clients better. At the policy level, a Civil Justice Coordinator could bring together city agencies, the courts, and the City Council—collaborating closely with the Committee on Courts and Legal Services—to implement policy reforms that will both alleviate the need for and sustain the impact of civil legal services. Like the Mayor’s Office of Criminal Justice, the Office of Civil Justice could collect and share data from the courts and relevant agencies to inform policy decisions. Most importantly, the Civil Justice Coordinator would expand access to high quality civil legal services for low-income New Yorkers. The office would help ensure that providers are positioned to respond to the needs of communities as they change, not only in times of crisis and emergency but in response to opportunities, such as the President’s deferred action programs for immigrants.

In performing these duties, especially when evaluating civil legal services needs and gaps in existing services, it is critical that the Civil Justice Coordinator recognize the role played by the full community of providers in meeting the wide-ranging needs of low-income New Yorkers. This includes small programs with deep ties to specific neighborhoods; new and innovative models; and citywide programs that successfully serve clients in multiple boroughs even without physical offices, saving overhead costs and maintaining flexible intake systems by partnering with community-based organizations and elected officials. A city as large, diverse, and rapidly changing as ours needs a broad array of civil legal services providers with the capacity, expertise, and flexibility to meet the needs of low-income New Yorkers.

The Bronx Defenders Model: Early, Efficient, and Effective Intervention

At The Bronx Defenders, we have built a dynamic model for meeting the acute needs of individuals and families whose arrest, incarceration, or family court involvement have triggered complex and intertwined civil legal problems. With 35 full-time advocates who practice in housing, immigration, public benefits, employment, and other substantive areas of law, the Civil Action Practice has pioneered a model of a high-quality, cost-effective and comprehensive civil

legal services practice operating *within* a city-funded criminal and family defense office. Our unique model bridges the gaps between legal, social, and community services to address the problems that drive many of our clients into the criminal justice and family court systems. Fully integrated with the Criminal and Family Defense Practices at The Bronx Defenders, Civil Action Practice advocates are uniquely poised to assess client needs, collaborate across practices, and implement winning strategies.

Catherine K., one of the first clients served by the Civil Action Practice more than a decade ago, perfectly illustrates the cycle of poverty and crime that traps so many New Yorkers, especially in the Bronx. Catherine had been in a Drug Treatment Court program for over a year when we met her because she had just been re-arrested for drug steering. She had been in jail overnight and she was, understandably, beside herself. She had just given birth to a baby, and the week before her arrest her public benefits had been randomly cut off and she had been served with eviction papers. She desperately needed money, so she agreed to point anyone who asked for drugs in the direction of a street-level dealer. With a promise that the Civil Action Practice would handle the eviction and public assistance issues, the judge agreed not to remand Catherine for more jail time. Two eviction cases and one public benefits fair hearing later, Catherine finished her program and was stably housed with her children in a new Section 8 apartment.

Fast forward nearly fifteen years to Ritchie M. Mr. M became a client of The Bronx Defenders when he was wrongfully accused of violating the terms of his probation. He had recently lost his job and despite his technology training and experience, he could not find employment because of his criminal record. As a result, he fell behind in his rent and faced imminent eviction. Additionally, as a direct consequence of the criminal court allegations, a family court case was filed against Mr. M, putting him at risk of losing legal custody of his young daughter. The Civil Action Practice prolonged Mr. M's non-payment eviction proceeding for over 18 months while he applied for public benefits and an ongoing rental subsidy. With the assistance of our Family Defense Practice, Mr. M spent those months fighting his case in family court, ultimately getting both the family and criminal cases dismissed. Finally, after nearly two years of litigation, Mr. M also resolved his housing court case and saved his home for himself and his daughter. Since then, Mr. M became a leader of The Bronx Defenders Organizing

Project, a client-led community organizing group, and he recently returned to work as a part-time graphic designer.

Just as the incredible stresses of poverty can drive our clients into criminal and family court, so too can the crises of court involvement trigger new legal obstacles for our clients. Damasia C. was arrested for prostitution after she and her boyfriend were stopped by the NYPD, who searched her purse and found \$2,599. Also in Damasia's purse was paperwork confirming her tax return of \$2,599 and a check cashing receipt. But that did not matter—Damasia was arrested for prostitution. Her criminal case was dismissed on her first court date, but in the meantime the NYPD had marked the \$2,599 first as arrest evidence and then for civil forfeiture. In the nearly six months that it took for our Civil Action Practice to retrieve Damasia's money from the NYPD property clerk, she was served with eviction papers in her own apartment.

Since The Bronx Defenders has expanded to provide institutional defense in family and immigration court, we have seen the power of holistic defense to address enmeshed civil penalties beyond the criminal context. For our clients facing placement of their children in foster care because of abuse or neglect allegations, housing and benefits are implicated in nearly every case. Children may be initially removed by Administration for Children's Services (ACS) because of unsafe conditions in the apartment and forced to remain in foster care because of delays in repairs. Once children have been removed from the home, parents face reductions in public assistance budgets and frequently fall into rental arrears. By the same token, immigrant families often fall behind on rent when the breadwinner is detained in removal proceedings.

In each of these situations, our comprehensive, client-centered services allow us to identify issues early and work collaboratively to address them. Clients are not bounced between providers or even departments; all of their advocates work together on interdisciplinary teams that include social workers, parent advocates, investigators, and paralegals, as well as criminal defense, family defense, and civil attorneys. This approach allows us to build on existing relationships with clients and intervene to solve problems before they reach crisis proportions. It has also allowed us to develop expertise in specific areas of law, including immigration consequences of criminal convictions, drug holdover proceedings in housing court, public

housing and Section 8 terminations for non-desirability, civil forfeiture proceedings, and statutory bars to employment.

As The Bronx Defenders has grown, we have continued to expand the definition of holistic defense. As a community-based provider, we remain committed to a flexible intake system: anyone can walk in on any day of the week and meet with a Community Intake Advocate for screening. When we cannot offer full representation, we provide general legal information and a high quality referral to another organization. Programs like Healthy Mothers, Healthy Babies and Focus on Fathers provide ongoing peer support with the aim of reducing the harm of contact with the system before it occurs.. The Bronx Defenders Organizing Project helps current and former clients to develop leadership skills and become advocates for systemic reform. We reach hundreds of people through “Know Your Rights” trainings each year, and we partner with dozens of organizations, elected officials, and city agencies in the Bronx and citywide at annual events like our Youth Justice Summit and Community Block Party.

Lessons from Holistic Practice

The Bronx Defenders is just one of many examples of innovative and effective legal services models built to respond directly to specific client needs. We are enthusiastic about the potential of the Office of Civil Justice to strengthen civil legal services across New York City by building on the experiences of providers and marshaling crucial resources. To that end, we offer the following lessons we have learned from holistic practice:

-
- *Legal services providers must be equipped to serve individuals and families with criminal histories.* The Division of Criminal Justice Services reports that over seven million New Yorkers have criminal records,¹ and we know that the vast majority are concentrated in poor communities of color that are the traditional consumers of civil legal services.

¹ As of December 31, 2012, there were 7,379,600 individuals with criminal background information reported in the New York state criminal history file.

- *Individuals with criminal records are a large legal services population with unique needs.* The future of civil legal services in New York City must include funding priorities for outreach efforts aimed at serving this group. Innovative models of civil legal services practices co-located in public defender offices *and* specialized projects in civil legal services offices must be supported and expanded.
- *Most clients will seek services first where they have received them before.* Because of our existing relationships with clients, many come to our office first when their public benefits are terminated or when they receive a letter suspending an employment license or a notice from a landlord.
- *Early intervention can avoid crises and mitigate more severe consequences down the road.* For a client with an open criminal case, a simple plea consult with a legal services provider can prevent deportation, preserve an employment license, or guard against eviction. Fixing a criminal record error or obtaining a Certificate of Relief from Disabilities while the client has a relationship with a public defender and a case before a Judge can mean a much more rapid return to work after the end of a criminal case.
- *No one advocate can deal with every situation, but teams working closely together with individual advocates who are experts in selected areas are well poised to help clients in any matter.* We have had tremendous success pairing clients with interdisciplinary teams. Because each member of The Bronx Defenders staff is trained differently, each advocate focuses on issues that an attorney in isolation might miss or undervalue.

**TESTIMONY OF ANDREW SCHERER
POLICY DIRECTOR, IMPACT CENTER FOR PUBLIC INTEREST LAW
AT NEW YORK LAW SCHOOL**

**Before the New York City Council Committee on Courts and Legal Services, on
INTRO 736, which amends the City Charter to
establish an Office of Civil Justice**

April 15, 2015

Good afternoon. I am Andrew Scherer and I am the Policy Director of the Impact Center for Public Interest Law at New York Law School. The Impact Center was launched by New York Law School in the fall of 2014 to advance the public interest, to support the practice of public interest law and to help NYLS students become public interest law practitioners. I am directing a Right to Counsel Project at NYLS and am an active member of the NYC Coalition for a Right to Counsel in Housing Court.

I have a long history with civil legal services and the movement for access to justice. For over thirty years, starting in the late 1970's, I was a civil legal services attorney with Legal Services NYC; my last 9 years there, I was the Executive Director. As a young staff attorney, representing tenants in the South Bronx in the days when the Bronx was truly burning, I saw the transformative difference we could make for our clients. Since leaving Legal Services NYC in 2010, I have travelled the country and, to some extent the world, as a consultant – advising, evaluating and visiting civil legal services programs, and I've seen the enormous impact legal help has on people's lives, and the problems that fester when they cannot get the legal help they need. I concluded in my early days in legal services, and continue to firmly believe, that access to legal assistance for fundamental matters such as loss of one's home, must be a right. I wrote my first law review article on the topic in the late 1980's.

After many years in the proverbial wilderness, it is enormously heartening to see the progress being made toward meaningful access to justice in New York. The City Council and the Administration have displayed amazing, unprecedented and overwhelming commitment to access to justice. The increased funding for civil legal services through the efforts of the Mayor, the Speaker and the Council – amounts both already realized and those projected -- is truly awesome.

The creation of a Civil Justice Coordinator's office through Intro 736 represents an important and critical step in building an infrastructure in New York City to assure

access to justice. The Office's mandate under the City Charter provision is to do all the right and necessary things to further access to justice – examine needs, coordinate services, assess efficacy and capacity, and plan for expansion of services. The charter provision rightly prioritizes the expansion of legal assistance with housing matters. Without doubt, the Office is a necessary step towards a civil right to counsel in housing matters. Necessary, but not, alone, sufficient.

I urge the Administration, the Speaker and the Council to now take the bold next step – to establish, through legislation, a right to counsel for people who face losing their homes in legal proceedings. Establishing a right does what no amount of funding can do – it completely shifts the dynamic for the long haul and sends a powerful message about respect and human dignity. Funding can be eliminated. A right is far more difficult to take away.

The time is right. This is a problem-solving administration that is, in partnership with the Council, not afraid to take on the big, important issues, not afraid to make change where change is needed. There is a broad consensus that this change is needed. On December 5, 2014, the Impact Center at NYLS hosted a public forum on the right to counsel. I have attached quotes from the experts who spoke at that forum to this testimony.

I'm going to talk about the reasons the city *should* create a right to counsel for low-income people who face losing their homes in legal proceedings, and the reasons the City *can* create the right. But ultimately, the question comes down to what kind of city we want to live in.

Here are the reasons the City *should* create the right:

- The right to counsel in housing matters shifts the paradigm in our system of justice, from a system of pay to play where low-income are always left out, to a system that treats people with the dignity and respect they deserve.
- The right to counsel conveys a strong, incontrovertible message that the lives, homes and families of New York City's lowest income residents matter.
- The right to counsel fosters equity in a city increasingly polarized, and faith in the possibility of a single system of justice for all. And because of the nexus between race and income, the right to counsel fosters racial as well as economic equity.
- The right to counsel vindicates the constitutional rights of due process and equal protection and fundamental human rights under international law.
- Quite simply, the right to counsel keeps people in their homes and averts the personal tragedy and rising social cost of homelessness.

- The right to counsel protects the affordable housing stock – under current law, every eviction and displacement from rent regulated housing creates an opportunity for the landlord to raise rents and deregulate the housing unit, leaving one more family without affordable housing and one less unit of affordable housing.
- The right to counsel will save public dollars better spent elsewhere.
- The right to counsel will forever change, for all of us, our expectations about what is right and just.
- And, the right to counsel places New York City where it should be, and where it always has been, leading the country in a matter of fundamental civil rights.

And here are the reasons the City *can* create the right:

- The city has the legal authority to create the right. The State's delegation of power to the City under the state constitution and the Municipal Home Rule Law is clear, the City is empowered to protect the well-being of its people.
 - The City has done it before. In 1993, the City established a right to counsel by statute for people with tuberculosis who are subject to detention.
 - The City has often led the way – with the first housing code, the first public housing, the first zoning law, with human rights protections.
- The City can afford to create the right. Indeed, it cannot really afford not to. In the short run, it will be a cost. The IBO and City Council Finance Division estimates vary greatly, from \$117 to \$170 million fully implemented. BUT:
 - The amounts projected for eviction-prevention legal services for next year are a third of the overall cost and could cover the first phase of implementation.
 - All of the projections show that the cost of counsel is more than offset by the savings in the shelter system realized by preventing homelessness. If the costs of counsel were shared by the federal and state governments the way the costs of shelter are shared, the city's expense for counsel would be more than offset by its savings.
 - None of the cost estimates take into consideration the impact on affordable housing, one of the Mayor's top priorities. Every unit of affordable housing retained means that one less family needs a new affordable unit.
 - This is not a huge expense to change the face of the justice system for low-income New Yorkers. By comparison, the NYT recently reported that there are single apartments for single families selling in midtown Manhattan for over \$100 million each.

- In addition, the city can handle the logistics of establishing the right. It would have to do an orderly phase in by creating the Civil Justice Coordinator Office and building capacity of the providers first and then phasing in the right over time. This is not overwhelming or unrealistic in a City with an administration and a Council with the wherewithal to move mountains – Just look at what was done in a short time frame with universal pre-K.

In sum, I applaud the City for moving forward with creating the Office of Civil Justice and giving civil justice the focus and attention it deserves and I urge the City to move forward just as expeditiously through that office to establish the right to counsel for people who face losing their homes in legal proceedings.

To paraphrase an early religious scholar:

If not now, when?

And if not New York City, who?

What the Experts Are Saying

Quotes from

Housing Justice: A Public Forum on New Yorkers' Right to Counsel in Eviction Proceedings

Organized by the Coalition for a Right to Counsel in Housing Court and hosted by the Impact Center for Public Interest Law at New York Law School on December 5, 2014

Introduction

On December 5th, 2014, the Impact Center for Public Interest Law at New York Law School hosted Housing Justice: A Public Forum on New Yorkers' Right to Counsel in Eviction Proceedings. This all-day forum, organized by the Coalition for a Right to Counsel in Housing Court, included a series of panel presentations, in which bar leaders, judges, community members, members of academia and other experts presented and discussed their views on the need for a right to counsel in eviction proceedings in New York City. Panels addressed: the impact that the Right to Counsel would have on housing and homelessness, public welfare, and the administration of justice as well as what could be learned from experiences throughout the country and around the world. Participants in one panel discussed their personal experience with eviction and Housing Court. This report contains excerpts from the day's discussions. All statements were reviewed and approved by the persons quoted. *The report is still a work in progress; a final, expanded version of this report with quotes from additional participants is forthcoming.*

Thank you very much to NYLS Impact Center Fellows Renee Daniel and Sean Farrow who did the heavy lifting on producing this report – reviewing the transcript and video, selecting quotes, confirming wording with panelists, etc. Many thanks also to the law firm, Skadden, Arps, Slate, Meagher & Flom and particularly to Special Counsel Ronald Tabak, for using the firm's resources, *pro bono*, to transcribe the day's discussions.

The New York City's Council is considering legislation that would make New York City the first jurisdiction in the United States to establish a right to counsel for low income people who face eviction from their homes. We hope that this report will be of use to policymakers as they contemplate taking this historic step.

*Andrew Scherer, Policy Director
Impact Center for Public Interest Law at NYLS
April 17, 2015*

Opening Panel

Dean Anthony Crowell, New York Law School

“This is an important subject and I think one of the things that we have to understand is that there is an incredible urgency to address housing justice issues especially with the acute rise in evictions and the persistent challenge of homelessness that we are faced with.”

Commissioner Steven Banks, New York City Human Resources Administration

“In terms of what it really means to implement the right to counsel -- and I know that there are challenges as people grapple with our approach with the expansion of implementing a provision of counsel of program -- we also have to understand the speed and the urgency of doing things and sometimes the perfect is the enemy of the good.”

Susanna Blankley, Director, Community Action for Safe Apartments

“A year and a half ago we released a report, called “Tipping the Scales” and it was the first report in the city to come entirely from tenant experiences of Housing Court in the Bronx. More than 2,000 people go through that court every day. One of the main demands that came out of that report, is that the most important thing that we need to do to tip the scales of justice in the Housing Court system, and to make it a right for folks to defend their homes.”

“For the last few days, we have been chanting that black lives matter and that systemic racism has got to go. The reality is that right to counsel is a racial justice issue. The majority of people that get evicted from our system’s courts are people of color. Right to counsel can stop making people homeless, it can stop making people poor.”

“Since the mayor took office, he has built 23 new shelters to deal with a 13% increase in homelessness. We can’t build our way out of this crisis.”

Andrew Scherer, Policy Director, Impact Center for Public Interest Law at NYLS

“Once people have a right, it is very hard to take a right away. Making it a right will make an enormous difference.”

“The wealth gap has been rising in a very alarming way. Federal district courts have 1200 judges and magistrates to deal with their cases and the NYC Housing Court has 50 judges to deal with the same number of cases. Federal courts have a budget of \$2.6 billion and NYC Housing Court has a budget of about \$32 million. So the federal courts are spending almost 80 times as much per case as Housing Court and the Housing Court judges handle about 140 times as many cases as do the federal court judges.”

“This is the next important step that needs to be taken; it’s such an important area of human rights and NYC can lead the nation in making it happen.”

Bar Leaders Panel

Edwina Francis Martin, Board Member, Network of Bar Leaders

“More than 3 million New York City residents have incomes lower than 200 percent of the federal poverty level yet fewer than 800 of the 75,000 lawyers in NYC are dedicated to

providing legal services to the poor. As a result of this and lack of legal funding for civil legal services the Chief Judge's Task Force on Expanding Access to Civil Legal Services has consistently found that less than 20 percent of the legal needs of New Yorkers are being met."

"We keep talking about being in recovery but where is it happening. The percentage of those living below poverty went from 18.4% in 2008 to 20% in 2012."

Debra Raskin, President, New York City Bar Association

"The NYC Bar Association for decades has been committed to the concept of access to justice; without meaningful legal representation there is in fact no access to justice. It's essential that litigants who cannot afford a lawyer can obtain representation, someone with legal training to navigate the morass of laws that control proceedings in the Housing Court and allow people to protect fundamental rights."

"We focus, in particular, on eviction cases because of the high consequences of loss of a home, and family disruption and homelessness that follow from that. As you've heard, over 90% of the individuals who appear in housing court as tenants do so without a lawyer, and it's inexcusable."

"Our support for the right to counsel is evidence-based policy. This is based on statistics. This is based on numbers. This is based on the realities in housing court."

"One of the other areas the NYC Bar Association works on is pro bono representation, that is, having lawyers represent individuals without payment. We strongly support that, although, it is very clear from our work over many years in pro bono representation, that is far from sufficient for a crisis of the magnitude of the housing shortage here and the problems in evictions and housing court."

Alan Rothstein, General Counsel, New York City Bar Association

"According to the Chief's Justice Task Force on Civil Legal Services, nearly 2 million people walk into NY courts every year to handle their legal matters without lawyers. This problem is particularly acute in the city's Housing Court, where 90% of tenants have no lawyer and over 90% of landlords have counsel. The organized bar is quite aware of and concerned about the lack of counsel in Housing Court."

Lewis Tesser, President, New York County Lawyers' Association

"New York County Lawyers Association has a justice center which each year addresses the most substantial public problems that we face. This past October marks the tenth anniversary of NYCLA's justice center conference exploring issues facing NY's Housing Court crisis in the 21st century. In the aftermath of that conference, NYCLA passed one of the first policy

resolutions calling for a right to counsel for all New Yorkers facing eviction proceedings who could not hire an attorney. In the ten years since we passed that resolution, NYCLA has reaffirmed that commitment on multiple occasions calling for greater representation of low income tenants.”

“As part of our research concerning the challenges facing litigants in Housing Court, NYCLA has studied the changing social and economic demographics of the city, high rates of homelessness, substantive legal issues affecting housing conditions, hold-overs, and non-payments. One of NYCLA’s findings is the discrepancy between representation of landlords and that of tenants despite the work of the Legal Aid Society, non-profit organizations, and law school clinics.”

“Approximately 90% of tenants are unrepresented. This enormous imbalance correlates with higher eviction rates and higher homelessness rates. NYCLA has found that tenants who have counsel have been more successful in opposing eviction.”

Community Voices Panel

Carmen Vega-Rivera, Community Action for Safe Apartments

“If it wasn’t that I had legal representation, it doesn’t matter your income, it doesn’t matter your size, it does not matter your education, I would have been homeless.”

“We don’t fit into a box of: we look alike, we talk alike, we dance alike, we eat alike. We are quite diverse. We have something in common, the process of being evicted and the trauma that it causes someone and their family.”

“I want heat and hot water everyday, not just when he (the landlord) feels like it. I want a working elevator, because I pay for it. Not that I have to miss appointments because I can’t get up and down the steps. I am one in less than 10% that has legal representation.

Shanequa Charles, Community Action for Safe Apartments

“There is nothing that can be said that can clearly demonstrate the emotional impact on a family when you are facing losing your home. When the marshal is at your door, then you have about three minutes to grab those kids and get something that is very important to you and head out the door, because your landlord has evicted you. Your dream is over. Grab your stuff and go. By the way, the marshal is not a nice guy. By the way, the marshal stands there and treats you as if you are a criminal until you get your things and you get out of that apartment. We are now faced with this bad dream every single day. At least 30,000 times in 2013, that happened to someone. It doesn’t have to.”

“The shelter reporting is not the accurate amount of homeless folks. Those are only the ones in the shelter. We are not talking about the families that are bunched up underneath the bridge, trying to find good pieces of cardboard, and children that are getting sick, and can’t focus on school, and mommy can’t work because she has to take care of the sick baby.”

“Housing should no longer be looked at like a commodity. It should be a human right to have a roof over your head. “Funding the Right to Counsel is an absolute necessity.”

Maria Cortes, Client of Make the Road New York

“In my particular case, what we are asking for is respect and dignity. We want to live like everyone else in the world. We have a right to have housing, to be able to participate in the society as citizens. The question is, do they just want all people of color to pack up and get out of the city?”

“We have had a lot of experiences with evictions and what we need in the Housing Court are more interpreters and lawyers. There aren’t enough interpreters and when we ask for one, they treat us very rudely. Another problem is that the interpreters speak too fast or they do not interpret appropriately.”

“There are rising rents and the issue of eviction is affecting particularly the Latino communities and other minority communities and this is something that we are facing in all of the neighborhoods in the state of NY.”

Monica Ross, Client of New York Legal Assistance Group

“I am part of a growing trend of military women coming back from combat that are facing homelessness. My experience in Housing Court was frightening at first because, I did not have legal representation. I met with the landlord’s attorney and the first thing he told me was pay this money or we are going to evict you. The first thing on an attorney’s mind is “We want you out so we can get somebody else in.”

Housing, Homelessness, and Social Services Panel

Matthew Desmond, Professor, Harvard University

“Eviction is commonplace in the city’s African-American neighborhoods. If eviction weren’t so common, poor families would not exhibit such high rates of residential instability, which often bring about other forms of instability in families, schools, communities, compromising the life chances of kids and adults.”

“If you want to know why some poor families live in substandard housing conditions, which really hurts kids health, one answer is that they are compelled to do so in the hurried aftermath of an eviction.”

“Even after accounting for how much tenants owed their landlord and several other factors, the presence of kids in the household almost triples your odds of receiving an eviction judgment. Far from being a mitigating factor, children are an aggravating factor in eviction court.”

“Eviction doesn’t spare your mental health. There are some findings for a national data set called the Fragile Family and Child Wellbeing Study from about 2,000 low-income mothers. We found that evicted mothers report higher rates of depression compared to observationally identical mothers who avoided eviction. Their rates of depression are 20% higher, even after accounting for homelessness and other shocks to the system.”

“Providing stable housing by lowering evictions is a human capital investment, analogous to education or job training and one that would decrease child poverty and child homeless and stabilize families, schools and neighborhoods. If we want to give poor kids a fighting chance to realize their full potential, we have to provide them with a stable place to live.”

Joshua Goldfein, Homeless Rights Project, Legal Aid Society

“Having more tenant lawyers benefits everyone, including the courts. Judges would much rather deal with lawyers than pro se litigants, and most other lawyers would as well, courts run more efficiently that way. At least 90% of the landlords are represented in housing court compared to less than 10% of the tenants. Therefore, judges spend most of their day talking to unrepresented tenants, without having the time to fully assure themselves that the tenant understands what is happening.”

“When a tenant sees us (tenant lawyers) in court, they know they have rights and that the others lawyers in the building do not represent them.”

“The last (mayoral) administration did not invest enough resources in eviction protection and cut off its own supports for families to move out of the shelter system. When you don't provide sufficient anti-eviction services and don't provide housing subsidies to shelter residents, then you will continue to watch the homelessness problem expand.”

“If the city does not offer services to prevent people from having to come into the shelter system and doesn't help people move out of the shelter system, we will continue to see the shelter system grow and expand forever. This is what we have seen in the recent past, the continuous expansion of the number of homeless people as a direct result of short-sighted housing policy by the prior administration.”

Tom Waters, Housing Policy Analyst, Community Service Society

"One of the contributing factors to homelessness and unaffordable rents is moving. Whenever tenants move, there will be a huge increase in rent for those tenants -- even if their new apartment is rent regulated, but especially if it isn't. Even if they move to a less expensive or less desirable neighborhood, everyone that is forced out or leaves voluntarily always pays more rent for the next apartment. So every move decreases affordability, often by a tremendous amount. Then, in that apartment the tenant has vacated, the rent is also going to go way up -- even if the apartment is regulated -- and the next tenant is going to pay a lot more."

Administration of Justice Panel

Sateesh Nori, Attorney-in-Charge, Legal Aid Society, Queens

"The landlord's attorney really wins either way whether there is an attorney for the tenant or not, but tenants have so much to lose if they do not have an attorney and it's really their lives that are at stake."

"How would the Right to Counsel change my practice, the practice of lawyers like me? We would be able to use our limited resources better. We would need to engage in less triage, less screening ideally, and we would be able to take on cases right away, eligible cases, viable cases where we could make a difference immediately. We would be able to take on more cases at strategically significant points in the case."

David Udell, Executive Director, National Center for Access to Justice

"New models ask our judges to be proactive and engaged in order to protect the tenant who does not have legal representation. Judge Lippman and Judge Fisher are to be commended for trying everything possible to make the system work better, given that so few people have lawyers. In fact, the courts in New York and in other states are also trying to simplify the laws and to simplify procedures. Courts are also committing more resources to having interpreters and translators. But, none of these efforts should be equated with the importance of having a lawyer."

Mary Zulack, Professor, Columbia Law School

"No matter what happens there will always be people in that court without lawyers and we will always need an administration of justice including the judges themselves, who are mindful of how to deal with people without lawyers."

"Many people describe the Housing Court as somewhat like a Halloween Funhouse. The Housing Court Answers table sort of turns on the light, shows you what's happening, they give you some help, and make it a very different and much brighter place."

National and International Experience Panel

Kate Donald, Executive Director, Center for Economic and Social Rights

“Under international human rights standards, access to legal aid or free legal assistance is required in civil cases when human rights are at stake, as they clearly are in tenancy disputes and eviction decisions.”

“The U.N. Special Rapporteur on the Right to Housing, an independent expert appointed by the UN Human Rights Council to monitor the enjoyment of that right, has clearly stated that providing legal aid is an important part of ensuring that human rights are not violated in eviction proceedings.”

John Pollock, Coordinator, National Coalition for a Civil Right to Counsel

“Does counsel make a difference in certain kinds of cases? Massachusetts completed a set of eviction pilots just a few years ago. The pilots studied two different courts, district court and housing court. Prior to these pilots, one study had found that Massachusetts tenants without counsel retained possession only 2% of the time. The pilot study found that at one of the sites, tenants with counsel retained possession 66% of the time. The group at that same site that got only ‘assistance’ instead of full representation did half as well as that. It was the full representation that made the difference.”

“In San Francisco they completed a study that examined about 800 cases altogether. They found that full representation was more effective than limited or no representation. When they estimated how much this representation saved the city, it turned out to be about \$1 million.”

“If landlords knew ahead of time that every single tenant in that courtroom would have representation, do you think landlords would still try doing whatever it is they are thinking about doing in the first place? The impression the study designers got in San Francisco was that the more systemic the representation, the less they saw landlords trying to “get one over” on tenants. They didn’t bring the frivolous lawsuit; they didn’t refuse to do the repairs, because they knew if they went to court, they were going to lose. That is systemic change. That’s why it is so important. Every tenant, every time, as long as they are indigent, should have the right to counsel. Period.”

“The right to counsel and the right to housing are both critical. We have to make it clear when talking about both things that what is at stake in a housing case is not just your apartment. If people think that, they are not seeing and understanding the whole picture. And the right to counsel is the means to protect the really important right, the right to housing.”

**URBAN JUSTICE CENTER:
ESTABLISHMENT OF OFFICE OF CIVIL
JUSTICE**

TESTIMONY

ON

Intro 736: Establishment of Office of Civil Justice

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL
COMMITTEE ON COURTS AND LEGAL SERVICES

PRESENTED BY:

Garrett Wright

April 15, 2015

Good morning. My name is Garrett Wright and I am senior staff attorney at the Community Development Project of the Urban Justice Center. We are here today to voice our support of Intro 736, which would establish an Office of Civil Justice in New York City. We are also here in support of the growing movement for the establishment of a Right to Counsel for low-income tenants in Housing Court.

The Community Development Project formed in September 2001 to strengthen the impact of grassroots organizations in New York City's low-income and other excluded communities by winning legal cases, publishing community-driven research reports, assisting with the formation of new community organizations, and providing technical and transactional assistance in support of their work towards social justice.

The Housing Practice Area of CDP has sued hundreds of landlords on behalf of thousands of New York City residents to help preserve and protect affordable and decent housing. In cooperation with community organizers, we bring actions against landlords to compel the removal of housing code violations, file 7A proceedings to have independent administrators appointed to manage severely neglected buildings, and file harassment cases against landlords who are constantly devising new tactics to force rent-regulated tenants from their homes, including the use of construction and renovations as harassment.

We wholeheartedly agree that the City should create an Office of Civil Justice to better understand the urgent legal needs of low-income and working-class New Yorkers, including their housing needs. We believe this Office will also greatly enhance the coordination and effectiveness of legal services providers.

However, we also had hoped that this legislation would have remained connected with Intro 214, which would create a city-funded Right to Counsel for low-income tenants facing eviction proceedings. While the creation of an Office of Civil Justice is most certainly a great step in the

right direction, it still falls short of the establishment of an absolute right to counsel for New Yorkers who are currently being threatened with eviction.

In our work at CDP, we witness an unrelenting barrage of harassment directed against low-income tenants who are struggling to maintain their affordable housing in a growing sea of gentrification and displacement. More and more tenants are living in buildings owned by predatory equity landlords whose business models are premised on forcing out rent-regulated tenants and permanently removing their apartments from rent-regulation. These landlords frequently commence frivolous eviction proceedings with the expectation that *pro se* tenants will be unable to adequately defend themselves against experienced and well-resourced landlord attorneys. I have seen landlords fabricate non-primary residence eviction proceedings based on nothing more than the fact that a tenant shares the same name with thousands of other people, some of whom may own a property on the other side of the country. I have seen landlords refuse to deposit tenants' rent checks and money orders, only to sue the same tenants for nonpayment of rent a year or more later, in the hope that the tenant may no longer have all of the back rent. These unscrupulous landlords' business models are premised in part on their knowledge that the vast majority of low-income tenants cannot afford to retain private attorneys and that legal service providers only have the capacity to represent a tiny fraction of eligible tenants.

In the face of this tidal wave of displacement that is sweeping through low-income communities and communities of color in New York City, we urge the City to act urgently to pass Intro 214 and firmly establish a historic Right to Counsel that will protect the rights of low-income tenants now and forever in the future.

Thank you for your time.

Mariel De La Cruz (CASA- Newsettlement Organizer)
April 15, 2015

Testimony on Intro735

Good afternoon members of the city council. My name is Mariel De La Cruz an organizer at Community Action for Safe Apartments a program under New Settlement Apartments that works to help preserve affordable housing and build community power Mount Eden in the Bronx and a member of the Right to Counsel coalition. First and foremost, I would like to thank you for the increased funding for legal service providers proposed by the mayor and the speaker. The increased funding and the civil justice coordinator office is a great start but we need to pass and fund the right to counsel in eviction proceedings- Intro214. Why do we want the Right To Counsel? The funding and the understanding that tenants need representation is important but the increased funding can be easily be taken away but the right to counsel cannot. We are extremely concerned that Intro 736 being separated from Intro 214. This separation can further delay the right to counsel which is not something our communities can afford. Providing the Right to Counsel in eviction proceedings is simply a human rights issues. When people walk into the housing court they run the risk of losing their homes creating instability in their lives and on a massive scale, destabilizing communities. And many folks get evicted from the place they can most afford.

You may ask why now? Because this mayor and council are committed to preserving affordable housing and the number homeless families/ people down. If it doesn't happen now, there might be a possibility of a future administration deciding that counsel in housing court is not important and poof we lose a major opportunity to continue to help create equity in the housing court.

We have heard a lot of discussion about costs right? So lets discuss a few numbers. When someone gets evicted, the city pays \$3,000 a month in shelter costs and other social service costs. The human cost is greater. Children miss days of school, adults days off from work, loss of employment, rise in stress, and mental illness. But the cost of an attorney at housing court is from about \$2,000 -3,200 for a case and people get to stay in their homes.

We need to preserve the units now. Just providing funds for certain areas or funds in general does not protect folks in the future only a law providing the Right to Counsel does. Why else can't we wait? Because the Bronx has the largest number of evictions in the city and we are steadily losing affordable housing.

- I am speaking for people in our member Melida's building who are constantly attacked and harassed by their land lord. The landlord uses the housing court as a method of harassment and successfully evicts people in this building and others in the area each month. Because people do not have the right to

- counsel and are currently not in the zip codes with increased legal service's funding, people are losing their homes. They don't have time to wait.
- For people like Regina who has gotten harassed by her landlord for years and even loss her job because of it. She doesn't have time to wait

We NEED the Right to Counsel so please Pass and Fund Intro 214.

Intro 736 Hearing Testimony

April 15th, 2015

Vera Roman

Banana Kelly Resident Council

Good afternoon. My name is Vera Roman. I am a member of the Banana Kelly Resident Council, and a 10 year resident of the Hunts Point/Longwood neighborhood of the South Bronx. I am here today to speak on the importance of a right to counsel in housing court for New Yorkers who face eviction. While the establishment of an office of civil justice is important, the Right to Counsel must be maintained as a priority in its creation.

In our neighborhood, community is threatened by eviction. The median income in our area is \$24, 461 for a family of four¹; it goes without saying that most cannot afford to hire a lawyer to help them keep their housing. People need tools and support to protect themselves from landlords, many of whom have an army of lawyers. Many of the constant evictions occurring in our neighborhood could be prevented through a right to counsel for tenants.

¹ US Census, American Community Survey (2013)

The creation of an office of civil justice must recognize that a right to counsel will create a more stable community, in turn sustaining our children, neighborhoods, and buildings. Safety is a key part of this equation; when longtime residents stay put, it preserves a sense of respect and belonging to a neighborhood that gets passed on through the generations. And we all know that homelessness, which is a huge concern for residents of all ages in our community, will only continue to grow without concrete protection for low-income tenants: not just increased funding for services, but also a clear right to representation in eviction proceedings.

While we heartily support the creation of an office of civil justice, we are disappointed that this bill is not linked to Intro 214, which creates the right to counsel for people who are faced with losing their homes. We therefore urge you to prioritize right to counsel as the first action for the new office of the Civil Justice Coordinator. Our city and our neighborhoods need it sorely to prevent further homelessness and hold our communities together.

Thank you very much for your time.

Testimony on Intro 736 before the
Committee on Courts and Legal Services of the NYC Council

Jenny Laurie, Executive Director
Housing Court Answers, Inc.
125 Maiden Lane, New York, NY 10038
April 15, 2015

Like many of my peers in the eviction prevention world, I was thrilled when I heard the Speaker address the need for civil legal services in her State of the City Speech in February, and her plan to provide for a Civil Justice Coordinator. At Housing Court Answers, we applaud the establishment of the Civil Justice office as a helpful tool in the provision of counsel to those city residents with low incomes who face a devastating loss in a civil case. The Mayor and the Speaker have recognized the need to provide lawyers to tenants who face the loss of their homes by adding millions to the budget for legal services. We believe that this would be the perfect time to provide for a right to counsel for low income tenants who face eviction in a legal proceeding.

There are many reasons, and you will hear them today, why tenants facing eviction should have the right to a lawyer. From my vantage point, working at our information tables in the courts, I think it makes sense for the city to prevent as many evictions as possible. We see, every day court is open, the misery caused by eviction cases. Last month, going into Brooklyn housing Court I passed a woman in the lobby, sobbing on her cell phone saying "I had to take the kids to my mother, it was too late, the marshal already came." I can only imagine the days, weeks, or months of hell that she faces before she's safely home again. The new civil justice coordinator will not have to study the issue. There is already conclusive research on the human misery caused by evictions, the cost to the city, and efficacy of providing lawyers.

Last year over 200,000 tenants were sued in nonpayment cases. The court issued close to 370,000 judgments in those cases and over 110,000 warrants of eviction. Close to 29,000 people were put out by marshals – and we assume unknown thousands left before the marshal came. According to the Hon. Fern Fisher, the Deputy Chief Administrative Judge for NYC Courts, 95% of those tenants did not have a lawyer while 90% of the landlords in those cases did.

Recent research has shown that evicted tenants spiral through worsening housing situations, often moving to housing that is more expensive, is in worse condition, and has fewer protections. Social research has also shown that there are long-term effects on low income families evicted, effects that ripple out beyond their housing situations and long past the date of the eviction – children's schooling is disrupted, adults suffer job loss, and both suffer long term psychological harm. [1]

Evicted tenants find it very difficult to get new housing in part because New York City has very little affordable housing that is available for rent. According to the 2014

Housing and Vacancy Survey the vacancy rate is only 3.45% meaning that we have an extreme housing shortage. The vacancy rate for affordable apartments is even lower: the rate for apartments renting at \$800 or below is under 2%; you have to go well over \$2000 a month before you break 4%. [2] New York has a lot of subsidized affordable housing, but very little of it is readily available. The waiting lists for the largest programs (public housing and the Section 8 voucher program) are ten years long. Evicted tenants often find that units in affordable programs are not available because managers screen out tenants who have been to Housing Court.

New York City's shelter population is at an all time high. Currently, over 60,000 people are sleeping in the city shelter system each night, a number which includes over 25,000 children. The length of time that families stay in shelter is longer than ever before. Families with children are now averaging over 14 months in the system.[3] Part of the difficulty leaving shelter is that families with eviction records are not accepted as tenants by many landlords.

Analyses of the Housing Courts in New York City and other cities have shown that low income tenants in eviction proceedings are at a severe disadvantage. Studies have shown that tenants fare poorly in hallway negotiations because they are unused to advocating for themselves in a court setting and they are intimidated by the procedures, terminology, the setting and the court personnel.[4] A study on our Navigator project in Brooklyn Housing Court showed that most tenants with badly need repairs and those who had already paid part of the rent they were being sued for never raised these two critical issues as defenses unless given assistance. Tenants routinely fail to get needed repairs when negotiating settlements on their own. They also fail to resolve disputes over rent and arrears in their favor. Tenants without lawyers are more likely to fail to appear on their hearing dates and suffer judgments by default. Tenants without lawyers are more likely to be evicted than those with legal representation.[5] A frequently cited study of the provision of counsel to poor tenants in New York City's Housing Court shows that tenants with lawyers fared significantly better than those without. They had fewer defaults (not showing up in court), fewer judgments, fewer warrants (order that allows marshal to perform eviction), more repairs and more rent abatements. The study also showed that the tenants who were represented had fewer court appearances on their cases and submitted fewer motions, including many fewer post-judgment motions. These later outcomes show a lighter burden on the court and a higher level of compliance resulting from having legal representation.[6]

I also want to encourage the council to fund other programs to assist tenants in the city. Many thousands of affordable units have been preserved, and evictions prevented, by tenant organizers and by case management services. The later is especially important for the most vulnerable tenants, seniors and the disabled.

The Council recently put New York City ahead of the rest of the country in closing the justice gap by guaranteeing that unaccompanied minors facing removal counsel and other support services. The new collaboration almost provides a right to counsel for these minors and ensures, as the Speaker said, that "*justice [is not] reserved only for*

those who can afford it.” We hope to see the Council expand this approach to eviction cases and make New York City the leader in this area as well.

[1] Matthew Desmond, *Eviction and Reproduction of Urban Poverty*, Harvard University, *AJS*, Vol 118, No. 1 (July 2012); 88-133. *Evicting Children*, *Social Forces* 921 (September 2013). *Tipping the Scales*, *New York Times* (November 29, 2012).

[2] Two resources on current rents, vacancy rates and availability of affordable housing are the NYC’s Housing & Vacancy Survey done every three years and the annual research done by the NYC Rent Guidelines Board:

<http://www1.nyc.gov/assets/hpd/downloads/pdf/2014-HVS-initial-Findings.pdf> and www.nycrgb.org/html/research/research.html

[3] State of the Homeless 2014, by the Coalition for the Homeless

(www.coalitionforthehomeless.org/pages/state-of-the-homeless-2014)

[4] Barbara Bezdek, *Silence in the Court: Participation and Subordination of Poor Tenants’ Voices in Legal Process*, *Hofstra Law Review* 533 (1992); Erica Fox, *Alone in the Hallway: Challenges to Effective Self-Representation in Negotiation*, *Harvard Negotiation Law Review* 85 (1996)

[5] Carroll Seron, Martin Frankel, Gregg Van Ryzin and Jean Kovath, *The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City’s Housing Court: Results of a Randomized Experiment* *Law & Society Review*, Vol 35. No. 2 (2001), pp. 419-434. Also, see Russell Engler, *Connecting Self Representation to Civil Gideon*, *Fordham Urban Law Review* 37 (2010) for a review of studies showing better results for represented tenants in avoiding eviction, winning repairs and getting abatements.

[6] Seron, *ibid.*



**L E G A L
S E R V I C E S**

INCORPORATED

TESTIMONY

IN SUPPORT OF

**INTRO 736: A LOCAL LAW TO AMEND THE NEW YORK
CITY CHARTER, IN RELATION TO AN OFFICE OF CIVIL
JUSTICE**

PRESENTED BEFORE:

**THE NEW YORK CITY COUNCIL'S
COMMITTEE ON COURTS AND LEGAL SERVICES**

PRESENTED BY:

**MICHAEL GRINTHAL
SUPERVISING ATTORNEY
MFY LEGAL SERVICES, INC.**

APRIL 15, 2015

**MFY LEGAL SERVICES, INC., 299 Broadway, New York, NY 10007
212-417-3700 www.mfy.org**

I. Introduction

MFY Legal Services, Inc. envisions a society in which no one is denied justice because he or she cannot afford an attorney. To make this vision a reality, for over 50 years MFY has provided free legal assistance to residents of New York City on a wide range of civil legal issues, prioritizing services to vulnerable and under-served populations, while simultaneously working to end the root causes of inequities through impact litigation, law reform and policy advocacy. We provide advice and representation to more than 10,000 New Yorkers each year.

Each year, MFY serves thousands of poor and working poor tenants, throughout New York City. For nine years, MFY has also been part of the Assigned Counsel Project, through which the Manhattan Housing Court refers cases involving tenants over 60 years of age who are facing eviction. The Assigned Counsel Project has been, in many ways, a pilot "right-to-counsel" project. MFY also serves hundreds of people who have already been displaced from their homes and are now living in nursing homes, adult homes, three-quarter houses, and hospitals.

MFY supports the creation of an Office of Civil Justice as an important first step towards the creation of a fully-funded right to counsel for low-income tenants facing the loss of their housing in New York City. MFY also recognizes and applauds the dramatic expansion of funding for eviction prevention legal services over the past year and proposed by the Mayor and the Speaker for the coming year.

The Savings from Eviction Prevention Have Not Been Fully Appreciated

Intro. 736 empowers the Civil Justice Coordinator to, for the first time, deeply study and quantify the impact that free legal services have on the exploding costs of homelessness in New York City. It is well-known that eviction prevention saves money. A bed in a municipal shelter costs the City \$36,000 per year. In contrast, full legal representation in a Housing Court case costs only \$1600-3200 and can prevent an entire household from becoming homeless. What has not been quantified is the even greater savings to be had preventing the often-hidden secondary costs to the school system, hospitals, mental health facilities, drug treatment providers, criminal justice system, and private safety net of meal providers.

At MFY Legal Services, we see these secondary costs directly. Every eviction case that we cannot take breeds multiple and more difficult cases down the line. Elderly or disabled clients who lose their homes in Housing Court are often inappropriately placed in nursing homes or adult homes, or held in hospitals long after their treatment is complete for want of safe discharge plans. Our Nursing Home and Adult Home Projects speak to hundreds of people each year trapped in these facilities -- not because they are unfit to live independently, but because they cannot afford to live anywhere else. In turn, their federal disability benefits are paid to operators at enhanced levels for institutional care or Medicaid pays for even more costly nursing home care. For people with mental illness, eviction triggers decompensation. For recovering substance abusers, eviction triggers relapse. For children, eviction means missed school, higher failure rates and higher dropout rates. All of these situations mean increased treatment costs, administrative costs, and even increased crime rates.

In the current and foreseeable real estate market, every eviction of a rent-regulated tenant means the loss of an affordable apartment, putting more pressure on the few avenues for development of new, truly affordable housing.

Collectively, these costs to the City far outweigh the cost of providing a lawyer in Housing Court. Unfortunately, in the past the cost of eviction has been measured only in the expense of additional shelter beds. MFY's daily experience shows that that is a drastic underestimate of the actual savings to be had in preventing evictions. A Civil Justice Coordinator would be able to study and account for all of these savings and document the true economic value of a right to counsel.

Free Legal Services Effectively Prevent Evictions

It is well-known that more than 90% of landlords in New York City Housing Court are represented by lawyers. Fewer than 10% of tenants are. Until the latter number changes, the many tenant rights and protections written into our laws will go to waste, and attempts to preserve affordable housing will founder at the courthouse door.

MFY's experience with the Assigned Counsel Project (ACP) demonstrates the potential effectiveness of a right to counsel in preventing evictions. Through the ACP, MFY and our partner Northern Manhattan Improvement Corporation are assigned by the Manhattan Housing Court to approximately 130 eviction cases each year. Though these cases tend to be more difficult and pose greater challenges than the average Housing Court case -- the tenants -- elderly, disabled, isolated -- are often experiencing the simultaneous failure of multiple support systems. Yet the eviction rate for these cases is lower than the average for Housing Court. Lawyers make a difference. Lawyers prevent evictions. Lawyers help people obtain necessary services so that they do not face eviction again.

Conclusion

MFY Legal Services supports Intro 736 as an important step towards making eviction prevention legal services universal. Further, MFY calls upon the City Council to hold a hearing on Intro 214, which has 35 co-sponsors and would build on Intro 736 to make New York City the first city in the United States to guarantee poor people a right to counsel when facing the loss of their homes.

April 15, 2015

**Testimony of Executive Director Susan Jacobs, Esq.
On Behalf of the Center for Family Representation
Before the New York City Council's Committee on Courts and Legal Services**

Good Morning. My name is Susan Jacobs and I am the President and Executive Director of the Center for Family Representation. Thank you Council members Lancman and Levine and the members of the Committee on Courts and Legal Services for the opportunity to testify today about the important issue of the creation of an Office of Civil Justice.

CFR applauds Speaker Mark-Viverito, Council member Levine and the entire Council for your leadership in shining a light on the need for comprehensive legal services for poor and low income New Yorkers.

Each year CFR provides over 2,000 families with free legal assistance and social work services that enable children to stay with their parents safely, keeping them out of a foster care system that often has devastating consequences. Since 2007 in Manhattan and 2011 in Queens, we have been the leading indigent legal services provider for parents in child protection cases. We've become recognized leaders in the child welfare field; training more than 500 practitioners each year around the country seeking to replicate our model.

CFR's unique model provides parents with an interdisciplinary team of an attorney, a social worker, and a parent advocate – a trained professional who has experienced the child welfare system firsthand and successfully reunified with their family. On average, 50% of our clients children never enter foster care. For those children that do enter care, they return home at a rate that outpaces city and state averages. Serving over 6,000 families with an innovative team model that shortens or avoids foster care stays we save millions in taxpayer revenue. By shortening the length of time our clients' children spend in foster care, CFR generates taxpayer savings of approximately \$6.5 million annually.

CFR's perspective on the creation of an Office of Civil Justice and the need for increased support for civil legal services in the City comes from our unique position as a provider of mandated civil legal services. As the institutional provider in Queens and Manhattan Family Courts, we have worked with the Mayor's Office of Criminal Justice and have seen firsthand how a coordinator can assist in ensuring increased access to legal representation is available for those that need it the most.

When we meet our clients in Family Court, they are in crisis because they are facing possible separation from their children. While we work to effectively resolve that immediate concern, we often see how fragile their stability is due to the reality of living in poverty in New York City. They struggle with many of the same challenges all parents do, like finding quality day care and good schools. However, they also

face other serious challenges like domestic violence, unstable housing, addiction, and mental health issues. Additionally, because they often lack support systems, finding meaningful services is even more difficult.

The challenging circumstances of their lives require CFR to do more to ensure their long term success than just representation in Family Court. In order to prevent additional child welfare involvement and possible re-entry into foster care, we have to also address their collateral legal issues. To address these needs for civil legal services, CFR has created the **Safe and Stable Families Initiative**, which will provide two new services to clients whose children are with their families when court proceedings begin and/or whose children have recently returned home from foster care. Through this Initiative, parents will receive enhanced case management, and social work and parent advocate support as well as civil legal representation in the areas of housing and public benefits.

Our experience is that children often enter care as a result of an interruption in public benefits, housing challenges, and the need for greater support accessing many services, including for their children¹. Through Safe and Stable Families we will provide additional parent advocate mentors, more intense social work case management, referrals and home visits, and civil legal representation to prevent eviction and to secure or restore public benefits and adequate housing. By expanding our menu of services to include housing and public benefits advocacy under the same roof as our family court advocacy, we are maximizing efficiency. No longer will especially vulnerable clients (such as undocumented families or domestic violence victims) have to find new attorneys; we are prepared to immediately work on those issues. Our family court expertise also means we have additional tools; for example, our staff can request rent assistance under New York State Regulations in family court while simultaneously fighting eviction proceedings in housing court. Notably, most parents in the Bronx and Brooklyn already have access to civil legal services because the family defense organizations in those boroughs provide it. We want families in Manhattan and Queens to receive the same benefits.

¹ In a recent review of cases where children entered and re-entered foster care, over 50% of our staff identified housing or public benefits as part of the reason families were separated. The City of New York Independent Budget Office, estimated that in 2013, 37% of families entered the shelter system due to evictions. It has also found that there was a 77% decrease in the number of cases that resulted in an eviction when tenants had legal representation (The City of New York Independent Budget Office Memorandum, "Estimate of the Cost of Legal Counsel in Housing Court and Potential Homeless Shelter Savings Due to Averted Evictions." December 10, 2014).

A few observations about the proposed legislation:

First, we think it is critical that the Office has the ability to survey the array of legal services available and needed.

Second, that effort should involve data about these services city-wide. Importantly, the Office might also benefit from having an evaluative function so that the quality and impact of services can be assessed.

Third, we think that the Office could also be instrumental in supporting innovative models of service delivery by providing agencies with information about the population's needs as well as funding to innovate. In our experience, being able to be nimble and responsive to client needs is key to successful representation.

I'd like to end with an example of how a family we met would be helped if we could provide coordinated civil legal services to them:

We met Natalie, a single mother with three children, when the Administration for Children's Services brought a case of educational neglect against her. All three of her children have muscular dystrophy and are wheelchair bound. They lived in public housing and were placed in a building that did not have elevator access. Natalie repeatedly requested a transfer to another building or a ground floor apartment. She also requested necessary repairs be made to her bathroom to make it safe for her children. Her requests went unanswered. The children were not going to school because she was unable to physically carry them up and down the apartment stairs.

Unfortunately, Natalie's children ended up being removed and placed in foster care until she could secure appropriate housing, which took over 14 months. Had CFR had a housing attorney on staff, we could have initiated proceedings in housing court demanding the necessary repairs be made or securing her transfer to a more appropriate home. Presumably, the combined effort would have reduced or prevented her children from entering foster care at all.

We thank the Council and this Committee for their continued work on expanding access to civil legal services and thank you for your time this morning.

New York City Council hearing
Submitting Testimony
By Randy Gillard 4, 15, 2015

I want to thank the city council for have this meeting. I agree on a office for civil justice that will assess the need for all sorts of civil legal services I also appreciate the massive support from members of the city council as well as other political leaders and the coalition and other activist groups particularly the 35 council members who are co-sponsors of intro 214. am disappointed that the creation of the office of civil justice has been placed in a separate bill from intro 214 which creates a city-funded right to counsel when people face losing their homes I believe that 736 and 214 should be linked. The first priority of the civil justice coordinator should be to implement

The funding
a right to counsel. This ~~bill~~
does not help me right now, it
only help the tenants who
being rezoning right now under
The zip code 10452, 10453.
it does not help much for tenants
liven out side the two zip code
area. Tenants can not wait for
a 5 year plan to be implement.
They need the right to counsel
now. I was a victim of house
court 3 years, and it was not
for paying my rent. But having
a lawsuit for a landlord not doing
repairs. Housing court is a very
frightening experience when you
don't know your rights. I had
a lawyer and still was a nightmare.
But with out my lawyer I
would be homeless and in a
shelter costing taxpayer money.
shelter cost is about \$3000^{or more} I don't
know what the cost is in storage

of your belongings. Tenants does not know what a holdover a default stipulation adjournment is. My landlord lawyer default twice and had the case put back on the docket twice if a tenant default it over, they do not know you can put you case back on the docket Tenant do not know you can ask for adjourned to get a lawyer.

am in a new apartment today cause I had a lawyer my daughter is a senior graduating with honors going right into college she could not completed this from a shelter that's why I'm supporting the right to counsel intro 214 and 736. And May god bless this hearing.

Randy P. Clark

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 736 Res. No. _____

in favor in opposition

Date: 4/15/15

(PLEASE PRINT)

Name: NAILA MOORE

Address: 201 DE KALB AVE, BROOKLYN 11205

I represent: PRATT AREA COMMUNITY COUNCIL

Address: SAME ABOVE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: LAURENCE

Address: 840 C... ..

I represent: DOUGLASS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Joseph Pepeda

Address: 825 Boynton Ave

I represent: CASA

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214 Res. No. 736

in favor in opposition

Date: 4/15/15

(PLEASE PRINT)

Name: Carlos Rivera

Address: 3514 Baychester Ave Apt C4

I represent: Myself and CASA

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 736 Res. No. _____

in favor in opposition

Date: April 15, 15

(PLEASE PRINT)

Name: Marisol De la Cruz

Address: 1512 Townsend Ave, Bx 10452

I represent: CASA - New Settlement

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Randy Pickett

Address: 1711 Southern Blvd apt 317 floor 10th

I represent: CASA

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/15/15

(PLEASE PRINT)

Name: Vera-Roman

Address: 744 Beek St, Apt 1, Bronx 10455

I represent: Banana Kelly Resident Council

Address: 863 Prospect Ave, Bronx 10459

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 736 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Garrett Wright

Address: 1070 Prospect Pl. 2nd Fl. Brooklyn NY 10039

I represent: Community Development Project at Urban Justice Center

Address: 123 William St. 16th Fl. NY NY 10038

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 736 Res. No. _____

in favor in opposition

Date: 4/13/15

(PLEASE PRINT)

Name: James Hart

Address: 500 E 165th St, #A Bx NY 10456

I represent: My Self

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 736 Res. No. _____

in favor in opposition

Date: 4/15/15

(PLEASE PRINT)

Name: Randal Jeffrey

Address: 7 Hanover Sq. NYC

I represent: NYLAG

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: HAUN RASMUSSEN

Address: Legal Services NYC

I represent: 40 Worth St

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 736 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: FITZROY CHRISTIAN

Address: 15 FEATHERBED LANE #8E

I represent: CASA/HCA

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Man Borough Press Brewer By Adele Bartlett

Address: 1 Centre St

I represent: MBPO

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 736 Res. No. _____

in favor in opposition

Date: 4/15/2015

(PLEASE PRINT)

Name: SUSAN JACOBS

Address: CENTER FOR FAMILY REPRESENTATION

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 736 Res. No. _____

in favor in opposition

Date: 4/15/15

(PLEASE PRINT)

Name: MICHAEL GRINTHAL

Address: MFY LEGAL SERVICES

I represent: 299 BROADWAY 4TH FL, NY, NY 10007

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 4/15/15

(PLEASE PRINT)

Name: MOSAICATSU SUZUKI

Address: 85 HAUMEYER ST. APT 2 BK, NY 11211

I represent: MYSELF

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 736 Res. No. _____

in favor in opposition

Date: 4/15/15

(PLEASE PRINT)

Name: ALEJANDRA NASSER

Address: 715 W 180TH ST. APT 21 NY NY 10037

I represent: SOUTHSIDE UNITED HDFC LOSSURES

Address: 434 S. 5TH ST. BK NY 11211

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 736 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: McGregor Smith

Address: 151 West 30TH St, 11TH Fl, NYC 10001

I represent: New York lawyers for the Public Interest

Address: [same]

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 736 Res. No. _____

in favor in opposition

Date: 4/14/15

(PLEASE PRINT)

Name: Commissioner Steven Banks, HRA

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 736 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Kate Rubin / Bronx Defenders

Address: 8360 E 161st St. Bronx Ny

I represent: Bronx Defenders

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/15/15

(PLEASE PRINT)

Name: Adriene Holder

Address: _____

I represent: Legal Aid Society

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 4-15-15

(PLEASE PRINT)

Name: Jenny Lavrie

Address: 7125 Mauden Lane NYC 10036

I represent: Housing Court Answers

Address: 240 W 98 St 14F NYC 10025

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: April 15, 2015

(PLEASE PRINT)

Name: Carmen Vega-Rivera

Address: 888 Grand Concourse #3A

I represent: CASA Leader / New Settlement Apartments

Address: 1514 Townsend Ave, Bronx NY

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 04/15/15

(PLEASE PRINT)
Name: Brenna DeVaney

Address: 4 Times Square

I represent: NYC Bar Association

Address: 42 W. 44th St.

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 736 Res. No. _____

in favor in opposition

Date: 4-15-15

(PLEASE PRINT)
Name: Andrew Senever

Address: NYLS 185 W. Broadway

I represent: Impact Center, New York Law School

Address: _____

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