



Testimony of Jordan Dressler, Civil Justice Coordinator,
Office of Civil Justice, New York City Human Resources Administration/Department of
Social Services
Before the New York City Council's Committees on
the Justice System and Housing & Buildings

February 24, 2020

Good morning, Chairs Lancman and Cornegy and the other members of the Committees on the Justice System and on Housing & Buildings. My name is Jordan Dressler and I am the Civil Justice Coordinator for New York City. In that capacity I oversee the City's Office of Civil Justice (OCJ), a unit of the New York City Human Resources Administration/Department of Social Services (HRA/DSS). I am joined today by Jaclyn Moore, Executive Director of the Office of Civil Justice and Erin Drinkwater, Deputy Commissioner of Intergovernmental and Legislative Affairs for the Department of Social Services.

To start, I would like to thank the City Council for its leadership and its partnership in the area of improving access to justice in our city, exemplified by the Council's championing of and support for New York City's historic "tenant's right to counsel" law and for OCJ's implementation of the law through our Universal Access to Legal Services initiative, the main focus of my testimony today. This initiative is a key component of OCJ's efforts to close the "justice gap" for New Yorkers facing eviction and housing instability and is the United States' first and largest program to provide legal services to all tenants facing eviction. Providing civil legal services for New Yorkers in need, in particular legal services for tenants, is a critical part of HRA's efforts to advance our priorities of combatting income inequality and poverty, addressing homelessness and making New York City the fairest city in America. Expanding access to legal services for tenants facing potential eviction is not only a cost-effective and commonsense response to New York City's homelessness challenge, it promotes a fair and equitable justice system, particularly in the City's Housing Courts where tenants under threat of eviction have long faced an uneven playing field where the vast majority of landlords have been represented by legal counsel, but most tenants have not.

Our commitment to access to justice for tenants is reflected in a substantial increase in mayoral funding for these critical services. Mayoral funding for tenant legal services programs including Universal Access is approximately \$128 million for Fiscal Year 2020. By comparison, mayoral funding was only \$6 million in Fiscal Year 2013. Looking ahead to Fiscal Year 2022, when Universal Access is expected to be fully implemented, a projected \$166 million in mayoral funding annually is expected to provide free legal services in approximately 125,000 cases per year to

400,000 New Yorkers, with access to free legal services for all tenants in eviction proceedings in Housing Court and in NYCHA termination cases.

I want to emphasize the historic and unprecedented nature of New York City's support for tenant legal services. In August of 2017 New York City made a commitment to every tenant facing eviction in housing court and public housing administrative proceedings that they would face this potentially life-changing legal challenge with the legal help and guidance they need – and today other cities are following our lead. Council Intro 214-a, now Local Law 136 of 2017, mandates that the City provide access to legal services for every tenant facing eviction in New York City Housing Court and at administrative proceedings at the New York City Housing Authority (NYCHA), with full legal representation available to households at or below 200% of Federal Poverty Guidelines– approximately \$25,500 annually for a single person and approximately \$52,000 for a family of four - .

More than two years later, the landscape for access to justice for tenants, in New York City and elsewhere, has been transformed, and for the better. Since New York City's enactment of Universal Access, Newark, New Jersey and San Francisco, California and most recently Philadelphia, Pennsylvania and Cleveland, Ohio have enacted "tenants' right to counsel" legislation that resemble New York City's, and other cities including Boston, Massachusetts, Los Angeles, California and Washington, DC are exploring their own tenant legal services initiatives.

Here in New York City, we have made substantial progress in bridging the "justice gap" for tenants facing potential eviction from their homes and neighborhoods, and these efforts – in which OCJ has partnered with over a dozen nonprofit legal services organizations – have already delivered positive and promising results.

In FY2019, 26,000 households facing eviction in Housing Court and NYCHA administrative proceedings received legal services in their cases in FY2019 – 69,000 New York City tenants who were able to face the threat of eviction with the assistance of a legal defender. OCJ-funded legal organizations provided legal assistance to over 32,000 households across New York City facing housing challenges, comprising over 105,000 tenants and their household members. This reflected a 24% increase in households served compared to the prior year and a 74% increase compared to FY2017, before the formal launch of Universal Access.

FY2019 marked a milestone, the first time in which our legal services programs served over 100,000 New Yorkers. In fact, as of June 30, 2019, over 350,000 New Yorkers had received free legal representation, advice, or assistance in eviction and other housing-related matters since the start of the de Blasio Administration in 2014 through tenant legal services programs administered by the Human Resources Administration.

When lawyers have represented tenants in court, they have been successful in preserving the homes of thousands. In Housing Court eviction cases resolved by OCJ's legal services providers, 84% of

households represented in court by lawyers were able to remain in their homes, not only saving thousands of tenancies, but also promoting the preservation of affordable housing and neighborhood stability. As New York City dramatically increased its investment in legal services for tenants, today we announced residential evictions by marshals declined more than 40 percent since 2013, with approximately 17,000 evictions in 2019 compared to nearly 29,000 evictions in 2013. In 2019 alone, evictions decreased 15 percent - the largest single-year decline since Mayor de Blasio signed the first-in-the-nation Universal Access program into law - with more than 40,000 households across the five boroughs estimated since 2013 that were able to remain in their homes as a result of decreased evictions.

In Housing Court, the uneven and unfair dynamic that left so many tenants unrepresented by counsel is steadily changing for the better through OCJ's implementation of Universal Access. In the last quarter of Fiscal Year 2019, 32% of tenants appearing in Housing Court for eviction cases were represented by attorneys in court. This is a substantial increase from the representation rate for tenants of 1% in 2013 as reported by the State Office of Court Administration.

With these encouraging results, we are now looking towards the future as we continue our phased implementation of the "tenant's right to counsel" law through Universal Access. For Housing Court eviction proceedings, OCJ is establishing Universal Access through implementation by ZIP code, identifying neighborhoods across New York City where eviction and displacement risks and pressures are acute, and focusing first on these communities, and this rollout is now underway. Currently, all low-income tenants facing eviction proceedings in Housing Court in twenty-five (25) ZIP codes across the City have access to free full legal representation, accessible in court and in the community. This "ZIP-by-ZIP" approach has enabled us to partner with the Housing Court administration and legal services providers to facilitate meaningful and effective methods of providing access to counsel, and we have seen a substantial impact in these communities in need. Whereas the legal representation rate for tenants appearing in Housing Court to face eviction cases was 32% citywide at the end of Fiscal Year 2019, the rate was 62% for tenants in the targeted Universal Access ZIP codes.

In addition, we are also monitoring the implementation of Universal Access legal services for tenants in NYCHA public housing facing administrative termination of tenancy proceedings. OCJ worked with legal provider partners and NYCHA to launch a program model in July 2019 to effectively provide comprehensive access to legal services for NYCHA tenants facing termination of tenancy proceedings. For the first phase of implementation, OCJ and partner legal services providers from across the city are providing access to legal services on site where NYCHA administers termination proceedings for all heads of NYCHA households who are seniors and who are facing termination of their tenancies. We are working with providers and NYCHA on this operational approach, which is expected to serve as a model for expansion for all NYCHA tenants facing termination of tenancy as Universal Access implementation continues.

We are also looking forward to gauging the impact of increased awareness of and access to our free legal assistance programs through the Housing Court's newly revised "plain language" notice of petition form. This reform was launched in September of 2019 one of several key recommendations made by the Chief Judge's Special Commission on the Future of New York City Housing Court. It means that the first thing a tenant sees in every eviction case properly filed in New York City Housing Court now includes information that will guide and encourage tenants to access OCJ's legal services. Specifically, we have partnered with the court system to establish a telephone hotline - (718) 557-1379 - that is included on the Notice of Petition and is staffed by live call-takers Monday through Friday for tenants to call and find out more about free legal assistance in New York City, learn about program eligibility and connect with free counsel as quickly as possible.

Legislation

There are two pieces of legislation under consideration today, Introduction 1104 and Introduction 1529.

Intro 1104 would require the Office of the Civil Justice Coordinator to expand the scope of right to counsel for all tenants making under 400% of the federal poverty guidelines, including any proceeding where ejection, eviction or termination of residency may result.

Intro 1529 would require the Office of the Civil Justice Coordinator to collaborate with community groups in engaging and educating tenants of their rights in housing court, and then report on their efforts.

Earlier this year, the State issued its FY21 Executive Budget which included devastating cost shifts to the City and HRA. The City and HRA are currently facing a \$1.1 billion cost shift for Medicaid as well as an additional 5% cut to TANF and EAF on top of a 10% cut last year for TANF – and a 10% cut for EAF previously – resulting in a new \$68M annualized cost and ~\$102M impact in FY20 and FY21 combined. We appreciate the support of the Council to prevent these cost shifts and cuts from being enacted in the final State budget.

We look forward to continuing the conversation concerning both of these local law proposals once we have worked through these potentially devastating cost shifts and cuts from the State.

Thank you again for the opportunity to testify today. We look forward to continuing working in partnership with the Council and alongside New York City's legal services providers and other stakeholders to effectively implement our city's historic "tenant's right to counsel" law and continue to make New York City a national leader in ensuring access to justice for people in need.



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Gale A. Brewer, Borough President

February 24, 2020

**Gale A. Brewer, Manhattan Borough President
Testimony before the New York City Council Committee on Housing &
Buildings Re Intro 1104-2018 and Intro 1529-2019, Expanding the Right to
Counsel Program**

My name is Gale A. Brewer and I am the Manhattan Borough President. Thank you to Chair Cornegy and Chair Lancman for the opportunity to speak in support of these two pieces of legislation - **Intro 1104-2018 and Intro 1529-2019, Expanding the Right to Counsel Program.**

New York City has good reason to be extremely proud of our Right to Counsel, or Universal Access Program. This groundbreaking – you could even say revolutionary – program, the first of its kind in the nation, has helped tens of thousands of households avoid eviction just in its first full fiscal year, and before it has been implemented in every zip code. Those averted evictions not only make a world of difference to the individuals and families affected. They help stem the loss of affordable housing, which is key to addressing our homelessness problem. So we should be very proud of what this law has accomplished, and I believe it will continue to prevent evictions and the loss of affordable apartments. One year after implementation, evictions are down by 16% citywide. And as predicted, the number of cases brought by landlords has declined due to the likelihood that the tenant will have representation.

To give you a sense of the statistics before the new laws were passed in Albany, but why we still need passage of these bills, I hope you remember the following: In the decade 2009-2018, the net loss of rent stabilized apartments in NYC was 46,332 citywide. In 2018, 52% of all rent stabilized units that were lost were in Manhattan. It is also true that 2017-2018, because of 421(a) and/or J51, NYC gained 4500 rent stabilized units, but not all of them are permanently stabilized. And many units in these tax abatement programs that went into effect decades ago are going out of stabilization very soon, unless we can keep them affordable.

Intro 1104 of 2018 would expand the program by increasing the eligibility ceiling to 400% of the Federal Poverty Guideline. This change would help the plight of working people and families who face the loss of their homes, not only through Housing Court actions but through Supreme Court cases, and proceedings to terminate subsidized tenancies.

Over the years, I have strongly supported the efforts of so many tenant advocates who fought for effective legal representation for low income New Yorkers facing eviction. And I continue to be deeply impressed by those tenants and organizers seeking to make the right to representation more effective. The members of this body who have led the effort, particularly Councilmembers Levine and Gibson, deserve credit for making New York a fairer city.

There is a critical need to need to expand program eligibility. Hundreds of thousands of very hard working people who cannot afford a private attorney are ineligible under the current guidelines of the Universal Access program. For example, a household of two working people, each making the minimum wage of

\$15 per hour, would be found ineligible for assistance due to being over-income. Yet having legal counsel is virtually determinative of whether you succeed in saving your home in a legal proceeding.

Passage of Intro 1104 is absolutely necessary to meet this critical, legal need for a vast number of the working poor, including tenants in difficult legal situations; for example, where the owner has refused to recognize their right to the apartment they call home. Such cases require expert legal assistance, yet many tenants do not now qualify. Intro 1104 would expand the existing law to address this shortcoming.

This bill will also provide coverage in cases where tenancies are terminated, not in court but at administrative proceedings. You can't overestimate the value of a Section 8 or NYCHA apartment. These are truly irreplaceable, affordable homes. Such tenants should be provided the legal help they need to avoid eviction in these circumstances.

Tenants also need help when appealing an unfavorable decision, or where the landlord appeals a lower court. Such appeals are complicated, cumbersome and require expert legal help. Tenants need and deserve assistance where their homes are at stake.

I also support Intro 1529 of 2019. It would provide funding for community groups to engage the community, or as it is better known: tenant organizing and education. Group training and workshops where tenants can learn about their rights, how to exercise those rights, and receive ongoing support are indispensable. Having a strong, accessible community organization can make a big difference in a

neighborhood staying strong in the face of displacement pressure. I support the inclusion of funding for this work.

I believe that these proposals represent necessary changes to a program, of which we are all proud, but which needs the expansion represented in these bills to make our intent to protect the homes of New Yorkers and preserve affordable housing a reality.



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Extending the Right to Counsel
Testimony of Assembly Member Richard N. Gottfried
Before a Joint Hearing of the New York City Council Committees
on the Justice System and on Housing and Buildings
New York City Hall
February 24, 2020

My name is Richard N. Gottfried. I represent the 75th Assembly District in Manhattan, which includes the neighborhoods of Chelsea, Hell's Kitchen/Clinton, the Flatiron District and parts of Midtown, the Upper West Side, and Kips Bay.

I support reforms to the Right to Counsel law which would, among other things, raise the income caps for tenants receiving free legal counsel and extend the law to cover NYCHA tenants.

Under the Right to Counsel (RTC) law enacted by the City Council in 2016, all tenants with incomes below 200% of the poverty line who face eviction in Housing Court have access to a lawyer. Although RTC will only be implemented citywide in 2022, it is up and running in twenty zip codes, and we are already seeing results.

New York University's Furman Center estimates that before the law went into effect, a full 95% of landlords, but only one percent of tenants, had legal representation in eviction cases. Since the RTC law went into effect in 2018, a study by the Community Service Society (CSS) documents that almost a third of tenants now have lawyers. The CSS report further documents that tenants are three times more likely to receive legal services in RTC zip codes than in similar non-RTC zip codes, and that evictions declined more than five times more rapidly in these zip codes.

The RTC law has gone a long way in evening the fight in Housing Court, but many tenants remain unprotected and vulnerable. The new proposal seeks to right some of the lingering imbalances.

My district, for instance, has the fifth highest median rent in the City (\$2,150/month), but it also has a high degree of income inequality. As a result, while 20.6% of all tenants are paying over half of their income on rent, the percentage more than doubles to 45.9% among low income households. Every month, these tenants must stretch the rest of their income to cover food, clothing, out-of-pocket health care costs, and all their other expenses.

Intro 1104 (a.k.a. "Right to Counsel 2.0") will lift the income threshold for getting free legal aid to deal with evictions, from 200% to 400% of the poverty line. In Hell's Kitchen and

Chelsea, raising the income cap would extend the right to counsel to 17,067 more tenants. This means that, under the new legislation, one out of three households (35.7%) will be able to be represented by a lawyer if they are threatened with eviction; under the status quo, only one out of five (21.8%) are protected.

My district is also home to NYCHA's Elliott Chelsea and Fulton Houses, which together house 3,464 residents. Intro 1104 will extend the right to counsel to those tenants living in buildings operated by NYCHA and by other agencies who face administrative proceedings that can end up terminating their tenancy. These tenants deserve to have a lawyer on their side.

Right now, many tenants who face housing challenges rely on community-based organizations for legal representation. Last year, one of these, the Hell's Kitchen-based Housing Conservation Coordinators (HCC), represented 480 clients in court, and provided another 896 clients with legal advice. It also offered 1,160 clients housing-related workshops and trainings. **Intro 1529** will augment funding for community-based organizations like HCC to get the word out about the right to counsel, and it will enable their legal service providers to take on more eviction cases.

The Right to Counsel law has succeeded dramatically in strengthening those tenants with the greatest need in neighborhoods with the fewest resources. Right to Counsel 2.0 promises to build on this success.

**Testimony of Hon. Jonathan Lippman, Of Counsel to Latham and Watkins and
Former Chief Judge of the New York State Court of Appeals**

**Before the New York City Council the City Council Housing and Buildings
Committee and Committee on the Justice System**

Regarding Intro 1104 and Intro 1529

February 24, 2020

Good day, Chairpersons Cornegy and Powers and members of the City Council Housing and Buildings Committee and Committee on the Justice System. My name is Jonathan Lippman. I am Of Counsel to Latham and Watkins and I am the former Chief Judge of the New York Court of Appeals. I am here today to support the adoption of Intros 1104 and 1529 which, together, will expand the reach and impact of New York City's groundbreaking Right to Counsel Law and further help to make New York City a more just and equitable city.

New York City should be enormously proud that it was the first city in the United States to establish a right to counsel for low-income tenants who face eviction. The right to counsel in eviction cases has been the biggest advance in access to justice in a generation, and I am very proud to have supported the adoption of that law in 2017. We are now about halfway through the law's phase-in, and the law has already proven to be enormously successful: The Right to Counsel is preserving homes, preventing homelessness, reducing the Housing Court docket and making the Housing Court a more balanced forum. In so doing, the right to counsel law is making life better for all New Yorkers.

- *The right to counsel is enabling low-income tenants to stay in their homes* – 84% of the tenants who have benefitted from representation under the right to counsel law have been able to remain in their homes.
- *The right to counsel is reducing the number of evictions.* Evictions are down 31% since the city started increasing funding for eviction defense; and evictions have gone down 5 times faster in zip codes where the right to counsel has been implemented than elsewhere.
- *The right to counsel is making the Housing Court a more balanced forum,* vastly increasing representation of tenants, reducing the number of court filings, reducing defaults and reducing the numbers of orders to show cause brought to reopen judgments.
- *The right to counsel is reducing entries into the homeless shelter system due to evictions.* Evictions are no longer the largest precipitating factor making families homeless.
- *The right to counsel is enabling the courts to address issues that would not have been litigated* – such as the rights of tenants in de facto multiple dwellings to rent

stabilization protections or the right of a home attendant to succeed to the apartment she lived in for years.

As New York's former Chief Judge, I know intimately how the justice system works and who it works for. I know its complexity and how difficult it is for the unrepresented to navigate. And I am painfully aware of our huge justice gap - how too many people are shut out of meaningful access to justice simply because they are unable to afford counsel; often in matters that have profound effect on their lives.

I have worked both on and off the bench throughout my career to advance access to justice and I am proud to say that because of a huge increase in state funding for civil legal services that was accomplished under my leadership, combined with New York City's large and growing investment in civil justice, New York is in the forefront of expanding meaningful access to justice. New York provides funding for civil legal services at a per capita rate that far exceeds civil legal services funding in any other state

But funding alone is not enough. True access to justice is about more than increased funding; it's about fundamental rights - no one should be foreclosed from meaningful access to justice in matters of fundamental human need, like having a roof over one's head and a home for one's family, simply because they cannot afford counsel. In matters of fundamental human need, counsel must be a right, not a privilege. In enacting the right to counsel law, New York City has led the way. Now it is time to take the next important steps toward equal justice.

These two proposed amendments - Intros 1104 and 1529 - will enable NYC to fill in gaps in the current law and fulfill the promise of a right to counsel for all who would otherwise have to face the prospect of eviction from their homes alone, without counsel, and at great disadvantage.

- **Intro 1104** extends right to counsel coverage to tenant households with incomes between 200 and 400 percent of federal poverty rates, and extends coverage to matters that are the functional equivalent of housing court eviction proceedings.
 - This population between 200 and 400% of federal poverty rates suffers an enormous justice gap, with income too high to qualify for most legal services programs, yet far too low to afford private counsel
 - The population that would be newly eligible under the Intro 1104 amendments includes minimum wage workers, pensioners on fixed incomes, healthcare workers, domestic workers, people who work in hospitality, food service and retail - the people who make New York City work for all of us.
 - And by covering appeals and administrative proceedings other than housing court cases that lead to evictions, Intro 1104 will assure that people who face losing their homes will have representation when it matters:
 - When they face administrative proceedings before government agencies that terminate their tenancies or their housing subsidies and when those administrative determinations are not reviewable in Housing Court

- When they win in Housing Court and need to defend an appeal or when they raise important legal issues in Housing Court but lose and need to appeal
- **Intro 1529** provides for supporting community organizations to do outreach and advocacy and will accomplish two very important goals.
 - Trusted community organizations, working in low-income communities, will assure that those who have a right to counsel are aware of and empowered to exercise that right;
 - By educating tenants about their housing rights and helping them to assert to assert those rights, community organizations that are funded under Intro 1529:
 - Will reduce “informal evictions” of tenants who are unaware of their rights
 - Will enable landlord-tenant matters to be resolved before ever reaching the courts
 - And will make life more stable and less stressful for New York City’s tenants while it reduces the burdens on the court.

New York City has become a model for the nation in establishing the right to counsel for tenants and in furthering meaningful access to justice. Other jurisdictions are understandably following our lead. San Francisco, Newark, Cleveland, Philadelphia and Santa Monica have all already adopted right to counsel legislation and dozens of localities and a few states have growing right to counsel movements.

Notably, two of the jurisdictions that have followed us have gone further with their legislation. San Francisco’s legislation provides a Right to Counsel to all tenants facing eviction regardless of income. And Philadelphia’s law provides for representation “in any judicial proceeding to evict or terminate a tenancy or housing subsidy” and in “any proceeding deemed by [a legal services provider] to be the functional equivalent of such a proceeding.” Those jurisdictions followed our lead in establishing the Right to Counsel. We should now follow theirs in making the Right to Counsel a reality for all who need it.

Thank you very much.



FOR THE RECORD

RENT STABILIZATION ASSOCIATION • 123 William Street • New York, NY 10038

JOINT OVERSIGHT HEARING OF THE COMMITTEE ON HOUSING AND BUILDINGS
AND THE COMMITTEE ON JUSTICE SYSTEM RELATING TO IMPLEMENTATION
AND EXPANSION OF THE RIGHT TO COUNSEL IN HOUSING COURT

FEBRUARY 24, 2020

My name is Mitchell Posilkin and I am the General Counsel for the Rent Stabilization Association, a trade organization comprised of 25,000 members who own or manage approximately one million apartments in the City of New York.

While RSA supports the right to counsel in housing court, it would be premature to consider any further expansion of the program until the five-year phase-in of the existing law is completed in 2022. At that point in time, after the law has been fully implemented, all interested parties will be able to provide the City Council with a proper evaluation of the implementation of the program.

While much has been said about how the right to counsel has benefited tenants in housing court, there are other elements to this discussion which tend to get overlooked. One thing is clear: any objective analysis of the right to counsel issue must consider the larger context in which non-payment proceedings arise in housing court. Here is some of that context:

- 1- Non-payment proceedings, which constitute 90% of housing court cases, now take, at a minimum, 2-3 months longer than was previously the case because of the time it takes to assign counsel. For apartment building owners, especially smaller property owners, delays in receiving their rents jeopardize their ability to pay their property taxes, mortgages and other financial obligations which are ongoing. Neither the City nor banks nor fuel companies nor insurance companies nor utilities care in the least that one or more tenants in a building are not paying their rent or that the matter is pending in Housing Court. Whether intentional or not, the current system simply takes far too long to determine eligibility and to assign counsel to eligible tenants. While extended delays may benefit tenants, it is certainly a major problem for owners. OCA and the legal services providers must enable counsel to be assigned at a much earlier date so that tenants and their attorneys can meet before the first court date, instead of after the first court date which is the current practice. Further, OCA must be given the funds that are needed to bring the antiquated and overcrowded housing courts into the 21st century and so that sufficient spaces are available for all litigants- both owners and tenants- to consult with their counsel. Regardless of where one stands on the spectrum of landlord-tenant issues, we can all agree that the physical conditions of the housing courts are unacceptable and that improving those conditions is both essential and long overdue.
- 2- The trend in the reduction of non-payment cases began in 2012, five years before the enactment of the right to counsel law in 2017. In 2012, 217,914 cases were filed; by 2018,

that number had declined to 191,893. In 2012, 132,860 cases were calendared, by 2018, the number of cases calendared had declined to 102,789. The numbers are even more dramatic when you take into account that 18% of non-payment filings and 25% of calendared cases are attributable to cases brought by NYCHA alone.

- 3- The decline in the number of evictions also began prior to the right to counsel law. In 2012, there were 28,743 evictions; by 2018, that number had declined to 18,152. There is no question that right to counsel will result in fewer evictions or that evictions will take longer. However, evictions will still occur because, regardless of whether a tenant has counsel, the owner is entitled to receive, and the tenant is required to pay, the rents that are due and owing.
- 4- One of the reasons evictions have declined is because of the increased availability of public monies to keep at-risk tenants in their homes. The so-called "one-shot deal" is now commonplace, with the cost of that program exceeding \$250 million annually. In addition, funds are also available through the City/FHEPS program to cover the monthly shortfall in shelter rents under the City's public assistance formulas. Further, over 120,000 households receive Section 8 benefits and another 75,000 households receive SCRIE or DRIE benefits. If the Legislature had passed legislation to expand the SCRIE and DRIE model to all low-income households, even more tenants would be protected. According to the RGB, evictions have declined specifically because of these various benefits, rising employment levels and declining unemployment.
- 5- Despite the decline in the number of evictions and the hundreds of millions of dollars being spent on right to counsel and the various rent subsidy programs, the number of homeless continues to climb. The City's expenses to address this problem exceed **\$3 billion**. The RGB's 2019 report indicates that, at the same time that evictions were declining, homelessness had increased for ten consecutive years, including the first year of the right to counsel program; the number of homeless now approaches 70,000 people. For those who continue to blame apartment building owners for the City's increasing population of homeless, it is time for you to look elsewhere.

The right to counsel has become an integral part of housing court and lower-income tenants are now represented more than ever before. That being said, the fundamental answer for these tenants is to obtain the rental subsidies that they need to avoid housing court in the first place. Just like tenants, owners do not want to be in housing court, suing the tenants who live in their buildings and who are sometimes their neighbors. They don't want to have to spend money to hire attorneys to get the rents to which they are entitled under their leases. Avoiding court should be the goal to which our system aspires. The Council's goal should be to create a system of rent subsidies whereby owners and tenants can avoid the nightmare of housing court.

In conclusion, before considering any expansion of the right to counsel program, the Council should wait until the current program is fully implemented in 2022 so that it can better understand and appreciate the numerous factors which contribute to the successes and failures of the program.



Testimony of

Coalition for the Homeless

on

Oversight: Implementation and Expansion of Right to Counsel in Housing Court

presented before

The New York City Council's Committee on the Justice System
and Committee on Housing and Buildings

Jacquelyn Simone
Policy Analyst
Coalition for the Homeless

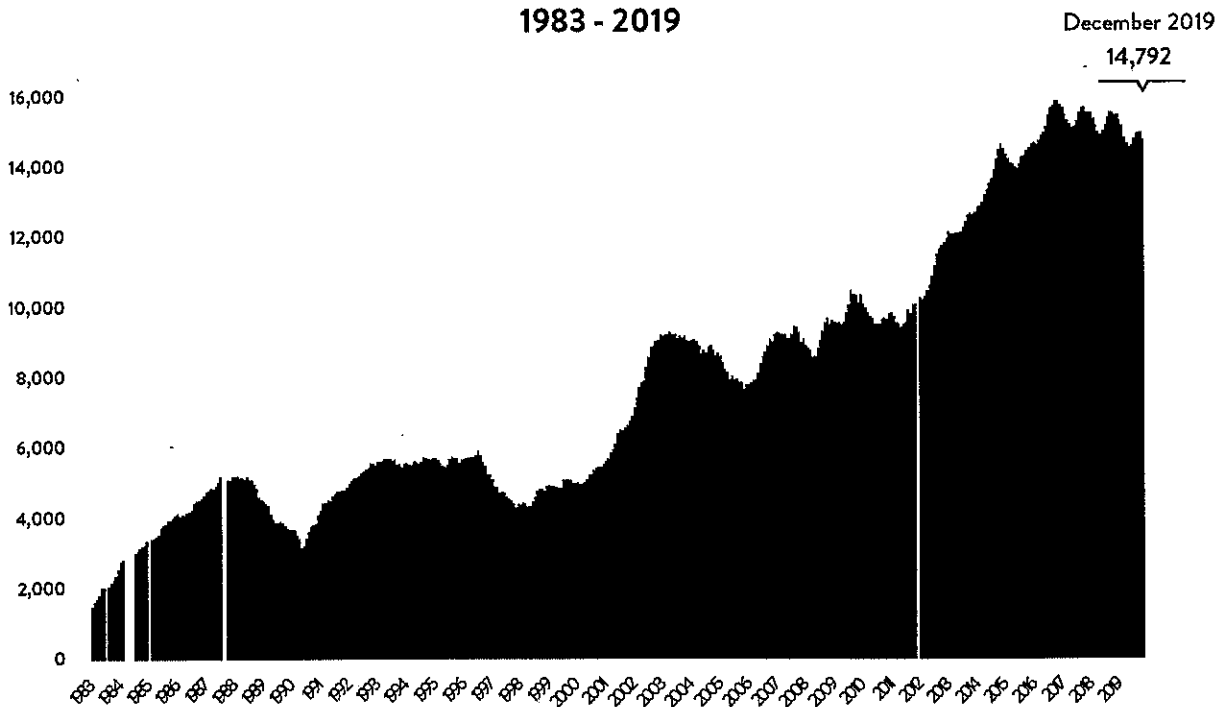
February 24, 2020

The Coalition for the Homeless welcomes this opportunity to testify before the New York City Council's Committee on the Justice System and Committee on Housing and Buildings regarding the implementation and expansion of right to counsel in housing court.

Record Homelessness in New York City

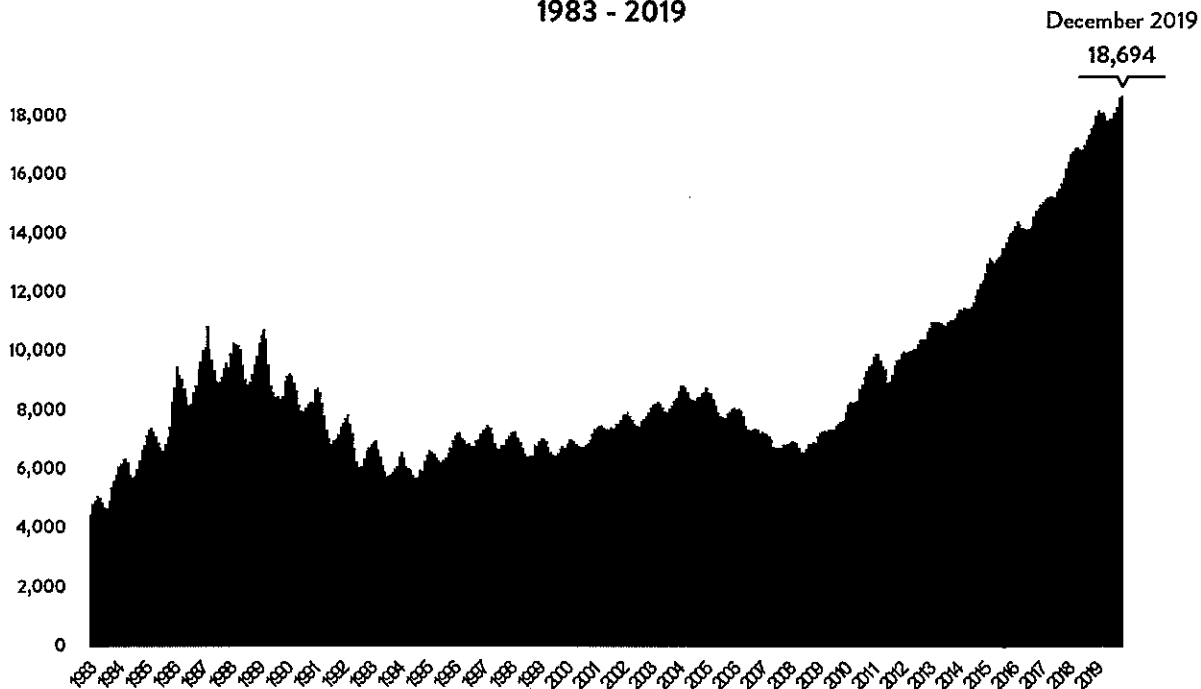
New York City remains in the midst of the worst homelessness crisis since the Great Depression, with nearly 63,000 adults and children sleeping in shelters each night. However, recent years have seen two divergent trends within the shelter population: While the number of families in shelters has stabilized, the number of single adults in NYC shelters reached an all-time record high in December 2019 at 18,694 residents.

**Number of Homeless Families Sleeping Each Night in NYC Shelters
1983 - 2019**



Source: NYC Department of Homeless Services and Human Resources Administration; Local Law 37 Reports

Number of Homeless Single Adults Sleeping Each Night in NYC Shelters 1983 - 2019



Source: NYC Department of Homeless Services and Human Resources Administration; Local Law 37 Reports

The primary reason for homelessness is the lack of affordable housing. Bold initiatives such as the right to counsel in housing court play a crucial role in helping to keep people stably housed, saving them from the trauma of homelessness.

Fewer Households Entering Shelters Due to Evictions

Although record homelessness persists, the crisis would likely be far worse if the City had not taken proactive steps to stem the tide of residential evictions through enacting the right to counsel and issuing rent arrears grants. One of the most striking developments in recent years has been the notable decline in the number of people entering shelters following an eviction. According to data from the Department of Homeless Services, the number of households citing eviction as their primary reason for entering shelters dropped between fiscal year 2015 and fiscal year 2017, even as the number of households entering shelters rose. The drop in evictions as the primary reason for entering shelters corresponds with the City's increasing provision of anti-eviction legal services and rent arrears grants.

This mirrors the larger citywide trend of declining residential eviction rates: Residential evictions reached a new low of just under 17,000 in 2019, down 41 percent from the high of 28,800 in 2013, the year before City funding for tenant legal services began.¹ The right to counsel has proven to be a powerful tool in stopping evictions, with 84 percent of tenants who had a lawyer in housing court through this program remaining in or restored to their homes.²

¹ Source: City Marshals, through Housing Court Answers, for data pre-2017 and NYC Open Data for 2017 and later

² https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_UA_Annual_Report_2019.pdf

Eviction prevention is smart policy from a moral and fiscal standpoint. Right to counsel can help preserve the city's precious affordable housing stock by keeping long-term tenants in their homes. Preventing homelessness also saves the estimated \$71,624³ it costs to have a family stay in a shelter for a year, while – most importantly – saving the household from the myriad and lasting harmful consequences that arise when families are displaced due to eviction.

Intro. 1529

While right to counsel has helped many New Yorkers stay in their homes, others are unaware that they could benefit from this historic right. Tenants who do not know they have a right to counsel may be less willing to ask their landlords for repairs and, instead, vacate an apartment in poor condition. Tenants who have received court papers may decide not to appear in court, decline representation, or sign unfavorable agreements unless they understand their right to be represented by a lawyer. Intro. 1529 would require the City to support organizers who would ensure that tenants know about their right to counsel and are empowered to exercise that right. Tenant organizing is essential to raise awareness of the right to counsel and reach tenants who might otherwise miss their opportunity to connect with a lawyer. For these reasons, Coalition for the Homeless encourages the Council to pass Intro. 1529.

Intro. 1104

Intro. 1104 would double the right to counsel program income eligibility level and expand the law to cover all eviction cases. Currently, a single New Yorker who works full-time and makes the \$15 minimum wage would not qualify for the right to counsel, but would likely struggle to afford a lawyer on their own. Many more New Yorkers facing eviction would benefit from right to counsel were the income eligibility cap to be lifted.

Coalition for the Homeless' acclaimed Eviction Prevention Program assists more than 800 families per year who are on the brink of homelessness by providing one-time grants – an average of \$1,000 per household – to those with impending evictions and who have the capacity to pay rent prospectively. Although the majority of households we serve have very low incomes, we have also served people with higher incomes who nonetheless fell behind in rent. In 2019, an estimated 13 percent of the households we served in our Eviction Prevention Program had a net monthly income of \$3,001 or more, which means they would not currently be eligible for the right to counsel. An additional 10 percent of households had monthly incomes between \$2,501 and \$3,000, meaning many of them may also be ineligible for right to counsel due to the current income restrictions. Lifting the income eligibility cap would give these tenants the extra support they need to remain stably housed. By expanding both the types of cases and the number of tenants covered, Intro. 1104 is a powerful way to build upon the initial success of the right to counsel.

We thank the Council for the opportunity to testify, and we look forward to opportunities for further advocacy to continue supporting New Yorkers facing eviction and homelessness.

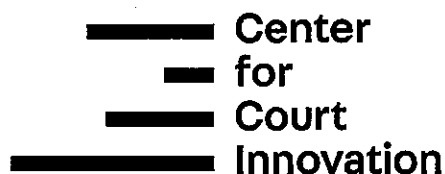
³ https://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2020/2020_pmmr.pdf

About Coalition for the Homeless

Coalition for the Homeless: Coalition for the Homeless, founded in 1981, is a not-for-profit advocacy and direct services organization that assists more than 3,500 homeless New Yorkers each day. The Coalition advocates for proven, cost-effective solutions to the crisis of modern homelessness, which is now in its fourth decade. The Coalition also protects the rights of homeless people through litigation involving the right to emergency shelter, the right to vote, the right to reasonable accommodations for those with disabilities, and life-saving housing and services for homeless people living with mental illness and HIV/AIDS.

The Coalition operates 11 direct-services programs that offer vital services to homeless, at-risk, and low-income New Yorkers. These programs also demonstrate effective, long-term solutions and include: Supportive housing for families and individuals living with AIDS; job-training for homeless and formerly homeless women; and permanent housing for formerly homeless families and individuals. Our summer sleep-away camp and after-school program help hundreds of homeless children each year. The Coalition's mobile soup kitchen distributes over 900 nutritious hot meals each night to homeless and hungry New Yorkers on the streets of Manhattan and the Bronx. Finally, our Crisis Intervention Department assists more than 1,000 homeless and at-risk households each month with eviction prevention, individual advocacy, referrals for shelter and emergency food programs, and assistance with public benefits as well as basic necessities such as diapers, formula, work uniforms, and money for medications and groceries.

The Coalition was founded in concert with landmark right to shelter litigation filed on behalf of homeless men and women (*Callahan v. Carey* and *Eldredge v. Koch*) and remains a plaintiff in these now consolidated cases. In 1981, the City and State entered into a consent decree in *Callahan* through which they agreed: "The City defendants shall provide shelter and board to each homeless man who applies for it provided that (a) the man meets the need standard to qualify for the home relief program established in New York State; or (b) the man by reason of physical, mental or social dysfunction is in need of temporary shelter." The *Eldredge* case extended this legal requirement to homeless single women. The *Callahan* consent decree and the *Eldredge* case also guarantee basic standards for shelters for homeless men and women. Pursuant to the decree, the Coalition serves as court-appointed monitor of municipal shelters for homeless adults, and the City has also authorized the Coalition to monitor other facilities serving homeless families. In 2017, the Coalition, fellow institutional plaintiff Center for Independence of the Disabled – New York, and homeless New Yorkers with disabilities were represented by The Legal Aid Society and pro-bono counsel White & Case in the settlement of *Butler v. City of New York*, which is designed to ensure that the right to shelter includes accessible accommodations for those with disabilities, consistent with Federal, State, and local laws.



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**Center for Court Innovation Spoken Testimony
New York City Council Committee on Justice System jointly with
The Committee on Housing and Buildings
Hearing on the Implementation and Expansion of Right to Counsel in Housing Court
Monday, February 24, 2020**

Good evening. My name is Ignacio Jaureguilorda. I oversee Legal Hand, a project of the Center for Court Innovation. We thank you for the opportunity to provide testimony regarding the NYC Office of Civil Justice's Programs to Provide Universal Access to Legal Services for Tenants Facing Eviction. The Center for Court Innovation works to create a more effective and humane justice system by launching operating programs to test new ideas and solve problems, performing original research, and providing expert assistance to justice reformers around the world. We operate programs in all five boroughs.

Three of these programs in particular - the Red Hook Community Justice Center, the Harlem Community Justice Center, and Legal Hand – work directly with New York City residents who are facing housing instability, whether through the threat of eviction, the need for permanent housing, or living conditions that pose risks to their safety and well-being. Both Red Hook and Harlem operate neighborhood-based housing courts in partnership with the New York State Unified Court System, with Harlem handling both public and private housing cases that arise within two local zip codes; and Red Hook handling exclusively public housing cases from the Red Hook Houses. Finally, our Access to Justice civil programs provide assistance to thousands of New Yorkers with housing issues through Legal Hand and the Jonathan Lippman Access to Justice Fellowship Program.

Taken together, from our work serving tenants in both court and in community settings, and training new housing attorneys, we have learned a great deal about preventing evictions, addressing human needs of litigants, increasing access to justice, advancing fairness and reaching vulnerable populations including returning citizens. While the Center for Court Innovation is not an advocacy organization and does not support or oppose specific legislation, our work to promote access to justice in low-income and vulnerable communities throughout New York City in both a court and neighborhood setting has given us a unique perspective on universal access and the right to counsel in housing matters. We appreciate the opportunity to give testimony and share our most successful practices with you in our submitted testimony in the hopes they can inform greater investments the City is making in housing stability, affordability and legal protections for New York City tenants.

The promise of Universal Access is incredible. As a former legal services attorney specializing in housing court, I consistently observe better outcomes when tenants have legal counsel, even in cases when the tenant does not retain their apartment.

Unfortunately, universal access is not at this point universal and is not the only necessary service. We strongly support the inclusion of public housing residents within UA because access to legal services makes a difference for public housing residents in both L&T housing court and at NYCHA's administrative termination of tenancy hearings. Tenants of all housing types benefit from legal services when facing evictions and is needed for public housing residents now more than ever with the uncertain future of public housing in New York City.

Furthermore, when attempting to make legal service referrals for tenants facing eviction, staff at the Justice Center's Housing Resource Center are regularly told providers must prioritize cases in covered zip codes and often have a policy of not considering cases of tenants from uncovered zip codes. For example, tenants and litigants from uncovered zip codes such as 11231 in the Red Hook Community Justice Center's jurisdiction have found it significantly harder to obtain legal representation. We encourage an allocation of resources for legal service providers to support legal representation for the most vulnerable residents facing eviction even if they do not reside in a covered zip code.

Finally, we strongly encourage the City to consider ancillary services, including pre-court information that can prevent the need for housing court litigation and clinical services, that can ensure that clients are served in a holistic manner.

Thank you for taking the time to listen today. I am available for questions should you have any.



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**Center for Court Innovation Written Testimony
New York City Council Committee on Justice System jointly with
The Committee on Housing and Buildings
Hearing on the Implementation and Expansion of Right to Counsel in Housing Court
Monday, February 24, 2020**

Good evening. My name is Ignacio Jaureguilorda. I oversee various housing related access to justice civil programs at the Center for Court Innovation. We thank you for the opportunity to provide testimony today regarding the right to counsel in housing matters.

The Center for Court Innovation works to create a more effective and humane justice system by launching operating programs to test new ideas and solve problems, performing original research, and providing expert assistance to justice reformers around the world. We operate programs in all five boroughs ranging from community-based violence prevention programs to reentry initiatives, civil access to justice programs, and court-based programs that reduce the use of unnecessary incarceration, just to name a few. In all of our work, we start with understanding the full range of needs of our communities.

Three of these programs in particular - the Red Hook Community Justice Center, the Harlem Community Justice Center, and Legal Hand – work directly with New York City residents who are facing housing instability, whether through the threat of eviction, the need for permanent housing, or living conditions that pose risks to their safety and well-being. Both Red Hook and Harlem operate neighborhood-based housing courts in partnership with the New York State Unified Court System, with Harlem handling both public and private housing cases that arise within two local zip codes; and Red Hook handling exclusively public housing cases from the Red Hook Houses. Finally, our Access to Justice civil programs provide assistance to thousands of New Yorkers with housing issues through Legal Hand and the Lippman Fellows Program.

Taken together, from our work serving tenants in both court and in community settings, and training new housing attorneys, we have learned a great deal about preventing evictions, addressing human needs of litigants, increasing access to justice, advancing fairness and reaching vulnerable populations including returning citizens. While the Center for Court Innovation is not an advocacy organization and does not support or oppose specific legislation, our work to promote access to justice in low-income and vulnerable communities throughout New York City in both a court and neighborhood setting has given us a unique perspective on universal access and the right to counsel in housing matters. We appreciate the opportunity to give testimony and share our most successful practices with you today in the hopes they can inform greater investments the City is making in housing stability, affordability and legal protections for New York City tenants.

What we do:

Eviction Prevention:

As is the case in Housing Courts everywhere, in both Harlem and Red Hook, eviction proceedings initiated by landlords in the form of nonpayment cases represent the majority of the cases. In 2019, Red Hook handled 405 of these cases. In all of our work we take a problem-solving and individualized approach to cases, meeting the human and not just legal needs of the litigant. We don't just ask the what, but the why. How did someone end up with rental arrears? If they are in public housing, is their rent being calculated accurately? Beyond arrears, are their other factors contributing to financial strain or instability in the home?

We hear stories every day of the extreme challenges and stresses faced by young renters, working parents and fixed-income seniors to pay their rent. To respond to their needs, we have transformed our Red Hook and Harlem housing courts into not just a forum for adjudicating their case but a true **resource hub**. Tenants can receive support with on-site benefits assistance from the Human Resource Administration (HRA) for not only Emergency Assistance (One-Shot Deals), but also SNAP and cash assistance. While assisting tenants to complete NYCHA's annual household income recertification, we are able to help tenants ensure their rent is calculated accurately, maximize deductions, and maintain affordability according to HUD's standards. Our Help Center staff regularly turn to the team of social workers and victim specialists based on-site at the Justice Centers to respond to issues of victimization, domestic violence, elder abuse, mental health, and substance abuse as they come up and provide the counseling and listening ear we all can benefit from during a destabilizing period in our lives. We regularly host health insurance providers, job recruiters and free home health providers to table during court, and display information on financial-literacy and worker-rights from the Department of Consumer Affairs. We offer free tax-preparation in partnership with the Food Bank for New York City and NYCHA's REES. Lastly, our Red Hook Peacemaking mediation program has been an indispensable resource to addressing intra-family or neighbor disputes that surface regularly during housing court. Holistic supportive services and resources integrated into the civil justice system and available to the community at-large allows for families to not only remain in their homes, but to rebound and thrive after in instability of facing eviction.

Another all too common reason families face eviction is due to default judgements (or non-appearance by tenants) to their court date. In Red Hook, we have launched several housing court attendance strategies, including: conducting reminder calls before court dates; giving tenants an organizer folder when they answer petitions for important documents; supplying healthy breakfast snacks at the start of court; making the space kid friendly; and, providing extra space for litigants to negotiate. These efforts have contributed to our low rate of default judgements. In 2019, only 1 in 25 warrants in Red Hook were issued by default, compared to 1 in 4 citywide.

Advancing fairness:

All of our work is animated by the principles of procedural justice, which at its essence is treating people with dignity and respect. Research has shown that when court users perceive the justice system to

be fair, they are more likely to comply with court orders and follow the rules in the future—regardless of the outcome of their case. Researchers such as Tom Tyler of Yale Law School have boiled down procedural justice to a handful of key elements: treating court users with dignity and respect, ensuring that they understand the process, that they have a voice, and that decisions are made neutrally. At the Justice Centers, this means clear signage throughout the building and a team atmosphere between court officers, clerks, and program staff to ensure litigants understand the process and that decisions are transparent, non-biased and communicated in plain language. Our Red Hook AmeriCorps service members and history of local hiring ensures that the communities served by the court are represented in our staffing.

These efforts together are altering the reality of housing court as an “eviction factory” to a place where tenants seek justice. Tenants in Red Hook have increasingly come to court to file Housing Part (HP) Actions on housing maintenance issues, including health hazards of lead paint, mold and chronic leaks. Citywide in 2019, tenant-initiated HP actions accounting for 6% of total housing court filings, while in Red Hook 34% of filings were initiated by tenants seeking repairs. Last year alone, 212 households filed HP Actions leading to city HPD inspectors recording 1,032 violations at the NYCHA Red Hook Houses which has significant unmet building capital needs. City inspections, enforcement of hazard codes, and the access to the housing court process have the potential to provide public housing tenants with localized accountability and code compliance to ensure the safety and habitability of their homes.

Increasing access to justice:

Our Legal Hand project has become a model in the city for increasing access to justice for tenants outside of the courts by bringing justice to the neighborhoods they live in. Legal Hand empowers community residents to support their neighbors with free legal information. Our trained local volunteers at storefront centers directly support eviction prevention, addressing habitability issues and assistance finding housing.

There is a substantial need for this kind of non-court based, pre-litigation service. Legal Hand, through our five sites, worked on 6,959 housing matters with our visitors in 2019. That is up from 2018 when we saw 4,273 for the whole year. Assistance can take many forms, including help with navigating the social services system, completing online legal forms, and drafting form letters. A legal services attorney is on-site at each Legal Hand office to train and assist volunteers. Neighborhood workshops run by staff, local partners and legal services organizations address civil legal issues affecting the community.

Legal Hand’s recruitment and training of community volunteers on civil legal issues supports our understanding of new developments in legal issues and on-going education throughout the community. These brief services can prevent cases before they even come to court and offers a model of efficient deployment of legal services diffused throughout the city’s neighborhoods.

Supporting returning Citizens:

Without stable housing and protected tenant rights, a returning citizen faces the likelihood of returning to incarceration. The reentry programming at the Harlem Community Justice Center operates on

the immediacy of providing preventive support to individuals re-entering the community. Yet, 30% of Harlem's clients returning to community list a homeless shelter as their address. Secure and stable housing is the foundation on which successful reentry is built, however returning citizens seeking housing face a shortage of available supportive or transitional housing which is often exacerbated by restrictive criminal background policies. Further efforts are needed to help individuals to understand their rights and to succeed in temporary/transitional housing. This challenge is of increased importance with legislative changes from Albany on distinctions between tenant/licensee notices, and lock-out situations.

Additionally, we applaud and provide numerous client referrals to NYCHA's and the Vera Institute's Family Reentry Program. An individual's positive reentry efforts despite a criminal record should neither jeopardize their family's housing nor forever bar them from applying to housing. We know that further efforts by Universal Access counselors as well as my colleagues and I at CCI can help individuals apply to lift their permanent exclusion from NYCHA and prevent termination of tenancy hearings and holdover proceedings.

Looking at the future and the rollout of UA

Challenges and opportunities of Universal Access:

The promise of Universal Access is incredible. As a former legal services attorney specializing in housing court, I consistently observe better outcomes when tenants have legal counsel, even in cases when the tenant does not retain their apartment.

Unfortunately, universal access is not at this point universal and is not the only necessary service. We strongly support the inclusion of public housing residents within UA because access to legal services makes a difference for public housing residents in both L&T housing court and at NYCHA's administrative termination of tenancy hearings. Tenants of all housing types benefit from legal services when facing evictions and is needed for public housing residents now more than ever with the uncertain future of public housing in New York City.

Furthermore, when attempting to make legal service referrals for tenants facing eviction, staff at the Justice Center's Housing Resource Center are regularly told providers must prioritize cases in covered zip codes and often have a policy of not considering cases of tenants from uncovered zip codes. For example, tenants and litigants from uncovered zip codes such as 11231 in the Red Hook Community Justice Center's jurisdiction have found it significantly harder to obtain legal representation. We encourage an allocation of resources for legal service providers to support legal representation for the most vulnerable residents facing eviction even if they do not reside in a covered zip code.

Finally, we strongly encourage the City to consider ancillary services, including pre-court information that can prevent the need for housing court litigation and clinical services, that can ensure that clients are served in a holistic manner.

Thank you for taking the time to listen today. I am available for questions should you have any.

Serving the Housing Needs of New Yorkers

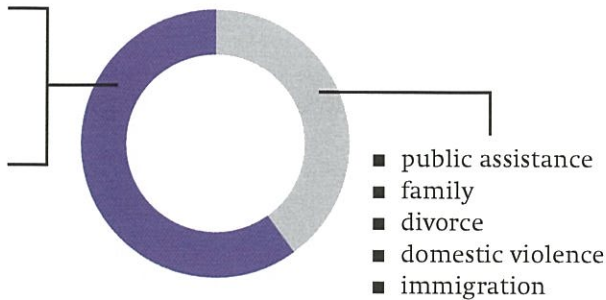


We provide housing support through the following programs:

LEGAL HAND

Trained community volunteers provide free legal information, assistance, and referrals to help clients resolve issues such as:

6 in 10
cases are for
housing



6,959
housing cases assisted
across all 5 sites



Our programs' **Housing Resource Centers** help tenants navigate housing court by providing housing, financial, and legal assistance, with a focus on helping to resolve critical repairs and prevent evictions.

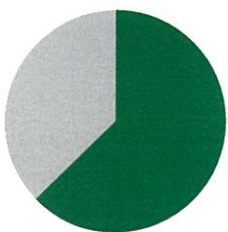
HARLEM COMMUNITY JUSTICE CENTER



30% of clients re-entering from prison are homeless, living in a shelter or living in a transitional-house

2,590 services provided this year including:

- repairing complaints
- NYCHA grievance letter assistance
- pro bono counsel referrals
- rent arrears assistance



63%
services connected clients
with city agencies to
maintain housing stability

RED HOOK COMMUNITY JUSTICE CENTER

1,268
households served representing 43% of all Red Hook public housing residents.



Tenants see housing court as a means of attaining safe, affordable housing and accessing justice by filing Housing Part Actions:



We help tenants respond to landlord claims, which prevents automatic losses (default):



TAKEROOT JUSTICE

OF THE RECORD

Thank you for the opportunity to testify today. My name is Stephanie Storke, and I am a Housing Attorney at TakeRoot Justice. On behalf of TakeRoot Justice, I am here today to voice our support for the passage of Intro 1529 and 1104.

TakeRoot Justice provides legal, participatory research and policy support to strengthen the work of grassroots and community-based groups in New York City to dismantle racial, economic and social oppression. Following 18 years of impact as the Community Development Project of the Urban Justice Center, TakeRoot Justice launched as an independent organization in July 2019.

TakeRoot Justice employs a unique model of partnership with grassroots and community-based groups. Our partners take the lead in determining the priorities and goals for our work, and advance our understanding of justice. This upends the traditional power dynamics between communities and service providers. TakeRoot believes in a theory of change where short-term and individual successes help build the capacity and power of our partners, who in turn can have longer-term impact on policies, laws and systems that affect their communities. Our work has greater impact because it is done in connection with organizing, building power and leadership development.

We believe that community organizing should be at the center of any effort to create sustainable, systematic change. The community organizations we partner with play a crucial role in identifying, organizing and advocating around policy issues that impact local residents, particularly in communities where residents' voices tend to be underrepresented in policy discussions. The success of such grassroots efforts rests on community organizations' capacity and tools to make their voices heard at the policy level.

In cooperation with community organizers, the Housing Practice area of TakeRoot Justice brings 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. We play a supporting role in our work, providing tenants and organizers with information, advice, and representation based on a legal strategy determined and driven by them. Through our litigation support, we try to transform Housing Court into a site of empowerment for New York City tenants, where they can assert their rights in affirmative cases for repairs and against landlord harassment.

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On behalf of TakeRoot Justice, I would first like to applaud the City Council and Mayor for adopting Right to Counsel (RTC) or Universal Access to Legal Services for Tenants Facing Eviction (UA) back in 2017. We are also extremely proud of the Right to Counsel Coalition, grassroots and community-based organizations, tenants, and tenant organizers across the City whose hard work made and continue to make legislation such as Right to Counsel possible. While TakeRoot Justice does not directly provide representation to tenants through Right to Counsel, the passage of this monumental law has nevertheless had a profound impact on our work since its roll-out. The low-income tenants we represent in RTC zip codes in our affirmative group work can more confidently fight for repairs and against harassment knowing that they have a right to an attorney if their landlord retaliates against them for asserting their housing rights.

Right to Counsel represents enormous progress toward tilting decades-long power held by landlords back toward New York City tenants to stop displacement. Since its implementation, Right to Counsel has proven to be an effective tool in keeping low-income New Yorkers in their homes and leveling the playing field within Housing Court. Tenant representation in court has drastically increased citywide – having increased from 1% in 2013, to 30% as of 2018. Even more significantly, in 2018, 56% of tenants facing eviction within RTC zip codes had an attorney, and 84% of tenants with an RTC attorney were able to remain in their homes. We also saw evictions decline by 11% in RTC zip codes. However, there is still much to work to be done until the full potential of Right to Counsel is realized.

To that end, I am hear today on behalf of TakeRoot Justice, to voice our support for the passage of two bills that would strengthen Right to Counsel Law:

- Intro 1529, which requires the City to support trusted tenant organizing groups to ensure that tenants know about and use their Right to Counsel; and
- Intro 1104, which increases RTC's income eligibility level and expands the types of cases covered by Right to Counsel

While Right to Counsel has been proven to stop evictions in New York City, more must be done to increase outreach and tenant awareness through trusted tenant organizing groups, who are already doing this important work.

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Not enough tenants who have the right to an attorney know they have it and many who do know about their right are too afraid to use it. A survey at Bronx Housing Court found that 53% of tenants who were eligible for representation through Right to Counsel did not know about this right before showing up in court. To fully realize the purpose and vision of Right to Counsel, tenants must know about their housing rights and claim them. When tenants don't know or use their rights, they are more susceptible to harassment by their landlord and ultimately displacement. This is particularly true for poor people of color in the City.

Right to Counsel doesn't change the fact that landlords want rent-regulated tenants out, and are likely to resort to means other than the formal eviction process to get tenants to give up their apartments. In our work at TakeRoot Justice, we continue to witness an unrelenting barrage of harassment directed against low-income tenants, even after the passage of Right to Counsel and the strengthening of tenant laws state-wide. This harassment can take many forms, including lack of repairs, construction as harassment, threats, and other forms of intimidation used by landlords to constructively evict low-income tenants from their long-term homes. While legal services are an important tool to fight tenant abuse, it is certainly not the only tool. Organizing can and should be used as a tool in Right to Counsel to shift power back to tenants.

As an organization devoted to strengthening the work of community-based groups in New York City, TakeRoot feels very strongly that a community-based approach is critical to the long-term success of Right to Counsel. TakeRoot works with neighborhood-based tenant organizers because we believe that this is one of the most effective means of ensuring tenants know about their rights and feel supported using them. The primary job of an organizer is to build power in the community to leverage against those with entrenched power and create sustainable change. Working in partnership with neighborhood-based community organizers helps and enhances our work at TakeRoot by building trust with tenants from the initial stages of outreach, through intake and over the course of representation. Organizing also helps get us results for tenants that lawyers and lawsuits cannot. When organizing is connected to Right to Counsel, we believe that lasting and impactful change can happen beyond the victory of any individual tenant facing eviction in housing court. Organizers, tenants and attorneys can work together to identify patterns of harassment, as well as the City's worst landlords and the worst lenders. By building connections and increasing awareness, we can truly begin to systematically combat the wave of displacement sweeping through low-income communities and communities of color in New York City.

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TakeRoot Justice also supports the expansion of Right to Counsel's coverage through the passage of Intro 1104. The federal poverty level is not in line with the reality of people living in New York City and the skyrocketing cost of living. Right to Counsel must reflect that reality by increasing the income threshold to 400% of the federal poverty line. Intro 1104 would also expand the law to expand the types of cases covered, including supreme court ejectment cases, appeals, and administrative hearings. By expanding the number of people and types of cases covered, Intro 1104 has the potential to drastically further the decline in evictions in New York City.

Right to Counsel was a tremendous step forward for New York City's low-income tenants. However, for its vision to be truly realized, TakeRoot Justice calls for the passage of Intro 1529 and Intro 1104. Thank you for your time.

For more information, contact ssorke@takerootjustice.org.

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To: New York City Council Members
From: Claire A. Schapira
February 24, 2020

I. Oral Testimony

Hello, my name is Claire Schapira and I am testifying in SUPPORT of the latest Right to Counsel bills. I am here speaking on behalf of Brooklyn Law School's NLG chapter, as an intern at Mobilization for Justice, and on behalf of myself, as a tenant.

Let me be clear: the easiest way to support people in this city across all fronts is to guarantee that they have safe, affordable housing. Right to Counsel, Power to Organize directly supports the tenants of New York City, and protects those most vulnerable.

The initial push of Right to Counsel was a monumental step towards a fully housed New York City, however it still leaves behind many vulnerable New Yorkers. Under the current legislation, a person working full time and making \$15 dollars an hour does not qualify for Right to Counsel representation. To put that in perspective, according to the New York State Department of Labor, there were 315,200 food service and drinking place workers in 2018.¹ Their average annual wage was \$31,500.² Almost 200,000 people are employed in social assistance work, and make on average \$32,700 a year.³ Just in these two sectors alone, that is **half a million New Yorkers who may be denied housing justice due to financial barriers. Today, you have the chance to change that.**

Even if tenants have access to legal help, there is still a threshold issue to them getting justice: **they need to know their rights. This is the importance of organizers, and a critical part of the Right to Counsel framework.**

¹ See New York State Dep't of Labor, *Significant Industries, A report to the Workforce Development System*, at 5, 7. (2019)(<https://www.labor.ny.gov/stats/PDFs/Significant-Industries-New-York-City.pdf>).

² *Id.*

³ *Id.*

To: New York City Council Members
From: Claire A. Schapira
February 24, 2020

It is paramount to educate people about their rights, and organizers are the most qualified people to do that. Speaking from personal experience, when I signed my current lease, the landlord actively lied to me about whether my apartment was rent stabilized and asked me to sign away my right to extermination if there were pests or bedbugs. It is only because of my involvement in a housing rights organization that I had any idea that his statements were not true. The same day, I was chatting with a woman in the landlord's lobby, and she described to me something that sounded off. It wasn't until I relayed her story to my supervisor that I learned she had experienced, in his words, "classic section 8 discrimination." At the time, she was unsure of what was going on, and I didn't know how to help her.

I am lucky to have an education in housing law, but the majority of New Yorkers do not. **Without knowledge of their rights, they are without remedy to the discrimination and harassment they face. Today, you have the chance to change this by supporting the expansion of funding for tenant organizers.**

Thank you for your time today. I am also submitting written testimony, which includes the sources I have referenced, and some written materials on the necessity of housing in relation to other health issues.

I hope you choose to do the right thing and expand the protections for New Yorkers, vote in favor of the expansion of right to counsel.

To: New York City Council Members
From: Claire A. Schapira
February 24, 2020

II. Written Testimony

While eviction is often thought of in economic terms as part of relationship between landlords and tenants, there is a human cost. The cycle of evictions and poverty are intertwined, exacerbating each other at the expense of people's livelihoods. This memo provides a brief insight into the health effects of eviction.

The economic turmoil that is caused by an eviction is well documented, but more research is being done into the health effects of eviction as well. Even before a person is evicted, the stress of it can have a negative impact on their health, including poor health, high blood pressure, depression, anxiety, and psychological distress.⁴ These issues disproportionately affect women and children of color, and reducing evictions in turn improves health equity between those marginalized populations.⁵

Matthew Desmond and Rachel Tolbert Kimbro, professors at Harvard University and Rice University respectively, wrote on the connection between health and eviction in 2015.⁶ They found that eviction leads to displacement, which in turn leads to evicted families spending more time in substandard living conditions out of desperation.⁷ In New York, sub-standard living conditions result in problems such as asthma for children; “[c]urrent asthma levels are twice as high among children living in the lowest-income neighborhoods compared to children living in the highest-

⁴ See Allison Bovell-Ammo and Megan Sandel, *The Hidden Health Crisis of Eviction*, BU School of Public Health, News & Events (Oct. 5, 2018), <https://www.bu.edu/sph/2018/10/05/the-hidden-health-crisis-of-eviction/> (“People who are threatened with eviction, even before they lose their home, are more likely to report poor health, high blood pressure, depression, anxiety, and psychological distress. Eviction often leads to residential instability, moving into poor quality housing, overcrowding, and homelessness, all of which is associated with negative health among adults and children.”).

⁵ See *id.*

⁶ Matthew Desmond and Rachel Tolbert Kimbro, *Eviction's Fallout: Housing, Hardship, and Health*, 94 *Social Forces* 295 (2015) (https://scholar.harvard.edu/files/mdesmond/files/desmondkimbro.evictions.fallout.sf2015_2.pdf).

⁷ See *id.* at 300, 301.

To: New York City Council Members
From: Claire A. Schapira
February 24, 2020

income neighborhoods (12% vs. 6%).”⁸ New York City Department of Health and Mental Hygiene cites a variety of factors for this disparity, explicitly including triggers in the home such as conditions or pests.⁹

Eviction also poses a wide range of risks to a person’s mental health.¹⁰ For mothers who face poverty and eviction, the result can range from psychological distress, to depression, to parents acting in a more punitive and less supportive manner to their children; “events associated with poverty, such as forced displacement, can diminish a mother’s capacity for affirming and supportive parenting and increase her tendency to act punitively and erratically toward her children.”¹¹ The effects of eviction permeate every part of the family dynamic in deeply hurtful ways. As Desmond and Kimbro conclude, “[W]e found that the impact of eviction on some outcomes may be stubbornly resilient, enduring years after families were forced from their homes. We found some evidence that at least two years after their eviction mothers still experienced significantly higher rates of material hardship and depression than their peers.”¹² Finally, they conclude, “because we find that evicted mothers and their children were more likely to suffer from health problems, directing eviction prevention aid upstream potentially could lower healthcare costs incurred downstream.”¹³ The hardships and health effects endure past the tumultuous period of the eviction, and lead to long lasting health costs that can be avoided through eviction prevention and avoidance.

⁸ See New York City Department of Health and Mental Hygiene, *Childhood Asthma in New York City*, NYC Vital Signs, Vol 7, at 2 (<https://www1.nyc.gov/assets/doh/downloads/pdf/survey/survey-2008asthma.pdf>).

⁹ *Id.* at 3 (“Among children with current asthma... [m]ore than half in low-income households (55%) had cockroaches seen in their homes the last 30 days, compared to one quarter from high-income households (23%).”).

¹⁰ Matthew Desmond and Rachel Tolbert Kimbro, *Eviction’s Fallout: Housing, Hardship, and Health*, 94 *Social Forces* 295, 300-301 (2015). (https://scholar.harvard.edu/files/mdesmond/files/desmondkimbro.evictions.fallout.sf2015_2.pdf).

¹¹ *Id.*

¹² *Id.* at 318.

¹³ *Id.* at 320.

To: New York City Council Members
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February 24, 2020

Right to Counsel (hereinafter RtC) has already had a profound effect on the eviction rates of New York. In zip codes where RtC has already been enacted there was an eleven percent decrease in eviction rates, as compared to a two percent in other zip codes.¹⁴ Each person who is not evicted is a person who is spared the onslaught of negative health effects described above, and RtC has empirically shown to reduce evictions. Expanding RtC legislation will in turn prevent more people from suffering unjust evictions and physical, psychological, and economic injuries in the process.

¹⁴ Oksana Mironova, *NYC Right to Counsel, First year results and potential for expansion*, Community Service Society (Mar. 2019) at 3 (https://d3n8a8pro7vnmx.cloudfront.net/righttocounselnyc/pages/23/attachments/original/1554239752/RTC_Print_Version.pdf?1554239752).

Testimony of Housing Works
Before
**The New York City Council Committee on Housing and Buildings
& Committee on the Justice System**

Regarding
Implementation and Expansion of Right to Counsel in Housing Court
February 24, 2020

Thank you, Chairpersons Cornegy and Lancman and members of the Committee on Housing and Buildings and the Committee on the Justice System for hearing my testimony today. My name is Elena Rodriguez and I am Staff Attorney in the Legal Department at Housing Works and the HIV Law Project, a healing community of people living with and affected by HIV/AIDS. Founded in 1990, Housing Works is the largest community-based HIV services organization in the United States and provide a range of integrated services for low-income New Yorkers living with HIV/AIDS—from housing, to medical and behavioral care, to legal services and job training. Our mission is to end the dual crises of homelessness and AIDS through relentless advocacy, the provision of life saving services, and entrepreneurial businesses that sustain our efforts.

The Housing Works Legal Department offers clients advice and representation on matters involving housing, public benefits, family law, wills, advanced directives, consumer issues, and more. All clients dually enrolled in Housing Works Community Healthcare's case management services are eligible for free legal services from the Housing Works Legal Department. For over two decades, Housing Works' Legal Department has successfully conducted impact litigation on issues involving HIV/AIDS, homelessness, public benefits, disability, and housing and gender discrimination, winning landmark decisions in each of these areas. In addition, through the HIV Law Project, Housing Works offers free legal assistance to qualified New York City residents living with HIV in housing, government benefits, and immigration. For 30 years, the HIV Law Project has been at the forefront of legal and advocacy services to low-income HIV-positive New Yorkers, particularly women and people of color. To date, HIV Law Project has assisted over 20,000 clients with their legal needs.

As an organization committed to serving people at or below the poverty line who are homeless or at risk of homelessness and are living with HIV or vulnerable to HIV, Housing Work strongly supports the passage of Intro.1104 and 1529, and the continued implementation and expansion of the Right to Counsel in housing court. Evictions are cruel, violent, inhumane, and unjust. Evictions are used to displace the most vulnerable community members in our city: low-income tenants, people of color, women, single mothers, and immigrants. Evictions ravage individuals and communities with health issues, job loss, and education loss; eviction pushes already vulnerable individuals further into poverty. Additionally, evictions increase emergency room use and raise the risk of mental health hospitalizations.⁴

The Right to Counsel in New York City has already proven to slow the scourge of evictions in the city, by guaranteeing low-income tenants a right to a lawyer when facing an eviction in housing court. We are grateful to the City Council and the Mayor to adopting Right to Counsel legislation in 2017, which has proven to be a powerful tool in helping tenants defend their homes against eviction. Since the Right to Counsel law was passed, eviction in the city are down nearly 14% and 84% of tenants who had a lawyer under the law were able to remain in their homes.⁵

In order to further this progress, we call upon the City Council to strengthen the law by increasing the income eligibility level, expanding the coverage for different types of eviction cases, and requiring the City to work with trusted tenant organizing groups to engage and educate tenants about their rights.

We would like to express our strong support of the proposed legislation (Intro. 1104-2018) that would require the Office of the Civil Justice Coordinator to expand the scope of right to counsel for all tenants making under 400% of the federal poverty guidelines, including any proceeding where ejection, eviction or termination of residency may result. We also strongly support the proposed legislation (Intro. 1529-2019) that would require the office of the civil justice coordinator to collaborate with community groups in engaging and educating tenants of their rights in housing court, and then report on their efforts.

Housing Works is deeply committed to New York State's Plan for Ending the HIV Epidemic, which includes recommendations to meet non-medical needs to ensure effective HIV care, including access to adequate, stable housing.³ Ample evidence has established that safe, stable housing is essential to support effective antiretroviral treatment that sustains optimal health for people living with HIV and makes it impossible to transmit HIV to others.¹ This large body of research findings show that homelessness and housing instability are linked to: delayed entry into HIV care; discontinuous care; lower rates of HIV viral suppression; HIV-related health disparities; and increased mortality. Increased housing stability is linked to; improved engagement and retention in effective antiretroviral treatment; reduced HIV related mortality; fewer new infections; and lower medical costs from averting new HIV infections and reducing avoidable health care utilization. Indeed, for New Yorkers living with HIV, unstable housing is the single strongest predictor of poor outcomes and health disparities.²

We strongly support strengthening the Right to Council law through the proposed legislation that will expand protection for the most vulnerable New Yorkers, and this will also have a positive effect on the health and wellbeing of New Yorkers. Thank you.

Sincerely,

Elena Rodriguez

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3. https://www.health.ny.gov/diseases/aids/ending_the_epidemic/docs/blueprint.pdf
4. Collison & Reed (2018). The Effects of Evictions on Low-Income Households. NYU Law.
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ANHD
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**Testimony of Emily Goldstein, ANHD
before the New York City Council Committees on Housing & Buildings Committee
and the Judiciary**

February 24th, 2020

Good morning and thank you to Chairs Cornegy and Lancman and the members of the committees for the opportunity to testify today.

My name is Emily Goldstein and I am the Director of Organizing and Advocacy at the Association for Neighborhood and Housing Development (ANHD). ANHD builds community power to win affordable housing and thriving, equitable neighborhoods for all New Yorkers. As a coalition of community groups across New York City, we use research, advocacy, and grassroots organizing to support our members in their work to build equity and justice in their neighborhoods and city-wide.

I am testifying today in support of Intros 1104 and 1529, expanding the reach of Right to Counsel in New York City. The proposed legislation would expand and build on the remarkable success of the original Right to Counsel law, which is a key tool in the fight against displacement and for thriving, stable communities and affordable housing for all.

Intro 1529 is crucially important to ensuring that the Right to Counsel exists not only on paper, but in practice. ANHD has always recognized that tenant organizing is the most successful way to make sure that tenants are aware of and prepared to fully use the rights they have on paper. Local community organizations like ANHD's members are often in the best position to reach vulnerable tenants in their neighborhoods because they have spent years building relationships and trust, and understand the needs and population of their local areas. Providing additional resources and support for tenant education and organizing is the most effective way to ensure that tenants understand their rights, and are able to take full advantage of them. Organizing is the best way to ensure that tenants access their available representation in eviction proceedings, and are supported to work together to proactively address problems in their buildings without being held back by fear of retaliation from their landlords.

The Right to Counsel law passed in 2017 has been enormously successful. Research by the Community Service Society showed that 84% of tenants facing eviction who had a lawyer were able to remain in



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their homes.¹ Having access to a lawyer evens the power imbalance between landlords, who are represented by a lawyer over 90% of the time, and tenants facing eviction, who before the law was passed were usually unrepresented. Having access to a lawyer helps to prevent tenants from being harassed out of their homes with false accusations and misinformation; it helps to prevent tenants from being pressured into signing predatory agreements that they do not understand or will not be able to abide by; and it ultimately helps to ensure that tenants are not displaced from their homes and communities.

Intro 1104 would provide the same necessary protections to tenants facing eviction who currently are considered “over income.” Based on the current income threshold, a single adult working a full time minimum wage job does not qualify. That simply doesn’t make sense as a threshold for a law intended to keep vulnerable tenants in their homes. Raising the income threshold to 400% of the federal poverty level would enable RTC to cover thousands of additional New Yorkers who need protection from unfair or coercive eviction proceedings, and who cannot afford a private attorney. Likewise, extending protection to tenants facing eviction in proceedings outside of housing court and in appeals is a logical step – regardless of the venue, an eviction is an eviction.

Many of ANHD’s members are non-profit developers who own and manage affordable housing. They are landlords to tenants who now have the Right to Counsel. But because mission-driven, non-profit developers are first and foremost concerned with keeping residents in their homes, they will generally pursue every option to prevent an eviction, and take tenants to court only as a last resort. Tenant Right to Counsel simply ensures a level playing field and equal access to justice for tenants in such cases.

I urge you to pass Intros 1529 and 1104 to ensure access and use of the Right to Counsel by more of the New Yorkers who need it.

¹ Oksana Mironova, NYC Right to Counsel: First year results and potential for expansion, March 2019.
https://d3n8a8pro7vymx.cloudfront.net/righttocounselnyc/pages/23/attachments/original/1554239752/RTC_Print_Version.pdf?1554239752

**Implementation and Expansion of Right to Counsel in Housing Court
Committee on Housing
February 24, 2020**

My name is Bobbie Sackman. I am currently working with the NYC Metro Chapter of the NYS Alliance for Retired Americans doing advocacy on age discrimination in the workplace and financial security as we age. Housing stability free from fear of eviction and harassment is a cornerstone to aging safely in affordable housing in the community you've lived in for many years.

What is the Alliance for Retired Americans?

The Alliance is a unique national organization, with state, regional and local affiliates, working to create an America that protects the health and economic security of seniors, rewards work, strengthens families and builds thriving communities. It was launched in January 2001 by a national coalition of AFL-CIO affiliated unions and community-based organizations dedicated to economic and social justice and a better life for seniors.

More than 2.7 million people nationally and 490,000 in New York are members of the National Alliance for Retired Americans. Historically, many retired union members have maintained some type of affiliation with a retiree group of their former union. However, they have never had the opportunity to realize the power that can result from uniting with the millions of retirees from all areas of the labor movement — until now.

Now union retirees and other older Americans have a chance to work together to make their voices heard in the laws, policies, and institutions that shape their lives.

<https://nystate.retiredamericans.org/>

Who belongs to the NYS Alliance?

Individual union retirees, community organizations and others who pay an annual dues of \$10 to the New York State Alliance for Retired Americans, of which a portion is rebated to regional ARAs to cover their membership as well.

As Director of Public Policy for LiveOn NY for 28 years, I was active with the Right to Counsel Coalition from its inception to ensure that older New Yorkers would play an integral role in getting the legislation passed. On behalf of older adults across the city, I'd like to thank City Council and the Mayor for adopting the Right to Counsel (RTC) legislation in 2017, guaranteeing low-income tenants a right to a lawyer when facing an eviction in housing court. While eviction is a terrifying experience at any age, imagine facing possible eviction when you're over age 60, even 75, 80 or older.

NYC was the first place in the nation to enact a RTC in housing court. The experience of tenants in housing court has been transformed in thousands of cases. The Office of Civil Justice (OCJ) found that 84% of tenants who had a lawyer under RTC (nearly 22,000 households) were able to remain in their homes in the first two years after RTC was enacted. Evictions across the city have declined by 31% since 2013, when funding for tenant legal services began. Evictions have dropped more significantly in RTC zip codes than in others. Additionally, eviction filings and shelter entry due to evictions have also declined significantly. This sea change is something all New Yorkers can be proud of. The RTC program has been an enormous success.

RTC also helps preserve the city's affordable housing stock, by keeping long-term, rent-stabilized tenants in their homes. OCJ found that more than 50% of households who have used RTC have lived in their homes for more than six years, and more than 40% lived in their homes for more than 10 years. Many of these tenants are older adults. Older adults are anchors in their communities as long time residents.

RTC is also an economic win-win for the city. In a series of studies done in NYC and other cities with RTC, RTC costs cities significantly less than evictions. In addition, there are multiple ways that the city could bring down the cost of RTC by driving down landlord filings. The lessons learned should be used to expand the current RTC law. RTC would cost even less if: NYCHA stopped using housing court as a means to collect rent; if the city enforced and instituted best practices for city-funded private attorneys which would require them to follow multiple steps before going to court; if the city investigated NYC's worst evictors whose business models are clearly predicated on using housing court as a displacement and harassment tactic; and if the city would invest in more proactive outreach strategies both inside and outside the court so that tenants know about RTC and meet their RTC attorney at the earliest point in their case. NYCHA is the landlord of thousands of low income older New Yorkers. Again, their financial security and safety is key to aging with dignity.

I am also doing advocacy on behalf of the NY Health Act, a single payer bill which includes long term care. In this capacity, I am advocating on behalf of home care aides, mostly women of color and immigrants, for better pay and work conditions. A powerful example of the success of the RTC is when a CAMBA attorney who, because of RTC, was able to successfully argue that a home health care worker had succession rights. This means that RTC is working to transform the courts from a place that has been weaponized by the landlords to a place where tenants can pursue and create justice. As usual, many issues intersect.

Expanding the Right to Counsel Law

As you all know well, in order for a service to reach its full potential successfully, outreach and education to those eligible and in need of the service outreach and education is key. Currently, the majority of tenants who are eligible for RTC do not know they have this new right and many are afraid to use it. Additionally, more than one-third of tenants facing eviction in housing court don't have a Right to Counsel because they exceed the law's income eligibility level.

Now that it has been proven that RTC is effective in stopping evictions, it is time to expand it to ensure that all tenants facing an eviction have RTC and know about it. That is why the Right to Counsel NYC Coalition is organizing a campaign called "Right to Counsel, Power to Organize," calling for the passage of two bills that would strengthen the law:

- Intro 1529 requires the city to support trusted tenant organizing groups to make sure that tenants know about and use their Right to Counsel.
- Intro 1104 increases RTC's income eligibility level and expands the types of eviction cases covered by RTC.

The Case for Intro 1529

A survey done by volunteers at Bronx Housing Court found that 53% of tenants who had RTC did not know about this right before arriving in court. We have seen the severe consequences of tenants not knowing about their RTC. Tenants have decided not to appear in court, declined legal representation out of fear and confusion, or signed agreements with landlord attorneys prior to knowing they had representation.

Ultimately, when tenants do not know about their RTC, they risk eviction, defeating the purpose and vision of the law.

Additionally, while RTC's ability to stop formal evictions inside the legal court process is proving to be successful, the Coalition knows that the RTC law can and should be used against informal evictions by landlords. When tenants do not know about their RTC and other rights as tenants, they are more easily harassed out of their homes. Harassment can take many forms, such as lack of repairs, construction as harassment, verbal threats, etc. This is especially true for older tenants who face harassment as their rents may be lower. Landlord harassment is rampant in NYC. Just the one survey done at Bronx Housing Court found that 77% of tenants needed repairs. Historically, many tenants have feared fighting for their rights in fear of retaliation. With all the new rent laws recently won in NY state, it is especially important that tenants fight for their rights, knowing that they have the right to a lawyer if their landlord did try to evict them in retaliation. In order for RTC to continue to be effective, everyone needs to know about it, understand it, and use it as a tool to ensure all their rights as tenants.

Tenant organizing is the most effective means of ensuring tenants know about their rights. Tenant organizing groups create an environment where tenants feel supported by a community that is working together to combat landlord abuse, ensuring that a landlord cannot target an individual tenant for standing up for their rights.

Given the nature of the larger political climate where immigrant tenants are even more vulnerable than before, it is imperative that the city partner with trusted and well-established neighborhood based groups. Neighborhood-based groups who have a history of tenant organizing and community service are trusted community partners and, therefore, are best positioned to do the outreach and education work that is critical to the success of RTC.

We know that organizing works. In the last year, the Coalition was able to fund, through private means, 8 organizers— in the Bronx, Brooklyn, Queens, and Manhattan— to do this crucial work. In 1 year, these tenant organizers:

- Distributed information about RTC to nearly 16,000 people.
- Conducted outreach to approximately 400 buildings.
- Conducted 150 Know-Your-Rights Workshops reaching more than 2,200 tenants.
- Formed 50 new tenants associations, in which over 1,400 tenants are active.
- Stopped harassment in more than 1,000 households.
- Helped more than 800 households get repairs.
- Helped more than 700 tenants apply for a rent reduction
- Developed approximately 300 tenant leaders

This work should not be funded by the Coalition, but must be integrated into the city's approach to ensure that tenants know about and use RTC. Intro 1529 would require the city to work with and fund neighborhood-based organizations to ensure more tenants know about their Right to Counsel and feel supported using it. Through this law, we are calling on the city to allocate \$5 million to hire more than 40 tenant organizers citywide as well as cover the costs to support and train these organizers. This funding would be provided by the Mayor's budget, and therefore baselined. Intro 1529 amends Local Law 136, which is administered by the Office of Civil Justice, an office under HRA.

The Case for Intro 1104

Currently, to be eligible for full legal representation under the RTC law, a tenant's household income must be 200% or below of the federal poverty level (FPL). According to the 2019 federal poverty guidelines, that is less than \$24,980 for a single adult or less than \$51,500 for a family of four. While an estimated 60% of tenants facing eviction in housing court meet this income eligibility level requirement, more than one-third of tenants do not, leaving the majority of them to fight their eviction case alone. For some older adults, Social Security and a small pension could put them over the current RTC eligibility income level while still living on the fiscal cliff. About one-third of older adult renters living on a fixed income pay more than 50% of their income in rent.

Intro 1104 would double RTC's income eligibility level from 200% of the FPL to 400%—a yearly income of \$49,960 for a single adult and \$103,000 for a family of four—in order to capture tenants in need of free legal representation. This would be a life saver for older adults and New Yorkers of all ages.

A report by the Community Service Society found that 527,000 tenant households (25% of the total NYC renter population) with incomes between 200-400% of the FPL. Approximately 56,000-71,000 households in this income range are sued in housing court each year. More than 1/3 of tenants with incomes between 200%-400% of the FPL experience housing hardships that indicate they are at-risk of eviction, such as: being threatened with eviction, falling behind on rent, or moving in with other people. 52% of them live in regulated housing, which we must protect to preserve neighborhoods and affordable housing. If evicted, these tenants could easily end up in a homeless shelter, require public assistance, etc.

Additionally, a single New Yorker working full-time and making the \$15 minimum wage is currently not income eligible for RTC. Ironically, one major win is also a loss. This needs to be corrected. Furthermore, the current eligibility level for RTC does not include all New Yorkers with incomes less than \$58,450, and, therefore, deemed "low income" by the U.S. Department of Housing and Urban Development. Intro 1104 would change this, however, ensuring all low income New Yorkers have RTC.

In addition to expanding RTC's income eligibility level, Intro 1104 would also expand the types of cases covered by RTC. Currently, RTC only covers eviction cases that take place in NYC's housing courts. While most eviction cases are held there, several thousand are held in administrative hearings, higher courts, or are appeal cases. For example:

- Administrative hearings: NYC's affordable housing programs are governed by various city agencies that can hold hearings that lead to eviction. For example, NYCHA holds about 3,500 termination of tenancy procedures each year and the Department of Housing Preservation and Development holds about 300 termination hearings for Mitchell-Lama.
- Supreme Court ejectment cases: Approximately 100 tenants are evicted through Supreme Court ejectment cases every year. While we don't know the number of cases heard in court because it's not easily available to the public, we estimate it to be about 300 cases per year. Landlords can sometimes bring eviction cases to the Supreme Court when the city's housing court do not have jurisdiction. For example, some Housing Development Fund Corporation (HDFC) co-op evictions happen here.
- Appeals: Though the current law guarantees tenants a lawyer for the entirety of their cases, it does not cover appeals. We estimate that approximately 1,400 housing court appeals are initiated in NYC each

year, with approximately 400 being litigated fully. With more tenants than ever being represented and winning their cases, landlords are filing more appeals. Without legal representation to defend their victories, tenants will be left alone when the final and most important decision is made.

Intro 1104 would amend Local Law 136 to expand both RTC's income eligibility level and the types of cases covered. It would go into effect after the phase-in period for the current RTC law is completed in 2022, with an aim to be phased in fully by 2024. Intro 1104 would cover approximately 46,000 additional eviction cases each year. With RTC's 84% success rate, Intro 1104 has the potential to drastically further the decline in evictions by expanding the number of people eligible for RTC.

Summary

The Right to Counsel NYC Coalition urges the City Council and Mayor to pass Intro 1529 and Intro 1104 to expand the Right to Counsel law to ensure more tenants have and use this right.

The Coalition knows that these measures would greatly further the city's goal of decreasing evictions as well as the Coalition's ultimate goal of ending evictions in NYC. Evictions are cruel, violent, inhumane, and unjust. Evictions are used to displace the most vulnerable community members in our city: low-income tenants, people of color, women, single mothers, older adults and immigrants. Evictions ravage individuals and communities with health issues, job loss, education loss, as well as further pushes them into poverty all while costing the city an estimated \$8,000 per case. By allowing evictions, NYC says that a landlord's profit is more important than a person's home.

NYC can and should do more to stop evictions. RTC has proven to be an immensely effective tool to stopping evictions. Now, it is time to expand the law by passing Intro 1529 and Intro 1104. We must commit to making NYC an equitable, diverse, and just city.

For more information, contact Alyssa Figueroa: alyssa@righttocounselnyc.org; 212-590-9475
Bobbie Sackman, NYC Metro Chapter, NYSARA, bobbiesackman6@gmail.com, 917-690-2805



**Testimony of
Beth Finkel
AARP New York**

**New York City Council
Committee on Housing and Buildings and
Committee on Justice System**

February 24, 2020

**City Hall
New York, New York**

Contact: Beth Finkel (212) 407-3717 | bfinkel@aarp.org

Good morning Chairpersons Cornegy and Lancman and members of the Housing and Buildings and Justice System Committees. My name is Beth Finkel and I am the State Director at AARP New York. On behalf of our nearly 750,000 members age 50 and older in New York City, I want to thank you for the opportunity to testify today.

I urge you to pass Intros 1104 and 1529 to expand the Right to Counsel law. With an unabated housing crisis, growing income disparities and rapidly gentrifying neighborhoods, we simply must give more New Yorkers legal tools and outreach services to fight evictions.

New data has us at AARP particularly concerned.

According to our report, *Disrupting Disparities 2.0, Solutions for New Yorkers Age 50+¹*, seniors - particularly Black/African American and Hispanic/Latino – are at risk of gentrification-related displacement because of high poverty and low homeownership rates.

We found that 91% of older Hispanic/Latino and 81% of older Black/African American residents in gentrifying neighborhoods are renters and many of them are low income, putting them at particular risk of displacement.

For example, Bushwick and Bed Stuy are home to about 66,000 residents 50+, 30% of whom live under the poverty level, putting about 20,000 older people at high risk of displacement.

Expanding our RTC laws can help.

Before the RTC law was passed, almost all low-income tenants who faced eviction lost their case because they had no representation in court.

¹ https://rockinst.org/wp-content/uploads/2020/01/DD_Booklet-2020_PDF-for-Web.pdf

Last year, evictions declined more than 5 times faster in RTC zip codes than in similar ones.

AARP fought hard alongside elected officials and advocates to get the original RTC bill passed in 2017. And I'm here to say we will do all we can to ensure the needed expansions proposed by Council Members Levine and Gibson and the RTC Coalition also become law.

Liz Thompson's struggles show us why we must expand RTC. Ms. Thompson is 72 years old and has lived in the same rent-stabilized apartment in the Bronx for 35 years. Her landlord is one of the city's most prolific evictors, landing a spot on Right to Counsel NYC Coalition's NYC Worst Evictors list.

When Ms. Thompson first heard about the right to counsel, she hoped it would give her the help she needed. But despite the fact that her Social Security and pension income barely cover her bills, they put her over the current income threshold for RTC.

There are literally tens-of thousands of people like Ms. Thompson.

We estimate that raising the income threshold for RTC through Intro 1104 could cover an additional 56,000 to 71,000 households, making nearly everyone currently in housing court eligible for RTC. The bill would also expand the law to cover more types of eviction cases, in higher courts or administrative hearings, and appeals.

But expanding eligibility isn't enough. More people — including those who qualify today — just don't know their rights. Intro 1529 would provide funding to tenant organizing groups for education and outreach.

All of our neighbors make up the great diversity and vibrancy of our neighborhoods — and in fact, many of our older neighbors are responsible for building up those neighborhoods. We owe it to them to level the playing field in housing court and help

more of them stay in their homes and communities. That's why I urge you to pass Intros 1104 and 1529.

Thank you.



TESTIMONY OF:

Alexandra Dougherty, Senior Staff Attorney, Civil Justice Practice

BROOKLYN DEFENDER SERVICES

Presented before

**The New York City Council
Committee on Justice System and Committee on Housing and Buildings**

Oversight Meeting and Introduction of Bills Int 1104-2018 and Int 1529-2019

February 24, 2020

My name is Alexandra Dougherty, and I am a Senior Staff Attorney of the Civil Justice Practice at Brooklyn Defender Services (BDS). I would like to take this opportunity to speak in support of ongoing and expanded funding of the right to counsel for New York City tenants.

Brooklyn Defender Services provides multi-disciplinary and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, for nearly 30,000 clients in Brooklyn every year. BDS' Civil Justice Practice (CJP) aims to reduce the civil collateral consequences for our clients who have had interaction with the criminal, family or immigration justice systems. We also serve our clients with additional civil legal needs; we know that even a minor housing or benefits issue, if unaddressed, can have insurmountable repercussions, especially for our clients who are already dealing with serious problems in other forums.

BDS supports Intro numbers 1104-2018 and 1529-2019. We applaud the city for increasing funding and expanding eligibility for Right to Counsel programs. Our colleagues in the Right to Counsel coalition have made clear why this particular expansion of RTC is so critical, and we encourage the Council to continue supporting this important work.

As the Council expands the scope of what RTC representation can look like, we would like to take this opportunity to draw the Council's attention to our specific client base. As an office in the unique position of already being assigned counsel in other forums, many of our clients' civil

legal issues are not easily generalized or best resolved by traditional Housing Court representation. I urge the City Council to continue considering the specific circumstances and needs of tenants like BDS clients for whom housing instability is part of a broader picture that includes criminal or family court involvement.

The City should respect client continuity and client choice

The vast majority of CJP clients are referred to us by another BDS unit and already have a BDS attorney in another forum. Unlike traditional providers, our model allows us to establish a connection to clients without first requiring screening and an extensive in person intake procedure. We routinely give advice and appear in court for existing BDS clients immediately upon contact. Providing civil representation within BDS minimizes confusion for our clients and saves clients the time of going through a complicated intake procedure with another provider, as well as and the emotional labor of discussing sensitive details of the case at a new office.

The nature of our representation means that we are able to share information about our clients' cases amongst our colleagues at BDS in order to anticipate and avoid potential civil problems. Our clients can choose to work with a CJP attorney as soon as they have housing or civil questions instead of waiting until they are sued in Housing Court. When we get involved early, we are often able to prevent a Housing Court case entirely by addressing underlying benefits issues with administrative agencies, settling directly with the landlord out of court, or giving clients preventative advice. When we are able to resolve issues before they develop into court cases, our clients are spared months of stressful litigation, the threat of imminent eviction, and placement on the tenant blacklist, which would be a devastating long term obstacle to securing stable affordable housing.

We frequently get involved in a case early when a BDS criminal client is temporarily excluded from their apartment pursuant to an order of protection. Our client is immediately forced to choose between finding new housing, and potentially owing rent in two apartments, or violating the order of protection and risk getting charged with contempt. In that situation, the tenant would not be eligible for representation from a traditional provider until they eventually fall behind in rent and get sued in Housing Court, potentially months later. Instead, we can immediately provide advice about their various options and minimize the risk of either losing the apartment or violating the order of protection. CJP's housing specialist can also provide critical early guidance in that situation by helping our clients secure affordable housing before eviction is imminent.

Continuity in representation creates expertise and efficiency

BDS clients are often dealing with multiple complex legal systems. Their civil legal needs are best met by attorneys who have knowledge in and access to these other legal systems. CJP attorneys routinely go to criminal and family court with our clients and colleagues, and directly inform those courts about our clients' housing and civil issues. When an incarcerated BDS client faces housing consequences we have the infrastructure in place to communicate with that client. We often prevent incarcerated tenants from defaulting in Housing Court because our colleagues refer those cases to us early.

In fact, judges and court staff are aware of our expertise and ability to handle these types of housing cases. We receive a steady stream of referrals from the court of cases in which the tenant is incarcerated or is facing eviction based on an underlying criminal case, as the court is aware that our office has a unique ability and capacity to work with these tenants.

Our colleagues from other providers also refer cases to CJP, even cases in the existing Universal Access zip codes. Housing cases that are linked with ongoing criminal or family court cases tend to be more legally and factually complicated and time-intensive than traditional Housing Court cases. We enthusiastically take these referrals from other providers who could successfully resolve multiple traditional Housing Court cases in the time it would take to litigate one housing case based upon criminal charges. We also take referrals of these cases from providers whose federal funding requirements prevent them from handling certain criminal charges.

Providing tenants with continuous BDS representation is not just administratively efficient, it is also client-focused and results in concrete victories for our clients. This is obvious when looking at NYCHA termination of tenancy proceedings. BDS criminal attorneys refer cases involving NYCHA tenants to CJP promptly before the threat of eviction has arisen. We consult with the criminal attorney and advise how a potential plea would affect our client's NYCHA housing before NYCHA has even started a termination proceeding.

Ms. S and Mr. V are recent CJP clients who live in NYCHA with their daughter. Mr. V's BDS criminal defense attorney referred them to us as soon as she became aware they were NYCHA tenants. We advised that Mr. V's plea offer would likely be safe for the family's housing because it would result in the case getting dismissed and sealed. Because we were involved at this early stage, we were immediately aware when NYCHA started a termination proceeding against Ms. S, who was the head of household. At the first hearing date NYCHA offered a settlement agreement in which Mr. V would be permanently excluded from the apartment on the basis of his arrest. His permanent exclusion would have been devastating for the family because Mr. V is their daughter's primary care giver during the day while Ms. S is getting treatment for a chronic health issue. Instead of advising Mr. V and Ms. S to settle, we showed NYCHA proof that the criminal case had been dismissed and sealed; permanent exclusion based on that arrest would be a violation of New York State sealing statutes. NYCHA declined to pursue the termination proceeding and our clients were able to avoid any threat of eviction and disruption to their family's stability. NYCHA routinely offers permanent exclusion to tenants facing termination regardless of the disposition of the criminal case, and CJP is uniquely able to protect our clients from devastating consequences of NYCHA's repeated violations of the state sealing statutes.

BDS clients deserve nuanced resolutions, which are not always traditional "wins" in Housing Court

When a BDS client faces a cascading set of issues in multiple legal systems, the best outcome reflects our client's priorities and considers these issues holistically. CJP attorneys work with our BDS colleagues to address our clients' needs and respect their priorities. Sometimes, a traditional victory in Housing Court does not reflect these priorities. An alternative solution like entering shelter voluntarily may be the best option considering ongoing housing and family cases, for example. Traditional providers can't always identify alternative resolutions when their representation is limited to Housing Court.

One BDS client, Mr. S, was living in a one bedroom rent stabilized apartment when ACS removed his three children from their mother and placed them in his custody. He suddenly found himself the single dad of three kids in a one-bedroom apartment. He was forced to quit his job to care for them and couldn't pay for his rent. Meanwhile, ACS began threatening to remove the children from him too because the apartment was too small for all of them. Amid this uncertainty, Mr. S's landlord brought a non-payment case against him because he had fallen behind on the rent. He could have easily applied for FHEPS, which would have paid his arrears and ongoing rent, and remained in his affordable rent stabilized apartment. However, he was desperate to leave the apartment and prevent the removal of his children. What Mr. S wanted was to save his family, which required either finding a larger apartment on an emergency basis or going to PATH and be placed in an appropriately sized shelter. Housing Court is rightfully very resistant to the idea of surrendering an affordable rent stabilized apartment. Without our knowledge and expertise of Mr. S's family court situation, he likely would have been forced into resolving the nonpayment case at the expense of losing his children to foster care.

Conclusion

BDS enthusiastically supports the city's groundbreaking Right to Counsel initiative and its commitment to implementing and expanding the program. Our partners in the Right to Counsel Coalition provide critical and zealous representation keeping thousands of the most vulnerable New Yorkers in their homes each year. As the City Council continues to expand Right to Counsel, we ask that they remember the unique needs of our client population and how they may be best served in every capacity. The Civil Justice Program will continue work to meet the needs of BDS clients suffering unsafe housing conditions, facing eviction for nonpayment during times of financial hardship, or facing eviction in holdover proceedings borne from Brooklyn's shortage of affordable housing and rampant gentrification, whether this means litigation in housing court, representation in administrative hearings, or where these issues can be resolved through persistence and determined advocacy of our staff.

Thank you for considering my comments. If you have any questions, please feel free to reach out to me at 718-254-0700 ext. 141 or adougherty@bds.org.

**THE
LEGAL AID
SOCIETY
CIVIL**

**TESTIMONY OF THE LEGAL AID SOCIETY BEFORE THE NEW YORK CITY COUNCIL
COMMITTEES ON HOUSING AND BUILDINGS AND COMMITTEE ON JUSTICE SYSTEM**

ON INTRO 1104-2018 AND INTRO 1529-2019

February 24, 2020

Thank you Chairpersons Cornegy and Lancman, members of the Committee on Housing and Buildings and Committee on the Justice System for the opportunity to testify today on behalf of The Legal Aid Society (the Society), the nation's oldest and largest not-for-profit legal services organization. The Society is at the forefront of advocating for low-income individuals and families in civil, criminal and juvenile rights matters, while also fighting for legal reform. With a staff of more than 2,200 lawyers, social workers, investigators, paralegals and support and administrative staff — and a network of borough, neighborhood, and courthouse offices in 26 locations — the Society provides comprehensive legal services to clients who cannot afford to pay for private counsel in all five boroughs of New York City.

The Society exists for one simple yet powerful reason: to ensure that no New Yorker is denied their right to equal justice because of poverty.

The mission of the Society's Civil Practice is to improve the lives of low-income New Yorkers by providing legal representation and advocacy to vulnerable families and individuals so that they are able to obtain and maintain the basic necessities of life, and to access the benefits to which they and their families are entitled. The Society's Civil Practice focuses on enhancing individual, family and community stability by serving our clients in resolving a full range of legal problems in the areas of housing, public benefits, foreclosure prevention, immigration, domestic violence and family law, health law, employment, elder law, tax law, community economic development, health law and consumer law.

The Society's Civil Practice maintains an annual caseload of some 50,500 individual cases and legal matters benefitting over 125,00 persons. Additionally, the Society's Civil Law Reform Practice benefits more than 1.7 million low-income families and individuals in New York City through its legislative advocacy and affirmative litigation. Many of the rulings the Society has won have had a State-wide and national impact. The Society is counsel on hundreds

of cases concerning the rights of tenants in regulated and unregulated apartments across the city, and strongly supported the State legislature's passage of landmark tenant protection reforms in June 2019.

NYC'S RIGHT TO COUNSEL IN HOUSING COURT

The Society has been representing low-income New Yorkers in Housing Court since the creation of the system in 1973, and standing with tenants even before when landlord-tenant disputes overwhelmed the Civil Courts. In addition to defending our individual clients in eviction cases and fighting for repairs on their behalf, the Society has also long been involved in efforts to reform Housing Court to ensure that it fairly and justly serves the poorest and most vulnerable. Part of that effort has been to work to expand access to free legal services and representation in Housing Court. The Society is a proud member of the Right to Counsel NYC Coalition whose organizing and leadership were instrumental in the 2017 passage of our City's first-in-the-nation law providing the Right to Counsel in Housing Court (RTC).

Since its inception, RTC has been an effective tool towards leveling the playing field for tenants fighting to keep their homes and address landlord abuses such as rent overcharges and failure to honor the warranty of habitability. The current RTC law contemplates that the right to counsel for tenants in Housing Court and New York City Housing Authority (NYCHA) administrative proceedings will be available to all low-income New Yorkers by July 31, 2022. We are currently at the half-way point in the five-year phase-in period leading to full implementation of RTC. Over 100,000 tenants (41,000+ households) received legal assistance through the Office of Civil Justice (OCJ) tenant legal services programs in FY 2019, the first full fiscal year following the August 2017 passage of RTC.¹ This represents a 25% increase from FY 2018.² Among those represented were at least 12,000 tenants who faced eviction from an apartment they have occupied for over 10 years,³ 18,000 rent regulated households⁴ and 2,497 NYCHA households.⁵ Access to representation has helped tenants defend their homes and stave off eviction in 84 percent of housing court eviction cases and 97 percent of NYCHA

¹ Office of Civil Justice Human Resources Administration, Universal Access to Legal Services, A Report on Year Two of Implementation in New York City at 2.

² Id. at 4.

³ Id at 18

⁴ Id at 21

⁵ Id. at 22(A 96% percent increase from FY 2018 to FY 2019)

administrative termination of tenancy proceedings, continuing the trend of decreased citywide eviction filings, eviction warrants and eviction executions since 2013.⁶

RTC has also been effective in empowering tenants to assert themselves and proactively address issues affecting their tenancy. Armed with representation, tenants increasingly are empowered to believe there is a benefit to appearing in Court, and accordingly less judgments are issued against tenants by default due to their failure (or fear) to appear. Additionally, the number of actions seeking to address conditions affecting habitability nearly doubled in FY 2019 from the previous year.⁷ The preservation of habitability of the housing stock as well as preserving affordability is vital in fighting displacement and stabilizing our communities.

In one of the most positive developments, recently, there has been a dramatic shift in the tenant and landlord relationship with the passage of the historic Housing Stability and Tenant Protection Act of 2019 (HSTPA). Coupled with RTC, the HSTPA has the potential to dramatically strengthen tenants' rights, reduce evictions and homelessness across the City, prevent the loss of affordable rent-regulated apartments, and the displacement of long-time residents. The HSTPA provides powerful legal protections for tenants, and through RTC, low-income tenants now have the means by which to secure counsel to enforce those protections. The Office of Civil Justice's 2019 Annual Report on RTC shows that residential evictions have continued to decline through 2018 as the percentage of tenants and occupants in Housing Court who have counsel continues to increase.⁸ Today, the DeBlasio Administration announced that residential evictions by marshals declined more than 40 percent since 2013, with approximately 17,000 evictions in 2019 compared to nearly 29,000 evictions in 2013. In 2019 alone, evictions decreased 15 percent.

⁶ Community Service Society, NYC Right to Counsel: First year results and potential for expansion by Oksana Mironova, March 25, 2019 <https://www.cssny.org/news/entry/nyc-right-to-counsel>

⁷ Id at 11

⁸ See New York City Human Resources Administration's Office of Civil Justice, *Universal Access to Legal Services: A Report on Year Two of Implementation in New York City*. (Fall 2019) (available at: https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_UA_Annual_Report_2019.pdf)

EXPANSION OF RTC - INTRO 1104

Always seeking opportunities to expand the right to counsel in all civil legal matters, the Society applauds the Council's efforts to expand the RTC through Intro 1104. Intro 1104 would widen the pool of tenants eligible for representation from 200 percent of the federal poverty guidelines to include tenants with a household income of up to 400 percent of the federal poverty guidelines. It would also expand covered cases to include representation for tenants facing administrative termination of their tenancy, voucher holders facing termination of a rental subsidy, and those who wish to appeal an adverse decision affecting their tenancy. These representation enhancements are consistent with the goals of promoting right to counsel, preventing displacement, and preserving affordable housing. Intro 1104 income eligibility expansion would allow representation for a single person whose income does not exceed \$50,680 or a family of three whose household income does not exceed \$86,880. These are New Yorkers who are in fields such as social services, retail, education, healthcare, hospitality, and food services. Although they are not amongst the majority of housing court litigants, they nevertheless experience similar hardships regarding housing affordability and displacement and, are a significant number of those vulnerable to eviction – more than 527,000 households in New York City.⁹ While their income puts them just outside of income eligibility for housing assistance and other social services, private legal representation is typically beyond their financial means.

Full extension of coverage to tenants facing administrative termination of their tenancy is crucial. NYCHA, for example, is an important affordable housing resource for many New Yorkers. Tenants facing termination proceedings are usually pressured to surrender their tenancy or cede significant rights in exchange for avoiding eviction. Ironically, these concessions in the name of avoiding eviction are usually onerous and can place them at heightened risk of eviction. Representation in that forum prevents a lot of these heavy handed tactics and, at least, allows for a full, on the record, examination of the relevant issues. Establishing a robust record at the administrative level is a significant factor of success of an Article 78 appeal where the litigants' are limited to the record established at the administrative

⁹ Community Service Society NYC Right to Counsel: First year results and potential for expansion https://www.cssny.org/news/entry/nyc-right-to-counsel#_edn7

forum.¹⁰ Further, an administrative termination cannot be contested in a subsequent summary eviction proceeding. In this instance, representation in housing court is of limited utility - at that point it is usually too late.

We are heartened that the Council recognizes that representation should continue until a matter is resolved. As the RTC expands, tenants will increasingly stave off eviction and gain other favorable outcomes. It is axiomatic that landlords will contest these outcomes. Allowing tenants to face their landlords without representation in the appellate forums where the focus is on the more esoteric aspects of controversies, would be counter to the goals of the Right to Counsel.

EDUCATION AND OUTREACH - INTRO 1529

We must increase public awareness of RTC, expand it, fully integrate the right into the daily functioning and operations of Housing Court, and ensure that the poorest and most vulnerable New Yorkers have access to public benefits and supportive services that will empower them to exercise RTC to achieve their goals. Many who are eligible for RTC services are unaware that this important resource is available to them; and many others do not realize they can address rent overcharges or force their landlords to properly repair conditions affecting the habitability of their apartment without going to court. The presence of and ability to access community based organizations is essential to the success of the Right to Counsel. As members of the community, these groups are able to build trust and foster empowerment. When tenants know they have a community based organization to turn to and they can access counsel, they can act without fear of retaliation. The threat of being harassed out of their homes is all but eliminated. This is especially so for the most vulnerable New Yorkers such as the elderly, disabled, and immigrant tenants. Neighborhood based groups, with their history of improving the lives of tenants and their earned credibility are best positioned to reach out to tenants, educate them of their rights and organize them towards collective action where their strength is multiplied. We continue to see aggressive displacement tactics by landlords across the city seeking to take advantage of tenants outside of Housing Court. Without access to organizing and education, RTC will do little to stem the trend towards displacing low-income communities and

¹⁰ CPLR §7801 allows court challenge determinations of administrative agencies, public bodies or officers.

communities of color before many even become court involved. These groups must be supported as they are critical to the success of RTC.

It is our hope that the expansion will make RTC an integral part of the City's culture, and a part of its legal and social services infrastructure. We would be remiss not to keep at the forefront of discussions, the long-term sustainability of the RTC practice in New York City. Based on our experience delivering legal services to tenants over the decades, and including more recent experience implementing the RTC, we estimate that there is a significant gap in the funding resources needed to deliver the required services. We also believe that there are essential costs that will increase—e.g., for space and for personnel that are needed to deliver high quality services to our clients and to manage the administrative demands of the contracts. We appreciate the City's interest in discussing all these challenges as we partner and continue the implementation of Right to Counsel.

The Society looks forward to continuing to work with the City Council, OCJ, the State court system, the RTC Coalition, and other stakeholders to improve RTC for all New Yorkers.

Respectfully Submitted:

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TESTIMONY REGARDING

Intro 1104-2018 and Intro 1529-2019

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL'S
COMMITTEE ON HOUSING AND BUILDINGS
AND
COMMITTEE ON JUSTICE SYSTEM

PRESENTED BY:

JUSTIN R. LA MORT
SUPERVISING ATTORNEY
MOBILIZATION FOR JUSTICE, INC.

FEBRUARY 24, 2020

MOBILIZATION FOR JUSTICE, INC.

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I. Introduction

Mobilization for Justice, Inc. (“MFJ”) envisions a society in which there is equal justice for all. Our mission is to achieve social justice, prioritizing the needs of people who are low-income, disenfranchised, or have disabilities. We do this through providing the highest quality direct civil legal assistance, providing community education, entering into partnerships, engaging in policy advocacy, and bringing impact litigation. MFJ assists more than 25,000 New Yorkers each year.

MFJ appreciates the opportunity to share with the New York City Council Committee on Housing and Buildings and Committee on Justice System our thoughts about improving and expanding the Right to Counsel for tenants through Intro 1104-2018 and Intro 1529-2019.

II. Right to Counsel Works

Right to Counsel (“RTC”) is a historic milestone in the fight for housing justice. The numbers prove that RTC works. I started as a housing attorney in 2012. In that year there were 217,914 cases and 28,743 evictions. In 2018, for the first time in my lifetime, landlords filed fewer than 200,000 cases in Housing Court, and evictions were down to 18,152.¹

Housing Court Actions

Year	Filings	Evictions
2012	217,914	28,743
2013	215,497	28,849
2014	208,158	26,857
2015	203,119	21,988
2016	202,300	22,089
2017	201,441	21,074
2018	191,893	18,152

RTC is not only leading to significantly fewer evictions, but it has also reduced the total number of cases being brought to court. Speculators must take into account the greater cost of doing business through mass evictions now that tenants will be empowered by an attorney and informed of their rights. Tenants under RTC avoid intimidating circumstances of past years in which the owner had an attorney but the tenant was alone. The data supports this conclusion. The Community Service Society compared zip codes with RTC to those without, demonstrating that 64 percent of the citywide drop in evictions was within RTC zip codes.² Tenants with attorneys are less likely

¹ New York City Rent Guidelines Board, 2019 INCOME AND AFFORDABILITY STUDY 25 (April 4, 2019), <https://rentguidelinesboard.cityofnewyork.us/wp-content/uploads/2019/08/2019-IA.pdf>.

² Oksana Mironova, Community Service Society, NYC RIGHT TO COUNSEL: FIRST YEAR RESULTS AND POTENTIAL FOR EXPANSION (March 25, 2019), <https://www.cssny.org/news/entry/nyc-right-to-counsel>.

to be evicted and more likely to obtain rent abatements.³ This significant decline in evictions preserves affordable housing, keeps fewer people from entering the shelter system, and puts money in the pockets of tenants who have suffered deplorable conditions.

We at Mobilization for Justice are seeing this firsthand. Below are examples of RTC cases our office has handled in the last year.

- Ms. D had an 11-year-old child and was pregnant with her second while facing eviction after her grandmother died. Our office took the case to trial to prove her succession rights and saved their rent stabilized home.
- Ms. T faced eviction from nonpayment of rent from her SRO. At trial the landlord's case was dismissed, she was awarded a \$3,500 rent abatement for the conditions that were never repaired, and the court made a finding of harassment against the landlord.
- Mr. W faced two eviction cases at the same time for his home of 37 years when he came to us for help. MFJ successfully moved to dismiss both cases. The court dismissed the nonpayment proceeding because we demonstrated that the landlord was suing for more rent than could possibly be owed. Similarly, the court dismissed the holdover proceeding because the landlord had improperly brought case based on facts contradicted by evidence.

These cases above bring me to my second point: RTC is changing the way Housing Court works. All the cases mentioned above resulted in decisions published in the official New York State Reporter and/or the New York Law Journal. Thus not only did our individual clients avoid eviction, but also their cases established legal precedent that future tenants in jeopardy can use to save their homes. This influx of passionate, talented attorneys is expanding the law, changing the culture of Housing Court, and forcing institutions to reevaluate the accepted status quo.

The success of RTC is also connected to the broader housing justice movement. Legal services attorneys are able to guide tenants through bureaucracies so they can obtain benefits such as SCRIE, DRIE, FHEPS, and City FHEPS. They enforce the new laws such as Housing Stability and Tenant Protection Act of 2019 (HSTPA) and harassment reforms to ensure that legislative intent is effectuated. Representation is the lynchpin that connects tenants with resources they need while ensuring the law on the books is also the law in practice.

Finally, RTC is an example of New York City leading the way. Since the passage of RTC, San Francisco, Newark, Philadelphia, and Cleveland have joined the movement, with more cities and

³ Nicole Summers, *The Limits of Good Law: A Study of Housing Court Outcomes*, 87 UNIVERSITY OF CHICAGO LAW REVIEW 145 (2020), http://lawreview.uchicago.edu/sites/lawreview.uchicago.edu/files/3Summers_FINAL.pdf.

states on the way.⁴ This nationwide movement to level the playing field and ensure tenants receive equal treatment under the law is a powerful symbol that a more fair, equitable world is possible.⁵

III. The Proposed Changes Improve RTC

In 2022, there will be a new mayor and a majority of members of the City Council will be new. It is important to protect RTC's legacy and future by improving and expanding the program. One way to strengthen RTC is by increasing access. Currently, a full-time employee making minimum wage earns too much to qualify for RTC but too little to afford private paid counsel. Intro 1104 would solve this representation gap by increasing the income eligibility level from 200 percent to 400 percent of the federal poverty level. My hourly rate on the private market would be approximately \$475 and would be out of reach of tenants below 400 percent of the federal poverty level. This missing middle is full of tenants who currently earn too much for free services but do not make enough to afford quality representation. By increasing the threshold, the City can prevent further evictions that lead to negative spillovers such as higher shelter costs, increases in the opioid crisis,⁶ poor health outcomes, loss of employment, and decimated communities.⁷ The proposed bill also expands the scope of cases that are included to ensure future administrations assist with administrative proceedings, ejection actions, and appeals. These changes would directly benefit 55,000-70,000 New York City households annually.⁸

Intro 1529 works to address the information deficit by recognizing that knowledge is power. Mobilization for Justice has organizers on staff, but most of our peer organizations do not as most programs have little funding for staff outside of attorneys. The role of organizers in meeting tenants where they are, informing them of important rights, and aiding in collective action is instrumental in combatting housing injustice. Roughly one in four rent stabilized tenants do not know they are rent stabilized.⁹ Many more do not understand their rights as rent regulated tenants. A survey by members of the Right to Counsel Coalition found that 53 percent of tenants in Bronx Housing Court were unaware of RTC and the protection it affords them. This large gap in knowledge is dangerous. Many evictions are accomplished informally without court process and the related access to an attorney.¹⁰ Utilizing organizers to educate the tenant community will make RTC more effective by reducing informal evictions and intimidation.

⁴ Jared Brey, *Is Tenants' Right to Counsel On Its Way to Becoming Standard Practice?*, NEXT CITY (December 9, 2019), <https://nextcity.org/daily/entry/is-tenants-right-to-counsel-on-its-way-to-becoming-standard-practice>.

⁵ John Whitlow, *Gentrification and Countermovement: The New York City's Affordable Housing Crisis*, 46 FORDHAM URBAN LAW JOURNAL 1081 (2019), <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2773&context=ulj>.

⁶ Ashley C. Bradford & W. David Bradford, *The Effect of Evictions on Accidental Drug and Alcohol Mortality*, 55 HEALTH SERVICES RESEARCH 9 (February 2020), <https://onlinelibrary.wiley.com/doi/full/10.1111/1475-6773.13256>.

⁷ Mathew Desmond & Rachel Tolbert Kimbro, *Eviction's Fallout: Housing, Hardship, and Health*, SOCIAL FORCES (2015), https://scholar.harvard.edu/files/mdesmond/files/desmondkimbro.evictions.fallout.sf2015_2.pdf.

⁸ Oksana Mironova, Community Service Society, NYC RIGHT TO COUNSEL: FIRST YEAR RESULTS AND POTENTIAL FOR EXPANSION (March 25, 2019), <https://www.cssny.org/news/entry/nyc-right-to-counsel>.

⁹ Hanchen Jiang, *Ignorance is Bliss? Rent Regulation, Policy Awareness, and Labor Market Outcomes: Evidence from New York City* 27-28 (November 15, 2019), <https://pdfs.semanticscholar.org/68df/4fee392d188bf36282a1837cc47134f03f1a.pdf>.

¹⁰ Sophie Collyer & Lily Bushman-Copp, Robinhood Foundation, SPOTLIGHT ON FORCED MOVES AND EVICTION IN NEW YORK CITY 8-9 (May 2019), https://robinhoodorg-production.s3.amazonaws.com/uploads/2019/05/HOUSING-REPORT_5.22.pdf.

Increasing access and education will better support RTC going forward. The majority of landlord attorneys already oppose RTC in its current form.¹¹ Adding to this opposition is that with the passage of HSTPA, more fraud committed by real estate speculators is being uncovered by tenant attorneys, which has led to more pushback from the real estate industry. There is an ever-present risk that RTC will be targeted in the future, so the best way to preserve this successful program is to make it accessible to more constituents who are suffering under the housing crisis and to educate the public about their fundamental rights.

IV. Conclusion

We thank the Committees for holding this hearing and considering our testimony. Already this year over 2,000 tenants have been evicted, and many more have been informally forced from their homes. We have made great progress in beginning to stem the eviction tide, thanks to leadership of the City Council, but we are not yet done. We urge the Council to act by passing Intros 1104 and 1529 to improve and expand Right to Counsel and make New York City a more just and equitable city.

¹¹ New York City Bar Association's Housing Court Committee, STATE OF NEW YORK CITY'S HOUSING COURT 27 (April 18, 2019), https://s3.amazonaws.com/documents.nycbar.org/files/2019506-State_of_Housing_Court.pdf.



Testimony by the New York Legal Assistance Group

Before the NYC Council Committee on the Justice System and Committee on Housing and
Buildings in Support of Intro 1104 and Intro 1529

February 24, 2020

Chairs Lancman and Cornegy, Council Members and staff, good morning and thank you for the opportunity to speak in support of Intro 1104 and Intro 1529, which would expand the Right to Counsel program to more people in New York City and provide New York City tenants more resources to learn about their rights as tenants. My name is Beth Goldman, and I am the President & Attorney-in-Charge of the New York Legal Assistance Group (NYLAG). I am here with my colleague, Rogelio Tec, the Coordinating Paralegal for Community Outreach in NYLAG's Tenants' Rights Unit. NYLAG is a nonprofit law office dedicated to providing free legal services in civil law matters to low-income New Yorkers. NYLAG uses the power of the law to help New Yorkers in need combat social and economic injustice. We address emerging and urgent legal needs with comprehensive, free civil legal services, impact litigation, policy advocacy, and community education. 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, veterans, as well as others in need of free legal services. Through our Tenants'

Rights Unit (TRU), NYLAG has tirelessly worked to preserve the homes of countless New York tenants and ultimately prevent homelessness and evictions. Last year, TRU provided legal services to thousands of tenants facing eviction in New York City.

Thank you for taking the opportunity to re-examine the ongoing problem of housing preservation and homelessness in New York City. NYLAG is proud to be a part of the nation's largest Universal Access to Counsel in Housing Court program. The 2017 Right to Counsel legislation was groundbreaking, and thousands of tenants have been assisted and have avoided homelessness as a direct result. As we have already seen, access to counsel exponentially increases the chances that tenants will be able to stay in their homes. The Office of Civil Justice's most recent report on the program shows that more than 32% of tenants were represented in Housing Court in the last quarter of FY19.¹ Some 84% of households represented in court by lawyers were able to remain in their homes, not only saving thousands of tenancies, but also promoting the preservation of affordable housing and neighborhood stability.² We are proud to be part of a cohort of legal services providers who served more than 100,000 individuals in FY2019.

While the Right to Counsel law has significantly reduced the number of low-income New Yorkers appearing in their eviction cases without an attorney, there is still more work to be done to ensure that all New Yorkers of limited means have an attorney by their side when their housing is on the line.

¹ Office of Civil Justice, New York City Human Resources Administration. "Universal Access to Legal Services: A Report on Year Two of Implementation in New York City." Fall 2019. https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_UA_Annual_Report_2019.pdf

² *Ibid.*

NYLAG strongly supports the provisions of Intro 1104 that would expand the income limits for eligibility for services under Universal Access. As the program has increased its geographic coverage over the years since implementation began, the limitations of the current program have become clear. As of now, NYLAG can generally only provide full legal representation to clients whose household income is below 200% of the federal poverty line. According to the 2019 federal poverty guidelines, that is less than \$24,980 for a single adult and less than \$51,500 for a family of four. While an estimated 60% of tenants facing eviction in housing court meet this income eligibility requirement, more than one-third of tenants do not, leaving many of them to fight their eviction case on their own. Even tenants whose incomes are slightly above the current income limit are unable to afford attorneys, and we know the reality is that nearly 100% of landlords are represented in eviction cases. This income limit has caused us to turn away a number of potential clients who earn more than the 200% threshold, including particularly vulnerable populations, such as veterans, senior citizens, immigrants, and people receiving federal subsidizes as a form of income.

As just one example, Erica was recently referred to NYLAG. She was suffering from cancer and had just been evicted from her home due to her overwhelming medical expenses, but her social security disability benefits put her just over the 200% poverty line. Although Erica came to our office to seek much-needed representation, all we could do was give legal advice for her case because, in its current form, the Universal Access program does not provide representation to people above the income limit, even if their disability makes it difficult to handle Housing Court on their own. As the Council recognizes, legal representation is often the only thing that stands between keeping one's housing and

becoming homeless and entering the shelter system. Furthermore, as the cost of living in New York City continues to outstrip the rate of inflation and with recent minimum wage increases, a potential client earning the minimum wage of \$15/hour, which is 250% of federal poverty guideline would not be eligible were the 200% guideline to remain in effect. Yet, it is beyond dispute that a potential client earning minimum wage would not be able to afford private counsel to represent them in an eviction proceeding.

Another key component of Intro 1104 is its expanded definition of covered proceedings. Currently, the Right to Counsel only applies to eviction proceedings in Housing Court and NYCHA termination of tenancy proceedings. However, there are many other proceedings that pose a grave threat to housing-insecure New Yorkers, especially those who are beneficiaries of Section 8. While Section 8 termination proceedings may appear informal and insignificant to the casual observer, and even to some Section 8 voucher beneficiaries, they are a critical quasi-judicial process that determines whether a household will be able to continue to afford their rent. Giving legal services providers the resources to address Section 8 termination hearings in the first instance will result in many of these cases resolving far more efficiently before they reach Housing Court, while preserving stability for Section 8 households who have their voucher threatened.

For example, in one case, NYLAG preserved a Section 8 voucher for a Queens household that had lived in their apartment with their voucher for 20 years, but did so through an Article 78 challenging the termination after an administrative voucher termination process and hearing riddled with error. The Section 8 termination stemmed from a relatively straightforward dispute about whether a particular household member's

income should have been included for purposes of calculating the Section 8 share. If NYLAG had been able to represent the client in the administrative proceeding, it is likely that a hearing could have been avoided entirely and the voucher preserved once we coordinated with the client to provide the necessary documents to Section 8. Instead, the agency and NYLAG both consumed significant resources to reach the only just outcome. Intro 1104 would double RTC's income eligibility level and expand the law to cover a much larger range of proceedings that threaten housing-insecure New Yorkers. Nearly all tenants facing an eviction would have the right to a lawyer, which greatly increases their chances of staying in their homes.

As Intro 1104 further expands the Right to Counsel, Intro 1529 becomes even more necessary to ensure that New Yorkers everywhere know their rights as tenants and how they can access counsel. When we conduct intake in Housing Court, we encounter many clients who are unaware of their rights. Most people don't know that Right to Counsel exists, rent stabilized tenants often don't understand their rights, and, with the passage of state Housing Stability and Tenant Protection Act in June 2019, there are a whole range of new and extremely important tenant-protective laws that are not widely known. While these new laws are potent, if communities don't know what their rights are, the laws are stripped of much of their power to effect the change the City Council and NY State Legislature intended. With Intro 1529, designated community groups will have the resources to target rent stabilized tenants, seniors, and those most at risk of shelter entry to provide these communities with information about their rights so that the laws that exist on the books can have the impact they deserve in the communities most affected by displacement pressures and

gentrification. Intro 1529 would give the power back to the tenants so they can fully support themselves before coming to Housing Court, where the power dynamics are skewed against them.

New York City cannot resolve its housing crisis without providing individuals and families at risk of homelessness with knowledge of their rights and access to legal counsel. Importantly, the problem cannot be solved without allocating proper resources to organizations that provide the vital legal services to tenants necessary to prevent evictions and homelessness. We are incredibly grateful for the investment the City has made in Universal Access and for the funding NYLAG has received to enable us to make these enormous strides in providing access to counsel for tenants. We are also mindful that the ambitious goals of Universal Access and any expansion of the program must be supported by increased funding. Universal Access should only be expanded with the intention of providing the full funding necessary to ensure high quality services and fair caseloads for attorneys. NYLAG urges the Council to vote in support of Intro 1104 and Intro 1529, and to ensure that adequate funding is provided for implementation. Thank you for the opportunity to testify today. I would be happy to answer any questions or provide any further information.

Respectfully submitted,

New York Legal Assistance Group



CITY COUNCIL COMMITTEE ON THE JUSTICE SYSTEM

Testimony on Intro. 1104 and Intro. 1529

February 24, 2020

Legal Services NYC (LSNYC) fights poverty and seeks racial, social, and economic justice for low-income New Yorkers. LSNYC is the largest civil legal services provider in the country, with an over 50-year history and deep roots in all of the communities we serve. Our staff members help more than 110,000 low-income New Yorkers each year and, along with other legal services organizations in the City, our housing practice is at the forefront in the fight to prevent evictions, preserve affordable housing, and uphold tenants' rights. LSNYC is also a proud member of the Right to Counsel NYC Coalition, a tenant and organizer led coalition of tenant organizing, advocacy and legal services organizations, which fought for the Right to Counsel for NYC tenants and which is now working to ensure just implementation of the Right to Counsel law.

LSNYC has provided Right to Counsel representation for tenants facing eviction in all five boroughs since New York City passed Local Law 136 in 2017. Under Right to Counsel, our housing attorneys and advocates have successfully defended thousands of tenants in eviction proceedings and we are honored to be part of this groundbreaking initiative, which has had such a tremendous impact in our city and in cities all over the country who are following our lead.

Right to Counsel works. Already, we have seen that 84% of tenants who received Right to Counsel representation have been able to avoid eviction and stay in their homes. In a city with an affordable housing crisis, soaring rents, and a very low vacancy rate, this is a critical intervention for low-income tenants. As more and more tenants have legal representation, tenants and their attorneys have been able to strengthen and expand the body of case law that protects tenants'

rights. Combined with stronger new rent laws, Right to Counsel is forcing landlords to change predatory business practices, which for decades have driven displacement and fueled gentrification. Eviction case filings are down and shelter entries due to evictions are down. Most importantly, our attorneys and advocates are winning in court and more tenants are staying in their homes.

Intros. 1104 and 1529 will build on the success of Right to Counsel, ensuring that more low-income tenants across our city are empowered to defend their homes and their communities.

Intro. 1104

Currently, many tenants our advocates meet in court and in our neighborhood offices have household incomes above 200% of the Federal Poverty Guidelines, which is the current income cap for right to counsel representation. However, these same tenants are usually low-income wage earners, often saddled with debt; many are just a few paychecks away from homelessness. They simply cannot afford to pay a private attorney to defend their homes. Furthermore, their low-incomes put them in a particularly vulnerable position in NYC's incredibly tight housing market, as demonstrated by the number of working New Yorkers currently living in our shelter system. Rents have risen to such a point that tenants supporting their families on minimum wage find it nearly impossible to secure alternative housing if they are evicted, resulting in families who are doubled up and tripled up, and an increasing population of homeless New Yorkers. Our advocates meet these tenants every day in Housing Court and we know that legal representation could completely change the outcomes of their cases, not to mention the course of their lives. Intro. 1104 would provide an opportunity for these tenants to receive much-needed legal services to help them prevent evictions and retain affordable housing.

Right to Counsel is such a powerful intervention because it forces landlords to shift away from business practices predicated on bringing oftentimes frivolous eviction cases to systematically displace low-income tenants of color in the pursuit of private profits. However, to the extent

many landlords are intent on displacing long-term tenants, it is critical that we ensure all types of eviction cases are covered by Right to Counsel, so that we do not leave loopholes open to exploitation. Similarly, Right to Counsel will more comprehensively prevent tenant displacement if it also covers all of the administrative proceedings that potentially lead to eviction. By ensuring that tenants are fully represented in proceedings to terminate essential rental subsidies and in administrative termination of tenancy cases, we can prevent evictions at a much earlier stage and prevent needless appearances in housing court. This is not only more economical for the City, but also far better for the health and well-being of the tenants, for whom the ensuing housing court case would likely cause anxiety and loss of employment income, amongst other detrimental impacts. By providing Right to Counsel coverage for all types of proceedings that could result in eviction through Intro. 1104, we will be able to prevent evictions at the earliest opportunity.

Intro. 1104 would also ensure that legal services attorneys are able to represent tenants in appeals. Currently, the majority of tenants with Right to Counsel are winning in housing court. We need to be able to defend those victories if they are challenged by appeals. It is also fiscally sensible to provide Right to Counsel for appeals - it simply does not make sense to fund representation in a tenant's eviction case only to later see the same tenant evicted because they lose an appeal due to lack of legal representation. Expanding the Right to Counsel to cover appeals will ensure the strength and integrity of the initiative our City has already put in place.

For these reasons, we believe that Intro. 1104 would provide a critical expansion of the Right to Counsel initiative; it is a responsible next step after completion of Right to Counsel's current phase-in. We are thankful for our ongoing conversations with the Office of Civil Justice and our other civil legal services partners regarding the resources and funding levels it takes to provide high quality Right to Counsel representation. We look forward to continuing those essential discussions in the context of this proposed expansion.

Intro. 1529

A study by the Right to Counsel NYC Coalition found that over fifty percent of tenants in Bronx Housing Court did not know they had a Right to Counsel before they arrived at court. This is consistent with the experience of our attorneys and advocates in all five boroughs. Our staff report that it is difficult to build trust and connection with tenants in need of representation in the busy hallways of housing court, especially when we are usually the first person telling the tenant about the Right to Counsel. For decades the defining experience of low-income tenants was that it was tremendously difficult to get free legal representation in an eviction case, due to the scant funding available for these legal services. Tenants became accustomed to calling dozens of legal services organizations, being told that most did not have capacity to meet with them and, even if they did meet with an attorney, being told the organization did not have the resources to represent them in their case. Right to Counsel has changed all that, but so many tenants remain unaware of their rights. It is, therefore, not unusual that tenants who learn about Right to Counsel for the first time at court, decline to meet with an attorney, thinking it will not lead to meaningful assistance. Our advocates report that many tenants are not aware of the difference having a lawyer can make in their case and many come to court hoping to leave quickly, making them particularly vulnerable to landlord attorney pressure to rapidly enter into an unfavorable settlement agreement, especially if they would have to wait to meet with a tenant attorney.

Based on these experiences, we believe it is critical that tenants learn of their right to an attorney before they arrive at housing court, in fact before their landlord ever brings a case against them. If tenants already know about their Right to Counsel when they arrive at court, they will be much more likely to take up that right, because the process won't be so baffling and it will not come as a complete surprise when they are offered free legal services in the courthouse hallway. Tenants will know that they might have to wait to meet with an attorney and that judges are aware of this process, so they won't feel anxious that their case will proceed without them while they are waiting. Tenants will know not to enter into unfavorable agreements with landlord attorneys

who arrive at court early and try to pressure tenants not to “lawyer up.” Thus, Intro. 1529 will maximize the number of eligible tenants availing themselves of the Right to Counsel.

Intro. 1529 will also help tenants to enforce their rights more generally, not just in eviction proceedings. Outside of housing court our advocates encounter many tenants who are afraid to stand up for their rights, including the right to a safe and habitable home, the right to live free of harassment, and the right to pay legal rents without illegal fees. One thing we hear from tenants is that they are afraid of being evicted. What a difference it would make if tenants knew that they would have a free lawyer to defend them if their landlord tries to evict them. Moreover, what a difference it would make if they already knew of the new rent laws and protections tenants won at the state level and how much harder it will be for their landlord to evict them, especially if they have a lawyer. By ensuring that Right to Counsel includes funding for organizers to do outreach and education, Intro. 1529 would empower tenants across the city with the information they need to enforce their rights, both inside and outside the courts.

LSNYC remains deeply passionate about and committed to our role in ensuring that NYC’s Right to Counsel is the strongest and best defense for tenants in the country. The proposed bills provide additional ways to shape NYC’s Right to Counsel into the powerful anti-displacement and tenant rights tool envisioned by the tenant movement. We greatly appreciate the partnership of NYC tenant leaders, tenant organizers, and our fellow legal service providers in implementing the right to counsel; and we applaud the NYC Office of Civil Justice and the City Council for working in close collaboration with all of us. We thank you for the opportunity to submit our feedback regarding Intros. 1104 and 1529, which we believe will greatly enhance our City’s efforts to prevent displacement and address the many harms evictions cause to our communities.

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February 24, 2020
The New York City Council, Council Chambers - City Hall
Committee on Housing and Buildings || Committee on Justice System
City Hall
New York, NY 10007

ATTN: Implementation and Expansion of Right to Counsel in Housing Court

Our research on the prevalence and consequences of forced relocation in New York City shows that the New Yorkers who endure evictions and other types of forced moves are most often those in vulnerable economic positions and that forced relocation pushes them away from economic opportunity. Through a joint research partnership between Robin Hood and Columbia, we have evidence to show that eviction is not simply a symptom of a poverty—it is a driver of it, pushing New Yorkers deeper into hardship and further away from economic opportunity.

As this testimony will underscore, stable housing is vital to any efforts to help New Yorkers escape poverty and hardship.

Since 2012, Robin Hood and Columbia University's Center on Poverty and Social Policy have conducted a longitudinal representative survey of 4,000 New Yorkers, known as the Poverty Tracker, that examines multiple dimensions of disadvantage. The Poverty Tracker is the first local survey to capture information on evictions and other types of moves in New York City alongside data on poverty, material hardship, health, and other measures of well-being.

Through our Poverty Tracker research and funding experience, we know that housing stability is fundamental to any efforts to fight poverty, yet far too many New Yorkers do not have a safe and affordable place to live. Evictions threaten families' safety, security, and economic mobility prospects and according to a survey by the Independent Budget Office, more than one-quarter of the families that enter the New York City shelter system have identified eviction as an immediate cause of homelessness.¹ Two-thirds of children who live in the New York City shelter system are chronically absent from school² and adults who face housing instability struggle to stay employed.

Below we discuss key findings from the Poverty Tracker – the full report is attached below.

1. More than 100,000 New Yorkers are forced out of their homes every year.

Our Poverty Tracker relies on the methodology developed by scholar Matthew Desmond which classifies groups who move into three categories: Forced Moves, due to formal or informal eviction (landlord telling tenants that they have to leave or tenants moving out of fear of future eviction) and building foreclosures, condemnations, and sales; Responsive Moves, in response to neighborhood or housing conditions such as rent hikes or maintenance issues; and Voluntary Moves, intentional and unforced moves, often with a quality of life improvement such as moving closer to work. The Poverty Tracker finds that more than 56,000 families, or 100,000 New Yorkers, are forced out of their homes every year through evictions and building foreclosures, sales, and condemnations. The Poverty Tracker also finds that one in seven of those who are forced to move are children under the age of

¹ "The Rising Number of Homeless Families in NYC, 2002–2012: A Look at Why Families Were Granted Shelter, the Housing They Had Lived in & Where They Came From." *New York City Independent Budget Office*. November 2014.

https://www.ibo.nyc.ny.us/iboreports/2014dhs_families_entering_NYC_homeless_shelters.html

² "Not Reaching the Door: Homeless Students Face Hurdles on the Way to School." *Independent Budget Office*. October 2016.

<https://ibo.nyc.ny.us/iboreports/not-reaching-the-door-homeless-students-face-many-hurdles-on-the-way-to-school.pdf>

13; studies (discussed below) find that housing and neighborhood changes have the biggest long-term impacts on future earnings for children under the age of 13.

Among families who are forced to move, one-fifth of them (12,000) move because of an informal eviction – meaning they were likely not served with an eviction filing but instead moved out of fear of a future eviction or the landlord told them that they had to leave.

2. New Yorkers who are forced to move already experience high rates of disadvantage and hardship.

Families who are forced to move are significantly more likely to have experienced poverty, material hardship, and health problems than those who move for other reasons. The Poverty Tracker finds that 29 percent of New Yorkers who were forced to move lived in poverty before being forced out of their homes, compared to only 13 percent of those who chose to move. Fifty-three percent of forced movers report being rent burdened (spending more than 30 percent of income on rent) compared to 32 percent of responsive moves and 34 percent voluntary movers. According to the Poverty Tracker, 55 percent of New Yorkers who are forced to move experienced material hardship, such as running out of food or having utilities cut off because of a lack of money, 36 percent experienced health problems, and 22 percent struggled with mental distress prior to moving.

3. New Yorkers who are forced to move end up in neighborhoods with less opportunity and higher poverty rates than those they lived in before moving - undermining their prospects for permanently escaping poverty.

Forced moves not only disproportionately impact disadvantaged New Yorkers, they also lead to worse outcomes. We find that following an eviction, families end up in neighborhoods with higher rates of poverty and less economic opportunity. Twenty-six percent of families who are evicted relocate to high-poverty neighborhoods (poverty rate above 30 percent), but before the move, only 10 percent of these families lived in high-poverty neighborhoods. This suggests that evictions also play a key role in concentrating poverty in New York City.

Beyond the Poverty Tracker, peer-reviewed and longitudinal studies provide causal evidence about how the neighborhood a person grows up in can impact their potential for economic mobility. Raj Chetty, Nathaniel Hendren, and Lawrence Katz determined that rates of upward mobility vary substantially based on where children grow up, and that even a few blocks can have a tremendous impact.³ They found that moving within one's metro area from a below-average to an above-average opportunity neighborhood (in terms of upward mobility) can increase lifetime earnings for a child from a low-income family by \$200,000. In addition, children under the age of 13 who grow up in lower mobility areas are more likely to be incarcerated and more likely to become parents as teenagers. These findings, coupled with data from the Poverty Tracker, show that evictions destabilize families, drive families away from economic opportunity, and hinder children's future earning potential.

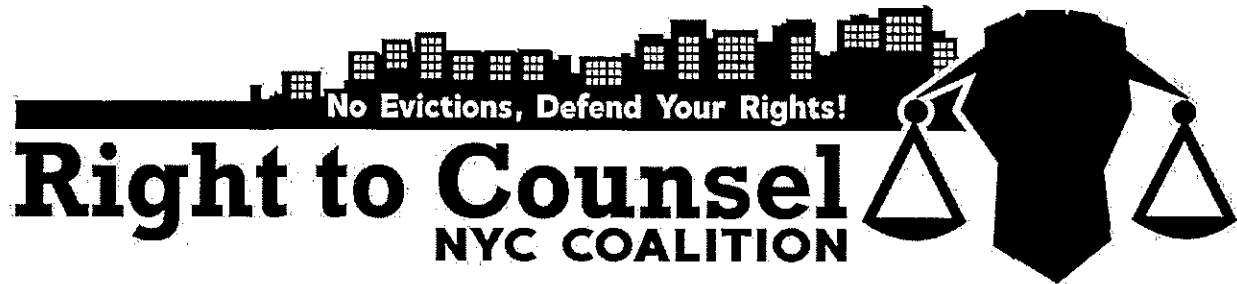
The Poverty Tracker provides convincing evidence that evictions are a serious problem in New York City; that they disproportionately impact disadvantaged families; and that they drive families away from opportunity and deeper into poverty.

³ Raj Chetty, Nathaniel Hendren, Lawrence Katz, "The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Experiment." *American Economic Review* 106 (4): 855-902, 2016. May 2015.

Sincerely,



Sophie Collyer, Research Director at the Center on Poverty and Social Policy, Columbia University



The Right to Counsel Law Stops Evictions

The Right to Counsel NYC Coalition thanks the City Council and the Mayor for adopting the Right to Counsel (RTC) legislation in 2017, guaranteeing low-income tenants a right to a lawyer when facing an eviction in housing court.

In its first two years, RTC has proven to be a powerful tool in helping tenants defend their homes against eviction. The Office of Civil Justice (OCJ) found that 84% of tenants who had a lawyer under RTC (nearly 22,000 households) were able to remain in their homes. Evictions across the city have declined by 31% since 2013, when funding for tenant legal services began. Analysis done by the Community Service Society into the citywide decline in evictions shows that Right to Counsel is the cause of most of the decline, as evictions have dropped more significantly in RTC zip codes than in others. Additionally, eviction filings and shelter entry due to evictions have also declined significantly.

RTC also helps preserve the city's affordable housing stock, by keeping long-term, rent-stabilized tenants in their homes. OCJ found that more than 50% of households who have used RTC have lived in their homes for more than six years, and more than 40% lived in their homes for more than 10 years.

We also know that RTC pays for itself and saves the city money. After the initial report that Stout did in NYC showing this, Stout has done cost savings reports about RTC for three cities across the country. In all of these studies, RTC costs cities significantly less than evictions. In addition, we've suggested multiple ways that the city could bring down the cost of RTC by driving down landlord filings. And RTC would cost even less if: NYCHA stopped using housing court as a means to collect rent; if the city enforced and instituted best practices for city-funded private attorneys which would require them to follow multiple steps before going to court; if the city investigated NYC's worst evictors whose business models are clearly predicated on using housing court as a displacement and harassment tactic; and if the city would invest in more proactive outreach strategies both inside and outside the court so that tenants know about RTC and meet their RTC attorney at the earliest point in their case.

RTC is changing landlord behavior, transforming the courts and protecting our laws. From 2017 to 2018, eviction filings decreased by 5.4%, as landlords sued 12,357 fewer households. Meanwhile, cases filed by tenants increased by 7%, and tenants are showing up to court more, as the percentage of tenants who defaulted decreased by 9%, representing close to 3,000 households. While the Coalition has not yet analyzed the eviction filing data from 2019, a report



by the Wall Street Journal found that filings continue to drop. In addition, the incredible and growing tenant bar is filing more motions and expanding the laws we have to protect the most tenants. A powerful example of this is a CAMBA attorney who, because of RTC, was able to successfully argue that a home health care worker had succession rights. This means that RTC is working to transform the courts from a place that has been weaponized by the landlords to a place where tenants can pursue and create justice.

In just its second year of implementation, the data shows that RTC is already making tremendous strides in protecting against the economic forces working to displace communities that have made New York City the vibrant city that it is.

Passing this historic legislation in NYC has inspired other cities to do so as well. San Francisco, Cleveland, Philadelphia, Santa Monica and Newark have all passed Right to Counsel legislation and more than 20 cities across the country are moving campaigns forward, while looking to NYC as an example. We know that NYC can lead the country in doing even more to stop evictions by expanding its proven RTC law.

Expanding the Right to Counsel Law

Currently, the majority of tenants who are eligible for RTC do not know they have this new right and many are afraid to use it. Additionally, more than one-third of tenants facing eviction in housing court don't have a Right to Counsel because they exceed the law's income eligibility level.

Now that it has been proven that RTC is effective in stopping evictions, it is time to expand it to ensure that all tenants facing an eviction have RTC and know about it. That is why the Right to Counsel NYC Coalition is organizing a campaign called "Right to Counsel, Power to Organize," calling for the passage of two bills that would strengthen the law:

- **Intro 1529** requires the city to support trusted tenant organizing groups to make sure that tenants know about and use their Right to Counsel.
- **Intro 1104** increases RTC's income eligibility level and expands the types of eviction cases covered by RTC.

The Case for Intro 1529

A survey done by volunteers at Bronx Housing Court found that 53% of tenants who had RTC did not know about this right before arriving in court. We have seen the severe consequences of



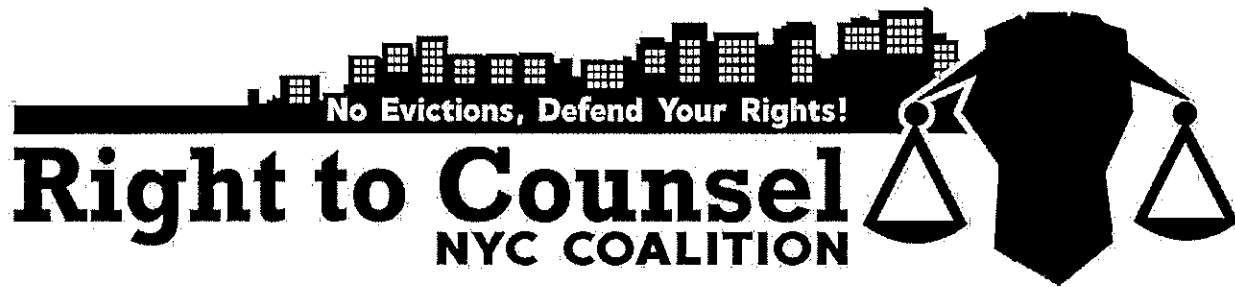
tenants not knowing about their RTC. Tenants have decided not to appear in court, declined legal representation out of fear and confusion, or signed agreements with landlord attorneys prior to knowing they had representation. Ultimately, when tenants do not know about their RTC, they risk eviction, defeating the purpose and vision of the law.

Additionally, while RTC's ability to stop formal evictions inside the legal court process is proving to be successful, the Coalition knows that the RTC law can and should be used against informal evictions by landlords. A report by the Center of Poverty & Social Policy found that 54% of forced moves that take place in NYC are the result of informal evictions. When tenants do not know about their RTC and other rights as tenants, they are more easily harassed out of their homes. Harassment can take many forms, such as lack of repairs, construction as harassment, verbal threats, etc. Landlord harassment is rampant in NYC. Just the one survey done at Bronx Housing Court found that 77% of tenants needed repairs. Historically, many tenants have feared fighting for their rights in fear of retaliation. With all the new rent laws recently won in NY state, it is especially important that tenants fight for their rights, knowing that they have the right to a lawyer if their landlord did try to evict them in retaliation. In order for RTC to continue to be effective, everyone needs to know about it, understand it, and use it as a tool to ensure all their rights as tenants.

Tenant organizing is the most effective means of ensuring tenants know about their rights. Tenant organizing groups create an environment where tenants feel supported by a community that is working together to combat landlord abuse, ensuring that a landlord cannot target an individual tenant for standing up for their rights.

Given the nature of the larger political climate where immigrant tenants are even more vulnerable than before, it is imperative that the city partner with trusted and well-established neighborhood based groups. Community groups will work to create an environment where abuse is documented, reported, and held to account as well as one where tenants feel safe, supported, and part of a community pushing for justice.

Neighborhood-based groups who have a history of tenant organizing and community service are trusted community partners and, therefore, are best positioned to do the outreach and education work that is critical to the success of RTC. Organizers earn the trust of tenants who have been historically disenfranchised by maintaining a constant and supportive presence in their neighborhoods.



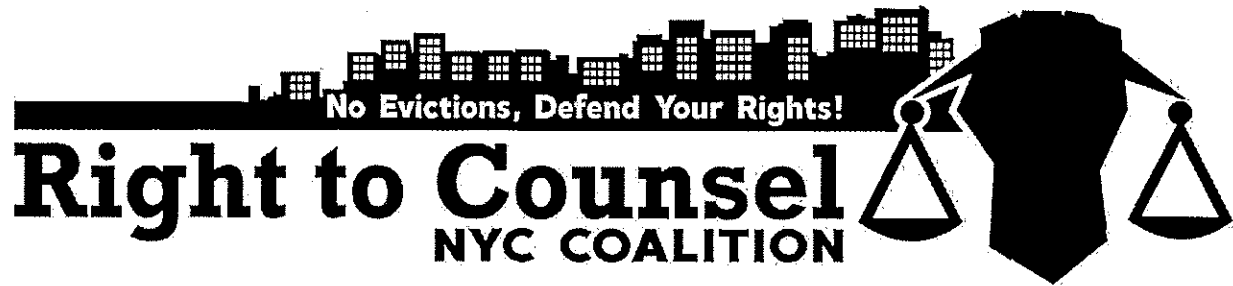
We know that organizing works. In the last year, the Coalition was able to fund, through private means, 8 organizers—in the Bronx, Brooklyn, Queens, and Manhattan—to do this crucial work. In 1 year, these tenant organizers:

- Distributed information about RTC to nearly 16,000 people.
- Conducted outreach to approximately 400 buildings.
- Conducted 150 Know-Your-Rights Workshops reaching more than 2,200 tenants.
- Formed 50 new tenants associations, in which over 1,400 tenants are active.
- Stopped harassment in more than 1,000 households.
- Helped more than 800 households get repairs.
- Helped more than 700 tenants apply for a rent reduction
- Developed approximately 300 tenant leaders

This work should not be funded by the Coalition, but must be integrated into the city's approach to ensure that tenants know about and use RTC. Intro 1529 would require the city to work with and fund neighborhood-based organizations to ensure more tenants know about their Right to Counsel and feel supported using it. Through this law, we are calling on the city to allocate \$5 million to hire more than 40 tenant organizers citywide as well as cover the costs to support and train these organizers. This funding would be provided by the Mayor's budget, and therefore baselined. Intro 1529 amends Local Law 136, which is administered by the Office of Civil Justice, an office under HRA.

When passed, the Coalition would work with OCJ to create an RFP and organizing groups would apply for funding based on the RFP. The RFP would have to comply with the current proposed legislation which outlines what the organizing groups are expected to do, such as: hosting know your rights trainings and other workshops for tenants, distributing written information to tenants, assisting tenants to form and maintain tenant associations, referring tenants to designated community groups, and any other activities to engage, educate or inform tenants about their rights in housing court. Intro 1529 would go into effect immediately, so that much-needed tenant organizing could kickoff around the city.

While 40 organizers is still not enough to reach all tenants eligible for RTC, especially as people move in and out of NYC, we know that organizing is about building networks through tenant associations, etc., so that one organizer creates exponential connections. In addition, this does not abdicate the city of its responsibility to engage in a broad based and consistent public awareness campaign. However, there is no substitute for working with organizing groups. We



are calling on the city to fund this organizing work essential to RTC's success. RTC would be an even more powerful tool in stopping evictions if more tenants knew about it and used it.

The Case for Intro 1104

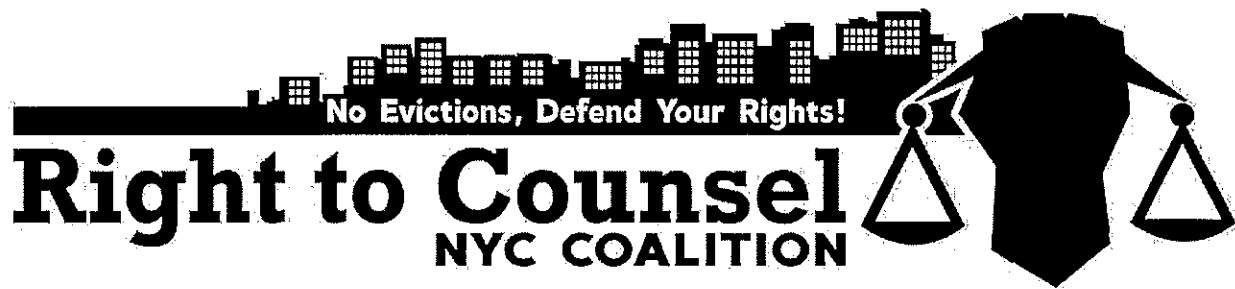
Currently, to be eligible for full legal representation under the RTC law, a tenant's household income must be 200% or below of the federal poverty level (FPL). According to the 2019 federal poverty guidelines, that is less than \$24,980 for a single adult or less than \$51,500 for a family of four. While an estimated 60% of tenants facing eviction in housing court meet this income eligibility level requirement, more than one-third of tenants do not, leaving the majority of them to fight their eviction case alone.

Intro 1104 would double RTC's income eligibility level from 200% of the FPL to 400%—a yearly income of \$49,960 for a single adult and \$103,000 for a family of four—in order to capture tenants in need of free legal representation.

A report by the Community Service Society found that 527,000 tenant households (25% of the total NYC renter population) with incomes between 200-400% of the FPL. Approximately 56,000-71,000 households in this income range are sued in housing court each year. More than 1/3 of tenants with incomes between 200%-400% of the FPL experience housing hardships that indicate they are at-risk of eviction, such as: being threatened with eviction, falling behind on rent, or moving in with other people. 52% of them live in regulated housing, which we must protect to preserve neighborhoods and affordable housing. The majority of these tenants work in healthcare, education, and social services or in retail, hospitality, and food service. 61% of them live in regulated or unregulated housing and do not receive any form of housing assistance, such as Section 8. If evicted, these tenants could easily end up in a homeless shelter, require public assistance, etc.

Additionally, a single New Yorker working full-time and making the \$15 minimum wage is currently not income eligible for RTC. Furthermore, the current eligibility level for RTC does not include all New Yorkers with incomes less than \$58,450, and, therefore, deemed "low income" by the U.S. Department of Housing and Urban Development. Intro 1104 would change this, however, ensuring all low income New Yorkers have RTC.

In addition to expanding RTC's income eligibility level, Intro 1104 would also expand the types of cases covered by RTC. Currently, RTC only covers eviction cases that take place in NYC's housing courts. While most eviction cases are held there, several thousand are held in



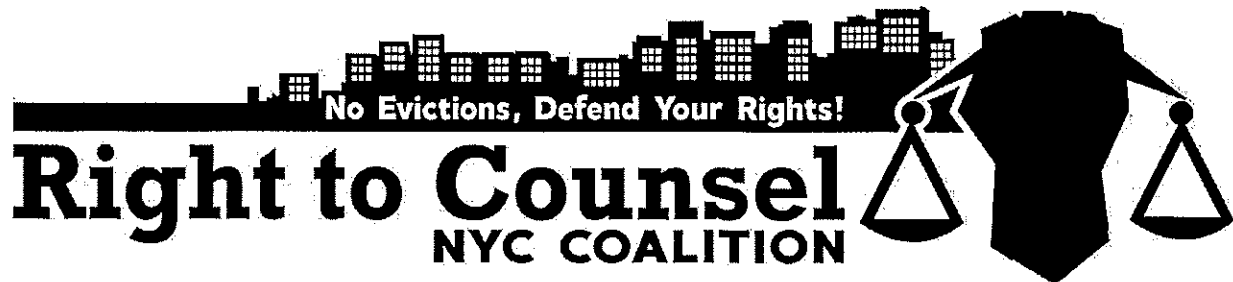
administrative hearings, higher courts, or are appeal cases. For example:

- **Administrative hearings:** NYC's affordable housing programs are governed by various city agencies that can hold hearings that lead to eviction. For example, NYCHA holds about 3,500 termination of tenancy procedures each year and the Department of Housing Preservation and Development holds about 300 termination hearings for Mitchell-Lama.
- **Supreme Court ejectment cases:** Approximately 100 tenants are evicted through Supreme Court ejectment cases every year. While we don't know the number of cases heard in court because it's not easily available to the public, we estimate it to be about 300 cases per year. Landlords can sometimes bring eviction cases to the Supreme Court when the city's housing court do not have jurisdiction. For example, some Housing Development Fund Corporation (HDFC) co-op evictions happen here.
- **Appeals:** Though the current law guarantees tenants a lawyer for the entirety of their cases, it does not cover appeals. We estimate that approximately 1,400 housing court appeals are initiated in NYC each year, with approximately 400 being litigated fully. With more tenants than ever being represented and winning their cases, landlords are filing more appeals. Without legal representation to defend their victories, tenants will be left alone when the final and most important decision is made.

Intro 1104 would amend Local Law 136 to expand both RTC's income eligibility level and the types of cases covered. It would go into effect after the phase-in period for the current RTC law is completed in 2022, with an aim to be phased in fully by 2024. Intro 1104 would cover approximately 46,000 additional eviction cases each year. This number includes 40,000 cases in housing court due to the increase in the income threshold and an additional 6,000 cases in additional venues (administrative hearings, Supreme Court, etc.) and appeals. With RTC's 84% success rate, Intro 1104 has the potential to drastically further the decline in evictions by expanding the number of people eligible for RTC.

Summary

The Right to Counsel NYC Coalition urges the City Council and Mayor to pass Intro 1529 and Intro 1104 to expand the Right to Counsel law to ensure more tenants have and use this right. The Coalition knows that these measures would greatly further the city's goal of decreasing evictions as well as the Coalition's ultimate goal of ending evictions in NYC. Evictions are cruel, violent, inhumane, and unjust. Evictions are used to displace the most vulnerable community



members in our city: low-income tenants, people of color, women, single mothers, and immigrants. Evictions ravage individuals and communities with health issues, job loss, education loss, as well as further pushes them into poverty all while costing the city an estimated \$8,000 per case. By allowing evictions, NYC says that a landlord's profit is more important than a person's home.

NYC can and should do more to stop evictions. RTC has proven to be an immensely effective tool to stopping evictions. Now, it is time to expand the law by passing Intro 1529 and Intro 1104. We must commit to making NYC an equitable, diverse, and just city.

For more information, contact Alyssa Figueroa: alyssa@righttocounselnyc.org; 212-590-9475

NYC Council Committee on Justice System

Implementation and Expansion of Right to Counsel in Housing Court

Testimony of Bronx Borough President Ruben Diaz Jr. (On Submission)

February 24, 2020

FOR THE RECORD

The housing affordability crisis facing our city has touched people living in every neighborhood in all five boroughs. Millions of New Yorkers are rent burdened or severely rent burdened and tens of thousands of households are at risk of eviction every year. Homelessness is at or near its all-time high, with a recent City Council report saying that 83,277 individuals were homeless in January 2019 including 3,950 individuals experiencing street homelessness. In fiscal year 2019, there were 20,013 evictions citywide. These numbers indicate a crisis that we must do more to address.

Nowhere in the city is this truer than in the Bronx. Of those 20,013 evictions citywide, 6,856 were in the Bronx – 34 percent of the total. Bronx residents are least likely among the boroughs to have representation in housing court at only 29 percent. There were 30,753 eviction warrants issued in the Bronx in fiscal year 2019 accounting for 38 percent of the city total, including the most warrants for non-payment among the boroughs. According to a report by the Furman Center, the Bronx was the only borough to see an increase in eviction filings between 2010 and 2017, and this increase happened in every Bronx community district.

The 'right to counsel' legislation that New York City adopted in 2017 was a strong step forward to keeping people in their homes. I am proud to have supported the passage of this landmark legislation and am thankful for the thousands of Bronx residents who have been able to stay in their homes due to the assistance that they received under this program.

This program is working as intended. More tenants are gaining access to counsel than ever before. In 2013, only one percent of tenants in housing court had representation. That number had grown to 32 percent by the end of fiscal year 2019. Additionally, according to a March 2019 report from the Community Service Society, between 2017 and 2018, evictions in the covered ZIP codes declined by 11 percent compared with only four percent overall. More representation and fewer evictions show the program's success thus far.

According to the second annual report on the 'right to counsel' implementation from the Office of Civil Justice (OCJ) in the Human Resources Administration (HRA), 32,170 households citywide were aided in their eviction cases in fiscal year 2019 under this law, including 10,906 households in the Bronx. But still only 32 percent of the tenants who appeared in housing court had representation in the fourth quarter.

of fiscal year 2019. Clearly, there is more that must be done to ensure that every tenant is getting a fair shake in housing court.

The implementation of the 'right to counsel' law is continuing to be rolled out by ZIP code. Currently, there are 25 ZIP codes citywide where universal right to counsel is available, including five in the Bronx. Additionally, to qualify for the benefits of the program, the household must make no more than 200 percent of the poverty level. This leaves a large number of people who are not qualified for the program but still facing evictions. While many low-income New Yorkers are being served, middle class residents who are still struggling to pay their high rents are falling through the cracks. The majority of households who have been able to get access to counsel through this program were living in poverty, including 63 percent of those who used the program in the Bronx. An HRA study from 2016 found that 38 percent of tenants without counsel in housing court had incomes over 200 percent of poverty. This number has likely only grown as more people living in poverty gained access to counsel.

The two bills that the City Council is currently considering to expand the right to counsel law would help close this gap and to ensure that even more tenants have access to the counsel that they deserve in housing court.

I support Intro 1104 to expand the Right to Counsel Law to more New Yorkers. Middle class residents are facing increasing rents that make it hard for them to stay in their homes. The rent law that the state legislature passed and Governor Cuomo signed last June was a strong step forward towards tackling high rents. While it was focused on tenants in rent stabilized apartments, there were benefits for all New Yorkers including the capping of security deposits and the recent rule about payment of broker fees that is being adjudicated in the courts. This rent law will help tackle the eviction crisis because it removes one incentive for landlords of rent stabilized apartments to try to evict their tenants because there is no longer an option for them to raise rents from the vacancy bonus. This will help keep rents down.

Intro 1104 will raise the cap on who can have access to counsel through the city program from 200 percent of poverty to 400 percent of poverty. According to the federal poverty level, for a family of four this would be \$103,000 per year, thus covering middle class New Yorkers as well as low-income residents. This would be a big boost to keeping people in their homes. Middle class residents in New York City are much less likely to be homeowners than middle class residents elsewhere in the country. Opportunities for homeownership are limited in our city, particularly in the Bronx as was discussed in my recent report *A Place to Call Home: Pathways to Homeownership Preservation and Opportunity in New York City*. Therefore it is imperative that the City Council act to help keep middle class renters in their apartments, and Intro 1104 will help do just that.

Intro 1529 would also result in more tenants utilizing the universal access to counsel program. In fiscal year 2019, 68 percent of tenants in housing court did not have legal representation. This still included 38

percent of tenants in the ZIP codes already covered by the law. There are thousands of people – even in the covered ZIP codes – that were still at a disadvantage in housing court. One of the problems with this is that many people do not know about the fact that they may be eligible for access to counsel under this program. The requirement for OCJ implemented under Intro 1529 to expand their community engagement and education efforts will help mitigate this issue by increasing the outreach that community organizations do to ensure that everyone who eligible under this law gets counsel under the law.

The Council must ensure that the expansion of the ‘access to counsel’ law is fully funded in subsequent budgets. Additionally, OCJ must find an adequate number of lawyers to help tenants in housing court so that each tenant gets the level of representation they deserve. Without an adequate number of lawyers working on these cases, tenants will not get the full attention they deserve from overburdened advocates. OCJ should continue its strong efforts to recruit more legal advocates to participate in the program, especially ensuring that the lawyers that have experience in housing court stay in the program to provide the tenants with the best representation.

We must also make sure that the residents of NYCHA are aware of their rights to access counsel in NYCHA administrative termination of tenancy hearings. Under Intro 1529, OCJ should also engage with NYCHA tenants’ associations in addition to those associations in private rental buildings to make sure that the information about tenants’ rights goes out to as many people as possible.

I would like to commend Council Members Mark Levine and Vanessa Gibson for their efforts on this important issue and I urge the Council to adopt these two pieces of legislation. I look forward to seeing every tenant in housing court have access to counsel and for as many people as possible to avoid eviction and to be able to stay in their homes.

Remarks on Expansion of Right to Counsel Eligibility by Anthony Cannataro, Administrative Judge of the Civil Court of the City of New York – February 24, 2020

Good Morning. I'd like to thank the Committee on the Justice System and the Committee on Housing and Buildings, and Chairs Council Member Lancman and Council Member Cornegy, for the opportunity to voice my support for the expansion of right to counsel eligibility for tenants facing eviction in the New York City Housing Court from 200% of the Federal Poverty Level to 400%. By way of introduction, my name is Anthony Cannataro and I am the Administrative Judge of the Civil Court of the City of New York. In that capacity, I am responsible for day-to-day operations of the Civil Court, including our Housing Parts, widely referred to as the "Housing Court", which are presided over by just over 50 judges, working in seven courthouses around the five boroughs of New York City. More than 200,000 housing-related cases are filed in our court each year.

The mission of the Civil Court is to provide timely and effective justice to everyone who comes before the court regardless of economic status, background, or personal circumstances. These lofty goals are put to the test on a daily basis in the Housing Court, where many litigants, usually tenants, tend to be low-income, often with limited English language proficiency and in need of competent legal advice and representation. Almost all of our Housing Parts are notorious for their extremely high case volumes, tight timelines, and the challenges inherent in adjudicating cases involving an essential of life – safe, affordable housing – within the framework of a complicated set of state and local rent regulations.

The introduction in August 2017 of the right to counsel program known as Universal Access for tenants with incomes below 200% of the federal poverty level has had a positive impact with respect to all of these operational challenges. And we in the Court believe that an expansion of eligibility for these services to 400% of the Poverty Level would produce even more beneficial effects.

The availability of lawyers for tenants in Housing cases makes it possible for our Court to focus on what it does best: resolve substantive legal disputes presented by competent attorneys without the need for judges to take on an advocacy role in order to reach just outcomes. Since the introduction of the right to counsel program in cases involving some of the neediest litigants, both sides to these disputes now have the

benefit of competent legal representation and are able to present relevant and meaningful legal arguments to the Court. As a result, judges in these cases no longer find themselves explaining court procedures and/or lecturing on complex legal issues for the benefit of one unrepresented party, thereby helping judges to maintain the neutrality and fairness that lies at the core of our justice system.

Not only does the right to counsel free our Housing Court judges to focus on the substantive merits of cases, it helps them do so more efficiently. Since the introduction of a right to counsel program, default judgements in the Housing Court have dropped from 35,130 in 2016 to 23,146 in 2019, a 34% decrease. This is in conjunction with a rise in the number of substantive motions, such as motions to dismiss or summary judgment motions. These statistics demonstrate a shift from a focus on procedural mishaps to substantive legal issues. As a practical matter, the amount of work our judges are called upon to do hasn't changed meaningfully, but the types of issues they are called upon to resolve show that we are now dealing with the merits of cases at an earlier point in the process, leading to shorter case durations and more efficient delivery of justice.

Introduction of a right to counsel in Housing Court hasn't been totally without its challenges. The sudden arrival of a new corps of attorneys for tenants into to an existing culture of mostly landlord attorneys led to some initial problems with civility and professionalism in several courthouses. Programs for practitioners were held on these topics in courthouses and some of the same dispute resolution methods that we use to resolve cases were applied to disputes between attorneys with surprisingly good outcomes. These cultural challenges have significantly improved over time.

A remaining and persistent challenge is the physical space constraints present in our courthouses. Even before right to counsel, our city-owned courthouses were overburdened and not built in a way well-suited to the needs of a high-volume court. Now, with the introduction of a cadre of tenants' attorneys who need space in our courthouses to screen and consult with their clients, the capacity and flexibility of our courthouse spaces is being tested to its limits. Plans to develop a new Housing Court space in Bronx County and to build a new Brooklyn courthouse have been significantly delayed and will lead to serious challenges. We are already facing space challenges at a point where the City has not yet completed roll-out of right to counsel to all of New York City's neighborhoods. The problem will certainly be magnified when the number of eligible litigants is effectively doubled. The Civil Court is willing to do what we can

to accommodate an expansion of right to counsel, but working conditions are bound to become more challenging if courthouse facilities are not upgraded.

We in the Court support the expansion of right to counsel, as any challenges that may come with it are significantly outweighed by improvements to both process and outcomes for landlords and tenants. Based on statistics from the City's Office of Civil Justice and the Community Service Society, there is every reason to believe that the expansion of the right to counsel to include tenants at 400% of the federal poverty level could double the number of represented tenants. This dramatic increase would truly change the delivery of justice in our court system, mostly for the better, leading to a more responsive and fair Housing Court system in New York City. Thank you.



February 24, 2020

The New York City Council, Council Chambers - City Hall
Committee on Housing and Buildings || Committee on Justice System
City Hall
New York, NY 10007

ATTN: Implementation and Expansion of Right to Counsel in Housing Court

On behalf Robin Hood, New York City's largest organization focused on lifting families out of poverty, we strongly urge the New York City Council to adopt Intro 1104 and Intro 1529, two bills which would expand the City's Universal Access to Counsel law for tenants facing eviction. Universal Access to Counsel (UAC), or Right to Counsel, is one of the most powerful poverty-fighting tools across the city and the nation. For more than three decades, Robin Hood has worked with and funded housing and legal services organizations throughout New York City to prevent tenant evictions. Through a joint research partnership between Robin Hood and Columbia University, we have evidence to show that eviction is not simply a symptom of a poverty—it is a driver of it, pushing New Yorkers deeper into hardship and further away from economic opportunity.

As this testimony will underscore, stable housing is vital to any efforts to help New Yorkers escape poverty and hardship. The City Council and the de Blasio administration, alongside tenant organizing groups, legal services organizations, and countless other organizations that provide vital social services throughout New York City, exercised tremendous leadership in establishing the UAC program to provide legal services to tenants facing eviction. Now is the time to double down on this program through initiatives that increase knowledge of its availability and expand its inclusivity.

Robin Hood supports the further expansion of the program through two pieces of legislation currently under consideration in the New York City Council and urges the de Blasio administration to support the strengthening of UAC through these initiatives: Intro 1529, which will provide more resources to increase awareness among tenants about UAC; and Intro 1104, which will make UAC more inclusive by broadening access to legal services for tenants with incomes between 200 and 400 percent of the Federal Poverty Level. According to a survey by Human Resources Administration, Intro 1104 could cover an additional 31 percent of tenants in housing court, which projections show could help between 55,000 and 70,000 households fight to stay in their homes.¹

Since 2012, Robin Hood and Columbia University's Center on Poverty and Social Policy have conducted a longitudinal representative survey of 4,000 New Yorkers, known as the Poverty Tracker, that examines multiple dimensions of disadvantage. The Poverty Tracker is the first local survey to capture information on evictions and other types of moves in New York City alongside data on poverty, material hardship, health, and other measures of well-being.

Through our Poverty Tracker research and funding experience, we know that housing stability is fundamental to any efforts to fight poverty, yet far too many New Yorkers do not have a safe and affordable place to live. Evictions threaten families' safety, security, and economic mobility prospects and according to a survey by the Independent Budget Office, more than one-quarter of the families

¹ Mironova, Oksana. "NYC Right to Counsel: First Year results and potential for expansion." *Community Service Society*. March 25, 2019. <https://www.cssny.org/news/entry/nyc-right-to-counsel>

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that enter the New York City shelter system have identified eviction as an immediate cause of homelessness.² Two-thirds of children who live in the New York City shelter system are chronically absent from school³ and adults who face housing instability struggle to stay employed.

Below we discuss key findings from the Poverty Tracker which highlight the need to strengthen and expand eviction prevention policies like UAC – the full report is attached below.

1. More than 100,000 New Yorkers are forced out of their homes every year.

Our Poverty Tracker relies on the methodology developed by scholar Matthew Desmond which classifies groups who move into three categories: Forced Moves, due to formal or informal eviction (landlord telling tenants that they have to leave or tenants moving out of fear of future eviction) and building foreclosures, condemnations, and sales; Responsive Moves, in response to neighborhood or housing conditions such as rent hikes or maintenance issues; and Voluntary Moves, intentional and unforced moves, often with a quality of life improvement such as moving closer to work. The Poverty Tracker finds that more than 56,000 families, or 100,000 New Yorkers, are forced out of their homes every year through evictions and building foreclosures, sales, and condemnations. The Poverty Tracker also finds that one in seven of those who are forced to move are children under the age of 13; studies (discussed below) find that housing and neighborhood changes have the biggest long-term impacts on future earnings for children under the age of 13.

Among families who are forced to move, one-fifth of them (12,000) move because of an informal eviction – meaning they were likely not served with an eviction filing but instead moved out of fear of a future eviction or the landlord told them that they had to leave. These New Yorkers may feel more confident remaining in their homes and fighting a potential future eviction in court if they knew they were entitled to access to a free attorney to represent them. This underscores the need to adopt Intro 1529, which will improve tenant education on UAC. If tenants are aware of their right to legal representation, then landlords may also be discouraged from pursuing evictions in the first place. Tenant education efforts contemplated under Intro 1529 would also empower tenants to mitigate housing quality issues, which are often precursors for eviction, directly with landlords outside the court system, potentially reducing the number of eviction cases.

Intro 1529 also stands to help those tenants who have already decided to fight their evictions in court but do not know that they could be entitled to free legal counsel. According to a recent survey by tenant organizers and leaders, 53 percent of tenants in the Bronx Housing Court who were eligible for UAC did not know about it.⁴ Adopting Intro 1529 will help more New Yorkers know that when they are facing an eviction, they will not have to fight it alone. This will enable more New Yorkers to remain in their homes – and preventing evictions is one of the most cost-effective tools to fight homelessness. Beyond the severe emotional and financial toll homelessness takes on families, the current cost of homelessness in New York City is not sustainable. According to a report by the Coalition for the Homeless, the city's shelter system costs \$2.3 billion dollars per year to operate and in 2018, it cost \$81,700 on average to provide emergency shelter to a family for the average length

² "The Rising Number of Homeless Families in NYC, 2002–2012: A Look at Why Families Were Granted Shelter, the Housing They Had Lived in & Where They Came From." *New York City Independent Budget Office*. November 2014.

https://www.ibo.nyc.ny.us/iboreports/2014dhs_families_entering_NYC_homeless_shelters.html

³ "Not Reaching the Door: Homeless Students Face Hurdles on the Way to School." *Independent Budget Office*. October 2016.

<https://ibo.nyc.ny.us/iboreports/not-reaching-the-door-homeless-students-face-many-hurdles-on-the-way-to-school.pdf>

⁴ "Right to Counsel, Power to Organize" Campaign. *Right to Counsel New York City Coalition*.

<https://www.righttocounselnyc.org/right-to-counsel-power-to-organize-campaign>

of stay.⁵ According to the Mayor's Management Report for 2018, it cost the city \$192 per day to provide shelter for a family - that translates to almost \$6,000 a month.⁶

2. New Yorkers who are forced to move already experience high rates of disadvantage and hardship.

Families who are forced to move are significantly more likely to have experienced poverty, material hardship, and health problems than those who move for other reasons. The Poverty Tracker finds that 29 percent of New Yorkers who were forced to move lived in poverty before being forced out of their homes, compared to only 13 percent of those who chose to move. Fifty-three percent of forced movers report being rent burdened (spending more than 30 percent of income on rent) compared to 32 percent of responsive moves and 34 percent voluntary movers. According to the Poverty Tracker, 55 percent of New Yorkers who are forced to move experienced material hardship, such as running out of food or having utilities cut off because of a lack of money, 36 percent experienced health problems, and 22 percent struggled with mental distress prior to moving.

3. New Yorkers who are forced to move end up in neighborhoods with less opportunity and higher poverty rates than those they lived in before moving - undermining their prospects for permanently escaping poverty.

Forced moves not only disproportionately impact disadvantaged New Yorkers, they also lead to worse outcomes. We find that following an eviction, families end up in neighborhoods with higher rates of poverty and less economic opportunity. Twenty-six percent of families who are evicted relocate to high-poverty neighborhoods (poverty rate above 30 percent), but before the move, only 10 percent of these families lived in high-poverty neighborhoods. This suggests that evictions also play a key role in concentrating poverty in New York City.

Beyond the Poverty Tracker, peer-reviewed and longitudinal studies provide causal evidence about how the neighborhood a person grows up in can impact their potential for economic mobility. Raj Chetty, Nathaniel Hendren, and Lawrence Katz determined that rates of upward mobility vary substantially based on where children grow up, and that even a few blocks can have a tremendous impact.⁷ They found that moving within one's metro area from a below-average to an above-average opportunity neighborhood (in terms of upward mobility) can increase lifetime earnings for a child from a low-income family by \$200,000. In addition, children under the age of 13 who grow up in lower mobility areas are more likely to be incarcerated and more likely to become parents as teenagers. These findings, coupled with data from the Poverty Tracker, show that evictions destabilize families, drive families away from economic opportunity, and hinder children's future earning potential.

The Poverty Tracker provides convincing evidence that evictions are a serious problem in New York City; that they disproportionately impact disadvantaged families; and that they drive families away from opportunity and deeper into poverty. It is from this perspective that **Robin Hood strongly recommends continuing, strengthening, and expanding the City's Universal Access to Counsel law** which helps families avoid eviction and stay in their homes. We urge City Council to adopt Intro

⁵ Routhier, Giselle. "State of Homelessness 2019." *Coalition for the Homeless*. 2019. <https://www.coalitionforthehomeless.org/state-of-the-homeless-2019/>

⁶ Holliday Smith, Rachel. "Halfway Into Homeless Revamp, Work Lags as Hotel Use Grows." *The City*. August 26, 2019. <https://thecity.nyc/2019/08/halfway-into-homeless-revamp-work-lags-as-hotel-use-grows.html>

⁷ Raj Chetty, Nathaniel Hendren, Lawrence Katz, "The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Experiment." *American Economic Review* 106 (4): 855-902, 2016. May 2015.

1104 and Intro 1529 which will ensure that more New Yorkers have access to this essential poverty-fighting tool.

Sincerely,

Jason Cone, Chief Public Policy Officer at Robin Hood

A handwritten signature in black ink, appearing to read "Jason Cone", with a long horizontal flourish extending to the right.

*Robin Hood testimony completed with research and analysis support from Chloe Sarnoff, Public Policy Analyst and Amanda Stern, Senior Program Officer, Income Security & Survival.



FOR THE RECORD

Make the Road New York
Testimony on Expansion of Right to Counsel
Intros 1104 and 1529

February 24, 2020
New York City Council, Committee on Housing and Buildings
Jointly with the Committee on Justice Systems

Dear Committee Members:

On behalf of Make the Road New York (MRNY), we submit this testimony in support of Intros 1104 and 1529, two bills introduced by Councilmembers Levine and Gibson. Intro 1104 will build upon and strengthen the historic efforts to provide quality legal representation to tenants at risk of displacement in New York City who have higher incomes than previously allowed but are still low-income. Intro 1529 will allow NYC to work directly with tenant organizers at community organizations to intervene with vulnerable tenants before a crisis in housing court is reached, through outreach and education, further stemming the tide of families at risk of homelessness.

Make the Road New York is a non-profit community-based membership organization with over 24,000 members dedicated to building the power of immigrant and working-class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services. As most of you know, we operate five community centers in Brooklyn, Queens, Staten Island, Long Island, and Westchester County.

While MRNY itself is not currently a Universal Access legal provider, MRNY has a deep record of fighting for tenants to live in safe, affordable homes and challenge landlords who would attempt to harass or otherwise displace their tenants and represents tenants as part of the citywide Anti-Harassment Tenant Protection effort. Our housing organizers have a long history of standing with tenants to educate them about their rights, connect them to our attorneys, and to work collectively to push critical housing campaign priorities. Our organization's community-based policy advocacy work has led to scores of policy and legislative victories, including passage of key housing related legislation like the city's Safe Housing Act and importantly the creation of the Tenant Protection Unit and the NYC Inspector-General.

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161 PORT RICHMOND AVENUE
STATEN ISLAND, NY 10302
718 727 1222

LONG ISLAND
1090 SUFFOLK AVENUE
BRENTWOOD, NY 11717
631 231 2220

WESTCHESTER
46 WALLER AVENUE
WHITE PLAINS, NY 10605
914 948 8466

MRNY supports the effort to provide expanded access to representation in housing matters to low-income families who are fighting to stay in their communities. Intro 1104 will provide that access by increasing the income eligibility criteria for those seeking counsel to 400% of the federal poverty level (FPL) -- a level that more realistically captures the full range of incomes of low-income families. For example, a single person at 400% of the federal poverty level makes a yearly income of \$49,960, and would be considered rent-burdened if their rent was more than about \$1250 / month. In a city where the median rent for a 1-bedroom is \$3,000¹, it is all but guaranteed that these low-income individuals and families will face challenges to find affordable, quality representation should their housing be at risk. Tenants who have incomes from 200% of the FPL to 400% of the FPL currently make up an estimated 31% of tenants in housing court, and include families with multiple incomes, chipping in to make ends meet. They must not be left behind as the city moves to preserve housing and stabilize communities.

In addition to increasing the eligibility threshold, the bill also provides for representation in additional forums where a tenant may lose their home. Homelessness does not always occur after a proceeding in Housing Court. Under this expansion, tenant advocates would be able to fight the loss of a tenant's apartment not only in Housing Court, but also in Supreme Court and in an administrative proceeding.

Along with Intro 1104, we urge the Council to pass Intro 1529, which will require the city to engage and fund tenant organizers at trusted community organizations working with tenants as part of their housing preservation strategy.

For the past 3 years, MRNY has engaged in broad anti-harassment and anti-displacement work in targeted areas in Brooklyn and Staten Island. To further this effort, our housing organizers have engaged in outreach and have worked closely with MRNY's legal team to support tenants to live in and keep affordable and quality housing. On Staten Island, our organizers previously worked in collaboration with the Legal Aid Society and Staten Island Legal Services to organize buildings on the North Shore, assist with the building of tenant groups, and connect vulnerable tenants to critical legal services.

We cannot underscore enough the absolute need for a comprehensive approach, which includes engaging community organizers, to reduce harassment and displacement for the city's most vulnerable families. This is especially true for our immigrant communities, who have often been the target of many unscrupulous landlords attempting to capitalize on an environment of heightened fear and increased immigration enforcement.

MRNY represents a group of tenants in a building on Jefferson Avenue, a building that borders on the rapidly gentrifying Brooklyn neighborhoods of Bed-Stuy and Bushwick, but is the long-term home of a diverse group of hardworking immigrant families. Our clients in this building hail from Dominican Republic, China, and Thailand, and were four remaining families in an otherwise vacant nine-unit rent stabilized building. A new owner purchased the property in June 2018 for 3.5 million dollars and immediately began demanding that long-term rent stabilized tenants vacate the property. Management sent tenants letters claiming that they would have to vacate due to the bogus claim that the city was "condemning the property." We also learned tenants were pressured to accept lowball buyout offers and told if they did not accept they would be evicted "by the City." Our housing organizer learned of the situation several months later and visited the building to knock on doors. During the site visit our organizer heard more about the blatant

¹ <https://www.zumper.com/blog/rental-price-data>

harassment on the part of the new management and observed the serious disrepair of the building. He also learned that several prior tenants in the building had vacated due to the landlord's tactics.

Our tenant organizer subsequently organized a group meeting, building on the relationships he had established, and where our attorney informed the group of their rights as rent stabilized tenants. After hearing about their legal options in the face of such harassment, the group of tenants together decided to initiate a group HP action in Brooklyn Housing Court. After reviewing the tenants' rent histories, we also discovered that the rents had not been registered for over 10 years for each apartment. Accordingly, we filed DHCR rent overcharge complaints for each apartment and such proceedings are currently pending.

After initiating the HP action, the egregious harassment ceased. Through the court proceeding we were able to leverage our claims for harassment to achieve renovations of outdated apartments without any increase in the legal rents. During the process we conducted several site visits at the building with management to discuss the needs of each apartment. Under the supervision of the Court, the apartments were repaired and renovated one by one. Key renovations included replacing doors, window frames, new kitchen cabinets, flooring, and bathroom renovations. In addition to obtaining the repairs and renovations, we also negotiated for a court settlement granting each family a four-month rent credit to compensate them for the delay in repairs and for the earlier instances of harassment.

Throughout the litigation, the owner and their lawyer recognized the unified front of the tenants, which clearly impacted their willingness to comply with the necessary repairs and stop the harassment. This case illustrates how effective and powerful an organizing-based approach to legal representation for rent stabilized tenants facing harassment and displacement can be, and why we believe the city must engage and fund those tenant organizing efforts broadly.

For these reasons, we ask the Council to adopt these important bills that will do so much to strengthen tenants' power as they fight back against the pressures of harassment and displacement. We look forward to continuing to work with the city to provide tenants with the knowledge and tools they need to prevent homelessness and uphold their rights.

Sincerely,

/sf/
Sienna Fontaine
Co-Legal Director

/jl/
Jose Lopez
Deputy Director

/jsr/
Jennie Stephens-Romero
Supervising Housing Attorney

**The Bronx
Defenders**

**Redefining
public
defense**

**New York City Council
Committee on the Justice System and Committee on Housing and Buildings**

**Hearing re: the Implementation and Expansion of the Right to Counsel in Housing Court
February 24, 2020**

**Written Testimony of The Bronx Defenders
By Julia Lake, Supervising Attorney**

Chairman Lancman and Chairman Cornegy, my name is Julia Lake and I am a Supervising Attorney in the Civil Action Practice at The Bronx Defenders. Thank you for the opportunity to testify in support of the expansion of the right to counsel for tenants in New York City. We applaud the Council for adopting the Right to Counsel (RTC) legislation in 2017. As one of the legal services providers representing tenants in the Bronx through RTC, we are thrilled to support Intro 1104 and Intro 1529, which would further strengthen and build upon the successes of the existing law.

The Bronx Defenders (BxD) is a public defender non-profit that is radically transforming how low-income people in the Bronx are represented in the legal system and, in doing so, is transforming the system itself. Our staff of over 350 includes interdisciplinary teams made up of criminal, civil, immigration, and family defense attorneys, as well as social workers, benefits specialists, legal advocates, parent advocates, investigators, and team administrators, who collaborate to provide holistic advocacy to address the causes and consequences of legal system involvement. Through this integrated team-based structure, we have pioneered a groundbreaking, nationally-recognized model of representation called holistic defense that achieves better outcomes for our clients. Each year, we defend more than 20,000 low-income Bronx residents in criminal, civil, child welfare, and immigration cases, and reach thousands more through our community intake, youth mentoring, and outreach programs. Through impact litigation, policy advocacy, and community organizing, we push for systemic reform at the local, state, and national level. We take what we learn from the clients and communities we serve and launch innovative initiatives designed to bring about real and lasting change.

BxD's Civil Action Practice defends against the devastating civil impact of justice system involvement and fights to make sure our clients do not lose their homes, jobs, benefits, property, or basic civil rights simply because they stand accused of wrongdoing. In our work defending

tenants from eviction, we are proud to be one of the legal services providers in the Bronx participating in the implementation of the right to counsel.

We offer our testimony from our perspective as public defenders, as one of the six legal services providers under Right to Counsel representing tenants in Bronx Housing Court, as well as proud members of the Right to Counsel NYC Coalition, the LEAP¹ coalition, and the Bronx Solidarity! Coalition. Our testimony will highlight some of the successes of the RTC law thus far, including a significant drop in evictions citywide and the gradual improvement of the standard of practice and professionalism within the housing court system. We then will turn to why we strongly support passing Intro 1529 and Intro 1104 in order to strengthen the existing law:

- **Support for trusted tenant organizing groups** will lead to greater awareness of the existence of the right to counsel in housing court and education about tenants' rights both in court and in the community.
- **Increasing RTC's income eligibility level and types of cases covered by the law** will ensure more tenants at risk of eviction can secure legal representation.

In addition to our comments, we support and incorporate the testimony of the Right to Counsel NYC Coalition.

THE RIGHT TO COUNSEL IN HOUSING COURT IS CRITICAL TO ENSURING STABLE AND AFFORDABLE HOUSING

In our work at BxD, we see the devastation and harm to our clients that comes with eviction and, particularly, how it can lead to or exacerbate justice system involvement. Conversely, housing stability is critical in ensuring that our clients, their families, and their communities are able to thrive. Because the loss of one's home can be so catastrophic, it is critical to provide community-based organizing support and lawyers for all low-income tenants facing eviction.

I. THE RIGHT TO COUNSEL LAW HAS REDUCED EVICTIONS CITYWIDE

The Right to Counsel law has already led to a steep decline in evictions citywide. In the Bronx, residential evictions by the city marshal dropped by 43.9% between 2013 and 2018.² Eviction filings and shelter entries have also decreased. The right to counsel in housing court is working: the Office of Civil Justice (OCJ) found that 84% of tenants who secured representation through RTC did not end up being evicted. Community Service Society found that eviction rates were declining most steeply in the zip-codes in which the RTC law has already been implemented. It

¹ LEAP is a membership organization comprised of 18 direct civil legal services providers.

² New York City Office of Civil Justice 2018 Annual Report.

is clear that the law has been effective in reducing evictions, creating a more level playing field for tenants in housing court, and preserving affordable housing.

II. THE RIGHT TO COUNSEL LAW IS CONTRIBUTING TO A MORE EQUITABLE HOUSING COURT SYSTEM

When the RTC law was passed, the housing courts in New York City had become well-known for incivility and unprofessional conduct. Due to the stark difference in access to information and power between unrepresented tenants at risk of losing their apartments and the landlords' bar, a bully mentality developed in which unrepresented litigants were regularly pressured into signing settlements early on in their cases without a meaningful opportunity to understand the terms of the agreement or defenses they might be waiving. As a result, housing courts citywide developed a culture rife with bias. The Bronx Housing Court became particularly notorious for its overcrowded hallways and the aggressive, unprofessional, and in some cases, abusive, behavior of some practitioners and court personnel.

Since the roll out of RTC, this culture of the court continues to impact both legal services providers and, most significantly, the tenants we serve. However, the RTC law has had some tangible impact on the ground in terms of improving the culture of the court and the standard of practice.

As a starting point, the RTC law has led to an influx of tenant attorneys in the housing court building. For this reason alone, the historic dynamics of *pro se* tenants meeting in the hallways with their landlord's lawyers are slowly but surely shifting. As more tenants secure lawyers, the landlords' bar is slowly being forced to engage in motion practice, go to trials, and, generally, fully litigate cases, as opposed to a practice of filing and settling lawsuits that often lack sound legal basis. Tenants are able to meaningfully engage with the issues in their cases, as opposed to being steamrolled into settlements.

Additionally, legal services providers have been observing and documenting some of the most egregious instances of racist, sexist, and vitriolic behavior in the courthouses. In the Bronx, a group of over 12 legal services organizations and advocacy groups representing tenants in the Bronx have joined together to create the Bronx Solidarity! Coalition. The coalition is committed to lifting up the voices of tenants, providing high quality legal representation, and improving the administration of justice in Bronx Housing Court.

In 2018, Bronx Solidarity! collected over 75 examples of hostility, harassment, bias, and incivility by the landlord's bar and by the Court or its personnel. The coalition then shared these stories with the Administrative Judge of the Bronx Housing Court and identified some proposed solutions for addressing such conduct.

In response, the Bronx Housing Court facilitated the formation of four committees focused on education, standards of civility, the complaint process, and the implementation of the January 2018 recommendations of the Special Commission on the Future of the New York City Housing Court. While there was initial interest in these efforts, our understanding is that none of these committees are still meeting regularly. Though the Court has made a verbal commitment to address these issues, we have yet to see leadership from the Court that could lead to actual change.

While there has been increased awareness and recognition of the problems in Bronx Housing Court, the lack of decorum unique to that court still persists and tenants are still regularly subjected to disrespectful and demeaning treatment from the court personnel and their adversaries when they appear in court. The full implementation of the RTC law, as well as support for tenant organizers proposed in Intro 1529, will be critically important in order to continue to raise the standard of conduct and ensure fair legal process in the housing courts.

INTRO 1529 WILL IMPROVE THE IMPLEMENTATION OF THE EXISTING LAW

We encourage the City Council to pass and the Mayor to sign Intro 1529 to fund and support neighborhood-based outreach and education about the right to counsel. While the environment in the courthouse continues to be chaotic and space is at a premium, the intake process would be greatly improved if tenants knew about the right to counsel in advance of coming to court. More support for community organizing under Intro 1529 will lead to better education and outreach to tenants before they appear in housing court for the first time. This would result in a reduction in defaults, a more streamlined procedure for meeting with a lawyer on the first court date, and the further integration of the right to counsel into the court process.

SUPPORT FOR COMMUNITY ORGANIZERS WILL INFORM AND EMPOWER TENANTS

BxD has found that most tenants are unaware of the right to counsel when they show up for their first court appearance. Those tenants are particularly vulnerable to being diverted from connecting with the legal services provider on intake on their first court date by aggressive landlord attorneys who pressure them to sign binding settlement agreements before they have had an opportunity to do an intake with that day's legal services provider to assess their eligibility for representation. In fact, at BxD's February 2020 intake shift, approximately 9% of the tenants we spoke with who lived in RTC-eligible zip-codes, had already entered into settlement agreements with their landlord's attorneys by the time we were able to locate them to start the intake process.

Currently, the burden falls on the providers to intercept these aggressive tactics, inform tenants about the right to counsel, determine eligibility, and establish trust despite these impediments. On our intake days in the Bronx, our staff must locate respondents, establish relationships, assess eligibility, and discuss confidential and sensitive information with tenants in the over-crowded courthouse hallways.

For example, GM and his elderly mother, AF, both non-English speakers eligible for a lawyer, came to us during our intake shift in housing court. The landlord and his attorney were following them through the hallway, pressuring them to agree to take a settlement or go to an immediate trial. The tenants were intimidated and would only speak softly. Our attorneys spoke with the tenants as they quietly shared the sensitive details of their case in the crowded and noisy hallway. They were both undocumented and said that the landlord had threatened to report them to ICE. When tenants are forced to meet with their attorneys for the first time under these circumstances, the right to counsel is compromised.

When tenants are aware of their rights, they are less likely to be informally or formally evicted by their landlord out of fear or confusion. In cases where their landlord serves them with eviction court papers, community organizers can help support and educate tenants about the upcoming court process and the existence of the right to counsel before they step foot in the courthouse. This means tenants will be more likely to show up and avoid default. Additionally, there will be more opportunity to prepare tenants before their hectic first court appearance. For example, tenants who have connected with a community-based organizing partner in advance of court might be told to bring documents such as receipts, leases, and court papers with them to court, which would greatly increase the efficiency of initial intake interviews with legal services providers.

Adopting Intro 1529 would go a long way to alleviate some of these practical concerns in implementing the right to counsel law on intake days in the housing courts. With the support of trusted community organizers to connect with tenants and communities *before* they come to court for the first time, there will be greater opportunity to inform and educate tenants and communities about the existence of right to counsel, their rights as tenants more generally, and to combat other methods of landlord harassment and displacement.

INTRO 1104 WILL IMPROVE THE COVERAGE OF THE EXISTING LAW

Intro 1104 would increase the income eligibility threshold to 400% of the FPG and cover additional categories of cases. At present, the law's eligibility restrictions result in a concerning number of tenants who are still left to navigate their eviction cases without counsel. Notably, our office is regularly forced to tell working class, low-income tenants between 200% and 400% of FPG that they will not qualify for an attorney to represent them in their eviction case. Our office

has to explain to other tenants that we will not be able to represent them because of the type of case that they have, including some types of agency termination hearings and appeals. Unfortunately, the existing eligibility restrictions mean that many vulnerable low-income tenants are still forced to navigate various court systems and agencies, without counsel, against a represented landlord, in order to save their homes.

EXPANDING ELIGIBILITY WILL ENSURE MORE VULNERABLE TENANTS ARE ABLE TO SECURE REPRESENTATION

The current law is too restrictive with respect to eligibility for counsel. At present, only those with household incomes at or below 200% of the federal poverty guidelines (FPG) are eligible for representation. Because of the restrictions, many people in need of a lawyer are being turned away. The current restrictions add unpredictability to the intake process, create confusion among some potentially eligible tenants, and may have a deterrent effect on others.

In the past nine months of BxD's housing court intake in the Bronx, our office has encountered approximately 33 tenants, nearly 12%, who were facing eviction cases against them and lived in an RTC-eligible zip-code, but were over 200% of the FPG and therefore were ineligible to secure our representation.

For example, in April of 2018, when AB had her first court date, she was referred to a legal services provider but was not financially eligible because she was working. Earning \$40,000 a year for a family of two, she was \$8,000 over 200% of FPG. Yet her income was limited enough to receive federal housing assistance through Section 8 for her rent. For many months, she navigated housing court alone, under constant threat of eviction, and ultimately agreed to pay arrears she did not owe. Five months later, she lost her job, in part due to repeatedly missing work days to go to court, and only then became eligible for a lawyer. BxD met with AB during a RTC intake shift and assisted her, but by that time, she had waived many of her defenses, her case was post-judgment, she had already paid rent she did not owe, and she had unnecessarily experienced an unquantifiable amount of stress and trauma in Housing Court.

Additionally, for the right to counsel to be meaningful, it must expand to cover a broader range of cases. A large number of eviction cases are held in venues outside of the housing courts. For example, the New York City Housing Authority (NYCHA) and the Department of Housing Preservation and Development (HPD) hold several thousand termination of tenancy proceedings annually. Other tenants face eviction in Supreme Court ejectment actions. Finally, with the influx of counsel for tenants in the housing courts and the resulting uptick in active litigation, landlords are filing more appeals. Failure to provide tenants with access to justice in these additional types of cases in which tenants face eviction would undercut the RTC law's purpose of providing representation for vulnerable New Yorkers at risk of losing their homes.

Passing Intro 1104 would mean that tenants who work full-time and earn the \$15.00 minimum wage will also be able to access a lawyer and, therefore, will be less likely to be evicted. Additionally, tenants with eviction cases in venues outside of housing court, including appeals, will not be forced to navigate their cases and fight for their homes without a lawyer against their represented landlords.

We are grateful for the opportunity to submit testimony and look forward to the City adopting Intro 1104 and 1529 to expand and strengthen the right to counsel in housing court.

Thank you for this opportunity to comment on the implementation and expansion of Right to Counsel (RTC). My name is Oksana Mironova and I am a housing policy analyst at the Community Service Society (CSS), a nonprofit organization that addresses some of the most urgent problems facing low-income New Yorkers and their communities, including the effects of the city's housing crisis.

New York City has always been known as a chronically tight, high-cost rental market. In recent decades, truly affordable housing has become more elusive and housing insecurity has become the norm for the vast majority of low-income New Yorkers. Since the beginning of its implementation, the right to counsel law has proven to be an effective strategy for reducing the number of evictions.

Over the [past three years](#), CSS has used eviction data to evaluate RTC's rollout and implementation. Key points from this year's report (which you can find in our written testimony) are:

- Since 2017, evictions in RTC zip codes declined by 29 percent, compared to a 16 percent decline in zip codes with similar eviction, poverty, and rental rates that do not yet have RTC.
- Longer term trends point to the positive influence of tenant organizing, legal assistance, and tenant protection laws on eviction rates. There is a steady climb in evictions from 2010 to 2013, followed by a sharp reduction in 2015, likely due to the start of the RTC organizing campaign and the first infusion of government assistance for legal services in housing court. A secondary reduction in 2019 is likely a result of the continuing RTC's rollout and the passage of the Housing Stability and Tenant Protection Act (HSTPA).
- RTC and HSTPA are complementary. RTC is a powerful tool for upholding and interpreting the new rent laws, especially when they are contested in the courts.
- Still, vulnerabilities remain. In 2019, CSS's Unheard Third survey showed that 30 percent of moderate-income New Yorkers have experienced one or more housing hardship, indicating that doubling RTC's qualification threshold to 400% FPL can have a real impact.
- In 2019, a [survey](#) of Bronx tenants in RTC eligible zip codes by CASA-New Settlement and the Northwest Bronx Community and Clergy Coalition found that about half of respondents did not know about RTC until they first arrived in court, pointing to a knowledge gap requiring action.

We urge to pass Intro 1529 and Intro 1104 to both expand the right to counsel in housing court to a wider pool of tenants and to ensure that tenants know about this powerful right before they get to court.

Thank you again for the opportunity to offer our recommendations. For more information or if you have any questions, please contact Oksana Mironova, CSS Housing Policy Analyst at 212-614-5412 or omironova@cssny.org.

Right to counsel and stronger rent laws helped reduce evictions in 2019

Oksana Mironova

February 2019

New York was the first city in the country to implement a Right to Counsel (RTC) law. By 2022, all low-income tenants facing an eviction in housing court will have a **right** to an attorney.¹ The popularity of the law is growing nationwide. Since its passage in New York City, activists working to stem evictions in Newark, Philadelphia, Cleveland, Santa Monica, and San Francisco have won [similar](#) campaigns and multiple presidential candidates have called for a [national RTC fund](#).

In June 2019, New York State tenants' rights were greatly expanded by the [Housing Stability and Tenant Protection Act \(HSTPA\)](#), which strengthened rent regulation and increased eviction protections for all renters. Under HSTPA, all tenants covered by RTC can leverage a broader set of rights in housing court. The results have been positive: legal representation in RTC zip codes has grown to 62 percent, while evictions declined by 29 percent since 2017.

Evictions and RTC implementation

[Tenant groups](#) across the country have identified evictions as a major contributor to instability in low-income neighborhoods of color. [Our previous research](#) has shown that there is a correlation between neighborhoods with a high share of black or Latinx renters and evictions, controlling for poverty levels. Evictions increase the risk for homelessness and long-term housing insecurity, and have an adverse effect on health, increasing emergency room use and mental health hospitalizations, according to a [2018 study by Robert Collinson and Davin Reed](#). People who have been evicted are 16 percentage points more likely to file a shelter application in the first two years after their housing court case, compared to an overall shelter application rate of three percent.

Figure 1: Evictions and poverty, 2017-2019

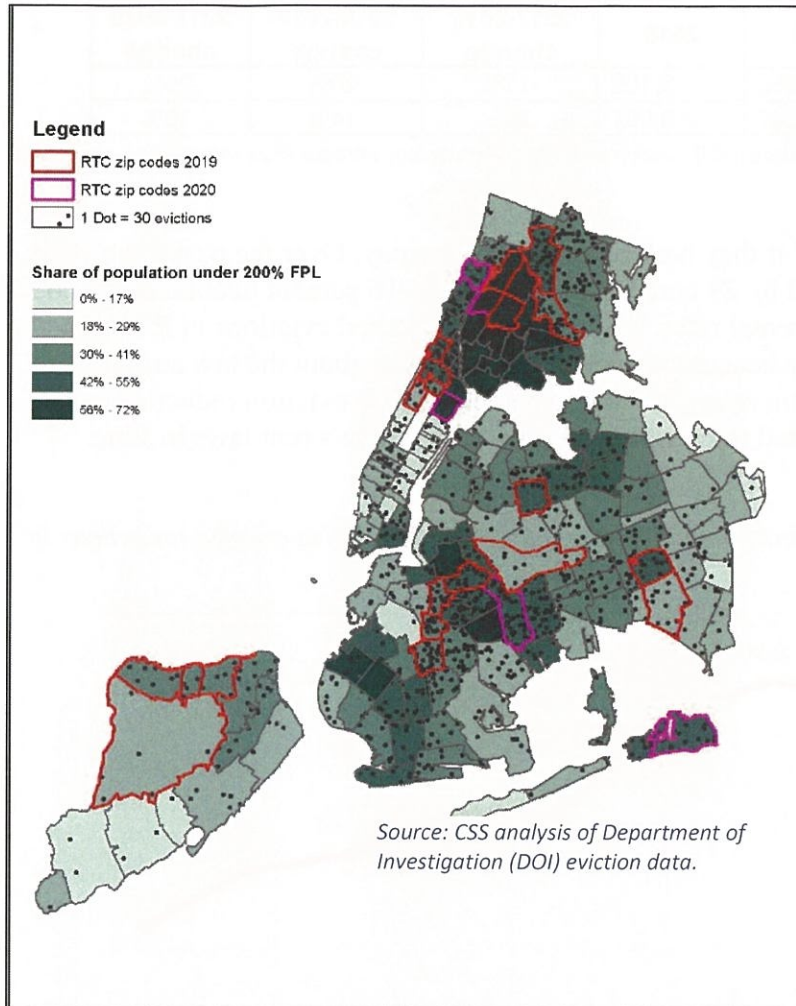


Figure one shows evictions executed in 2017- 2019 and the share of households under 200 percent of the federal poverty level (FPL), by zip code. South and northwest Bronx, central and eastern Brooklyn, southeast Queens and Far Rockaway, and northern Manhattan have high rates of evictions.

RTC is being rolled out on a zip code by zip code basis, with full implementation expected by 2022. Since January 2020, the law covers 25 zip codes. [\[for more information about how to access legal counsel in housing court, see Eviction Free NYC\]](#)

In 2010, only [two percent](#) of tenants were represented by an attorney in eviction cases, magnifying the power imbalance better landlords and tenants. At the [end of FY19](#),² 32 percent of tenants citywide and

62 percent of tenants in RTC zip codes had legal representation. For two years in a row, 84 percent of households represented by government-funded legal service providers were able to remain in their homes.³

City funding for RTC is projected to increase incrementally, up to \$166M at full implementation, when the law is expected to provide legal services to 400,000 New Yorkers annually. It [costs the city \\$47,000 a year](#) to provide emergency shelter to a single adult and \$82,000 for a family. According to the Collinson and Reed study, families impacted by evictions experience longer shelter stays and more frequent emergency room visits, increasing the overall public cost by \$8,000 per eviction, compared to baseline shelter and emergency room costs. Since eviction is a [strong predictor](#) for homelessness and increased emergency room use, RTC is a sound investment of public dollars.

Figure 2: Evictions in RTC zip codes decline by 29 percent since 2017

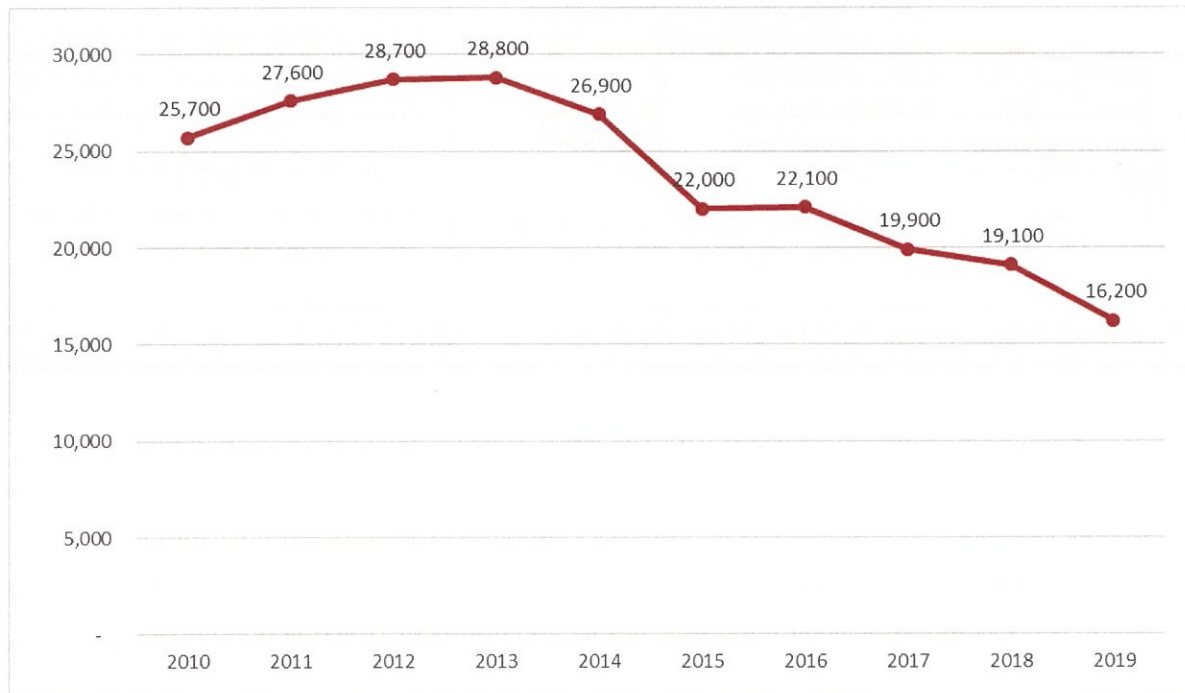
	2017	2018	2019	2017-2018 change	2018-2019 change	2017-2019 change
RTC sample	4,355	3,860	3,105	-11%	-20%	-29%
Non-RTC sample	12,630	12,387	10,591	-2%	-14%	-16%

Source: CSS analysis of Department of Investigation (DOI) eviction data. See methodology note for more information on zip code selection.

Tenants are less likely to be evicted if they have access to an attorney. Over the past three years, evictions in RTC zip codes declined by 29 percent, compared to a 16 percent decline in zip codes with similar eviction, poverty, and rental rates. The decline of executed evictions in RTC zip codes accelerated in year two, likely because of increased awareness about the law among tenants and improved implementation strategies in housing court. The eviction reduction in non-RTC zip codes in 2019 is likely linked to the strengthening of the State’s rent laws in June.

Eviction trends city-wide

Figure 3. Organizing, legal services, and strengthened tenant protections led to eviction reductions in 2015 and 2019



Source: Office of Civil Justice reports and CSS analysis of DOI eviction data.

Evictions in New York City have been on a longer-term decline as a result of tenant organizing and state and local policy change. The campaign for Right to Counsel began in 2014, making evictions an important focus for organizing among tenants. Around the same time, and likely in response, the city and state both began investing in legal assistance programs for households

facing eviction to stem homelessness and cut down on tenant harassment. The number of households receiving government-funded legal assistance in housing court [more than doubled](#) between FY14 and FY15, and has been expanding since. Figure three shows a steady climb in evictions from 2010 to 2013, followed by a sharp reduction in 2015, likely due to the first infusion of government assistance for legal services in housing court.

Evictions declined by 15 percent in 2019, from 19,100 to 16,200 cases citywide.⁴ Increased tenant access to attorneys in housing court through RTC contributed to this decline. However, RTC's implementation was still geographically limited in 2019. Bolstering the effectiveness of the city's RTC law, the state passed the Housing Stability and Tenant Protection Act (HSTPA) in June 2019.

HSTPA significantly strengthened the rights of the [988,000 rent regulated households](#) in New York City, closing loopholes that incentivized evictions, like the vacancy bonus and vacancy decontrol, and limiting unexpected rent hikes by capping Major Capital Improvements (MCIs) and reforming preferential rents. HSTPA also expanded eviction protections for all tenants, providing more time to answer nonpayment petitions, address lease breaches, and come up with money to pay rent arrears. At the same time, RTC is a powerful tool for upholding and interpreting the new rent laws, especially when they are contested in the courts. For example, in a [recent rent succession case](#), a home health aide was able to take over the tenancy of a client's rent stabilized apartment who passed away. This interpretation of the rent laws would not have been possible without an attorney.

Policy steps toward an eviction free NYC

Rent protections and right to counsel laws complement each other. Despite declining evictions citywide, many tenants, especially those not covered by rent regulation, [remain vulnerable](#). To further reduce evictions, the State should pass good cause eviction protection, making [600,000 households](#) eligible for additional tenant protections.

In 2019, a [survey](#) of Bronx tenants in RTC eligible zip codes by CASA-New Settlement and the Northwest Bronx Community and Clergy Coalition found that about half of respondents did not know about RTC until they first arrived in court. For the law to truly have universal reach, every eligible tenant should understand it before they face an eviction. The original sponsors of the RTC legislation, Council Members Levine and Gibson, [are calling for](#) outreach, education, and organizing funding for community-based organizations around RTC. The City should pass Intro 1529 to ensure everyone who is eligible for RTC knows about it before they get to housing court.

To qualify for RTC, a single adult's annual income cannot exceed about \$26,000, meaning that a full-time worker earning a \$15 minimum wage does not qualify. Because of New York City's high cost of living, moderate-income households (or those earning \$51,000 for an individual or 82,000 for a family of three)⁵ are also vulnerable to housing instability, including eviction.⁶ CSS's 2019 Unheard Third survey shows that 30 percent of moderate-income tenants experienced one or more housing hardship, including falling behind on rent, being threatened

with an eviction, and moving in with other people. There is a stark difference in experience with housing hardships among low- and moderate-income tenants, as opposed to middle-/high-income tenants.

Figure 4. Nearly a third of moderate-income tenants experienced one or more housing hardship in 2019

Low-income (Under 200 FPL)	Moderate-income (200-400 FPL)	Middle-/High-income (Over 400 FPL)
40%	30%	14%

Source: 2019 Unheard Third survey.

To address a housing court representation gap, Councilmembers Levine and Gibson, and the RTCNYC Coalition are proposing to double RTC’s eligibility threshold to 400% FPL. The City should pass Intro 1104 and expand the coverage of this successful law.

Methodology Note: NYC eviction data is published daily by the Department of Investigation (DOI) on the NYC Open Data portal. This dataset includes executed commercial and residential evictions, going back to 2017. It does not include eviction filings or eviction warrants.

Evictions are chaotic and stressful for tenants, and this is reflected in the data - this dataset includes duplicate entries and incorrect and non-existent addresses. CSS deduplicated and geocoded the data. Depending on a researcher’s preferred deduplication and geocoding process, the number of unmatched addresses and the aggregation of evictions into zip codes will differ (we have updated our deduplication process since 2019).

Eviction rates, poverty rates, and the share of rental households were all higher in RTC zip codes. For our RTC vs. non-RTC zipcode analysis, we randomly selected a constant year over year number of RTC zip codes. For the comparison, we selected all the non-RTC zip codes that had eviction, poverty, and rental tenure rates that were lower than the RTC zip code minimums.

¹ [Introduction 214-B](#) was sponsored by Council Members Mark Levine and Vanessa Gibson.

² FY19 is July 1, 2018 through June 30, 2019.

³ This figure includes both tenants in Right to Counsel zip codes and tenants served by other OCJ-funded legal service programs in non-RTC zip codes. Comparable data for tenants without counsel is unavailable.

⁴ Citywide evictions in July-Dec 2019 (immediately following the passage of the rent laws) declined by 18 percent compared to the same period in 2018 (see [Daily News](#) story). Further, June-October 2019 eviction filings declined by 46 percent compared to the same period in 2018 according to analysis by [The Wall Street Journal](#), an early sign of landlord behavior change.

⁵ Low-income: under 200 FPL; Moderate-income: 200-400 FPL; Middle-/High-income: 400+ FPL.

⁶ DOI does not collect housing court data by income.

Testimony in Support of Intros 1104 and 1529 to Expand the
Right to Counsel for Tenants Facing Eviction.

Jenny Laurie, Housing Court Answers, 2/24/2020

I would like to start by thanking the City Council and Mayor de Blasio's administration for your combined work on the new Right to Counsel Law. It has been a many decades struggle for tenants facing eviction in Housing Court and the new law has been a tremendous success.

Housing Court Answers staffs information tables in the city's five county Housing Courts. In addition, we staff a hotline for tenants facing eviction in Housing Court. Since 2017, when the Right to Counsel Law went into effect, evictions have gone down. Looking at 2019 numbers, 16,996 households were evicted, a decrease in almost 20% compared to the number of evictions in 2017 (21,074 households) when Right to Counsel started. In addition, Housing Court filings have gone down each year since the law's implementation.

The Right to Counsel Law has had a profound effect on Housing Court. The picture of the court in past years was crowded, noisy halls with tenants and landlord attorneys. Those attorneys commonly bullied tenants into agreeing to unfair, one side stipulations requiring tenants to pay whatever the landlord claimed was owed or move out. Today, walk through the courts, and, especially on the RTC floors, you will see an ocean of tenant attorneys – diverse in gender, race and age. You will also see newly confident tenants – even though most of them do not yet have representation. Judges have expressed relief in the changes now that they are mostly listening to legal arguments – and not trying to referee over cases where they know the tenants' defenses are hidden from view. Landlord attorneys who have tried to continue a practice of making uncivil and demeaning comments have had to learn restraint. Last year, it was common for landlord attorneys to get to the Bronx court early to sway tenants before they learned they had a right to counsel. That practice seems to be disappearing.

Not to say that the courts are perfect – they are not. They are just a lot better than they were.

The implementation of the Right to Counsel for NYCHA tenants has taken longer than most of us had hoped. It's also difficult for most tenants to get an appointment before the hearing date. There is still not the capacity to allow all tenants to get an attorney prior to filing their answer. This means that the tenant is still coming to court to file an answer, returning on the first hearing date, and then needing to adjourn the case in order to meet with counsel. The lengthy process (and the process of answering) sometimes blinds tenants to the need for an attorney. But more and more tenants are agreeing to be represented. And more and more tenants are avoiding eviction and getting repairs. The adoption of Intro 1104 will mean that almost all tenants in Housing Court will be eligible while the adoption of 1529 will mean that tenants will come to court understanding what it means to have a Right to Counsel. Then we might start seeing some justice in Housing Court.

NDS

HARLEM

TESTIMONY OF THE NEIGHBORHOOD DEFENDER SERVICE

before the

**NEW YORK CITY COUNCIL
COMMITTEE ON THE JUSTICE SYSTEM**

IN RELATION TO

Intro 1104-1529

by

**Austen Refuerzo
Supervising Attorney, Civil Defense Practice**

February 24, 2020

Testimony of Austen Refuerzo

Introduction

I am Austen Refuerzo, Supervising Attorney in the Civil Defense Practice at the Neighborhood Defender Service of Harlem (NDS). NDS is a community-based public defender office that provides high-quality legal services to residents of Northern Manhattan. Since 1990, NDS has been working to improve the quality and depth of criminal and civil defense representation for those unable to afford an attorney through holistic, cross-practice representation. With the early implementation of Right to Counsel in key Northern Manhattan zip codes, NDS joined the Right to Counsel Coalition and began serving community through the Right to Counsel Program. As a holistic public defender office, NDS is particularly familiar with the collateral consequences of homelessness, including an increased chance of entering the criminal justice system.

Intro 1104

The Right to Counsel Law, currently providing full legal representation for tenants under 200% of the poverty line, has been an undeniable success. With 84% of tenants represented by lawyers provided under Right to Counsel remaining in their homes, the city has taken a major step in stemming the tide of the housing crisis plaguing this city. Tenants remaining in their homes strengthens communities, protects families, and prevents the destabilization that too often precipitates criminal justice involvement. In rapidly gentrifying Northern Manhattan, which threatens over-policed NDS clients with unaffordable rents, the Right to Counsel has given our clients a valuable tool to fight for their right to stay in their community.

While the 2017 Right to Counsel Legislation has helped thousands of tenants save their homes, there are countless more who are unable to afford, yet deserve, legal representation when faced with the loss of home. It is tragically common for NDS and organizations similarly situated to have to decline representation of a tenant for the mere sin of working a job that pays them a living wage—a living wage not adjusted for living in the most expensive city in the country. A common scenario experienced by our attorneys is an employed adult moving in to help care for a senior or infirm parent ending up alone in housing court because their combined income and social security is over \$34,000—the limit for a family of two. A family so situated must then choose between paying a lawyer to fight for their home or paying the rent.

NDS recently conducted an intake where a tenant was under threat of losing her home due to the presence of her daughter's service animal. The tenant had lived in her apartment for 28 years and has been the victim of continual harassment from the management company that took over the building a few years ago. This harassment most recently manifested itself in the form of an eviction proceeding for violating her lease by having a support animal in her home. The tenant had a number of defenses at her disposal including the NYC Pet law and requesting a reasonable accommodation to keep the support animal. However, based on the tenant's SSI and her daughter's wage income, the household was a mere few thousand dollars over the income threshold. Due to the current income limits and one person in the household being gainfully

employed, this tenant may be forced to make the decision to give up a loved family pet or risk losing her home without the assistance of counsel.

Due to the current income limit, vulnerable tenants in housing court are often presented with the hope that they will be represented by an attorney only to have that hope dashed moments later when they learn of their ineligibility by virtue of having gainful employment. Having just had the rug pulled out from under them, these tenants are often confused and upset; at which point they are thrown to their landlord's attorney without a lifeline—this is how tenants lose their homes.

Another vulnerable population that has been grossly underserved are the tenants of NYCHA. Right now legal representation is offered to senior tenants of NYCHA, leaving the vast majority of NYCHA tenants to face the termination of their tenancy alone. The Right to Counsel must be expanded to provide full legal representation to all NYCHA tenants in administrative hearings. As recently articulated by NDS attorney Anna Luft in the New York Daily News: “How the deck is stacked against NYC’s public housing tenants” NYCHA tenants are evicted at higher rates than other tenants in housing court, and they are also one of the only classes of tenants not entitled to an attorney to defend their eviction. (<https://www.nydailynews.com/opinion/ny-oped-how-the-deck-is-stacked-against-nycs-public-housing-tenants-20191009-rpj5xnqkwfarrp3xx75niooe5m-story.html>). Because NYCHA termination of tenancy hearings occur outside of Housing Court they have been excluded from the drastic reduction in evictions experienced across the city. NYCHA administrative hearings are governed by obscure rules and opaque processes making the need for an attorney all the more essential. NYCHA tenants deserve attorneys to empower them to fight for their rights and their homes.

Conclusion

The passage of Intro 1104 is essential to expand a successful program to a larger class of tenants who deserve legal representation. Without these reforms, the Right to Counsel is a misnomer; the passage of Intro 1104 brings the Right closer to a reality.



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**WRITTEN TESTIMONY OF THE NEW YORK CITY BAR ASSOCIATION
PRESIDENT ROGER JUAN MALDONADO**

**NEW YORK CITY COUNCIL COMMITTEE ON JUSTICE SYTEM
AND COMMITTEE ON HOUSING AND BUILDINGS**

**OVERSIGHT HEARING T2020-5733: IMPLEMENTATION AND EXPANSION OF
RIGHT TO COUNSEL IN HOUSING COURT**

February 24, 2020

As President of the New York City Bar Association (“City Bar”), I would like to respectfully request that, in addition to my oral remarks being given today, that the appended reports be included in the written record for the oversight hearing being conducted by the New York City Council Committee on Justice System and Committee on Housing and Buildings regarding implementation and expansion of right to counsel (“RTC”) in Housing Court. The appended reports discuss two bills currently pending in the City Council related to expanding the landmark RTC in eviction cases in New York City: (1) Int. 1529-2018, which requires the Office of Civil Justice coordinator to work with community groups to educate tenants of their rights in housing court; and (2) Int. 1104-2018 which (a) increases the RTC’s income eligibility level from 200 percent to 400 percent of the federal poverty level, and (b) expands the types of eviction cases covered by RTC.

The City Bar supports these bills, which we believe will ensure that all vulnerable tenants facing eviction will have the right to an attorney in their fight to keep their home while also providing them with the information needed to help them prevent potential eviction in the first place.

We hope our analysis of these bills will be helpful to the Committees as they review New York City’s right to counsel program. Thank you for your consideration.



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Center for Independence of the Disabled, NY

FOR THE RECORD

February 24, 2020

Hearing: On Bills to Expand the Right to Counsel and Build Tenant Power
(Intros 1529 and 1104)

The New York City Council Committee on the Justice System Jointly with the
Committee on Housing and Buildings

Lourdes I. Rosa-Carrasquillo, Esq.
Director of Advocacy

Daniel Buk
Policy Intern

Re:

I would like to thank the New York City Council for holding this hearing. Thank you to the Chairs of the Committees and to the City Council Members Mark Levin and Vanessa Gibson who sponsored Intros 1529 and 1104.

CIDNY's goal is to ensure full integration, independence, and equal opportunity for all people with disabilities by removing barriers to the social, economic, cultural, and civic life of the community. The overwhelming majority of people with disabilities living in New York City are living in poverty and are rent-burdened or severely rent-burdened. In 2019, CIDNY served over 57,338 individuals, 24,000 of those with housing matters. Every month we have housing workshops at each of our locations.

Many low-income tenants with or without disabilities are in housing court for filing complaints to 311 regarding failure of the landlord to provide apartment maintenance. Tenants with disabilities who come to CIDNY are at risk of eviction not only for rent arrears or for filing complaints with 311 but also for requesting reasonable accommodations or modifications. Landlords and management companies don't want to pay for any reasonable accommodations or modifications, although this is required by federal, state, and city laws. We worked with one woman who requested an accommodation and was threatened with a rent increase. She was told she would not get the accommodation unless she signed a lease with a rent increase related to the accommodation. The landlord said that if she failed to pay she would be evicted. In other instances, landlords filed eviction papers to intimidate the tenant with a disability to withdraw the request for an accommodation or modification or move out.

Intro 1104, which will increase the eligibility for the Right to Counsel program. This program will include individuals with incomes of up to 400 percent FPL and will protect more tenants with disabilities from eviction.

The following percentages are residents with disabilities who fall between 200 and 400% FPL, a gap not currently covered by RTC, and thus would be helped by the passage of Intro 1104:

37 percent in the Bronx,
32 percent in Brooklyn,

Page 3/

Re:

38 percent in Queens
38 percent in Staten Island, and
31 percent in Manhattan

Increasing the income eligibility threshold would improve the lives of New Yorkers with disabilities who are struggling to get by.

Intro 1529 is equally crucial. People with disabilities who come to CIDNY for help don't always know their rights as people with disabilities. It is very important for organizations like ours to have resources to help people. Currently, we do not have sufficient funding to reach and educate all the people with disabilities who would benefit from learning about their rights related to housing and who would get the legal resources they need.

Thank you for listening. We appreciate your leadership on these important initiatives.

Fact Sheet on Right to Counsel and People with Disabilities

Citywide results

We have two annual reports from FY2018 and FY2019 regarding the performance of the Right to Counsel program which show very notable results.

- In FY2018, OCJ was able to provide legal representation, advice, and assistance to 33,000 across all five boroughs in NYC, including 26,000 in eviction cases.
- In FY2018, 21,955 New Yorkers were able to avoid eviction due to the provision of legal representation, which means that 84% of households OCJ represented were able to stay in their homes (7,847 households). Notably that 84% was *more* than the 77% the NYC Independent Budget Office predicted.
- In FY2019, households assisted by OCJ in eviction cases grew by 25%, and over 32% facing eviction in Housing Court were represented in the last quarter of FY2019.

There's a remarkable correlation between tenants being provided RTC and their ability to stay in their homes: between 2017 and 2018, evictions in RTC zip codes declined by 11% compared to just 2% in non-RTC zip codes. In other words, evictions dropped *more than 5x faster in zip codes with RTC*. The majority of the decline in NYC-wide evictions - 64% - *can be attributed to RTC*.

Manhattan Unmet Need

48.4% of Manhattan residents with disabilities are rent-burdened (spending 30% or more on rent), which includes **30.2%** who spend more than **half** of their income on rent, meaning that Manhattan's residents with disabilities are ***more rent-burdened*** than all households nationwide (**31.5%**).

However, approximately **31%** of Manhattan residents with disabilities who earn between 200% and **400% FPL (\$51,040)** are not currently covered by RTC, even when they are equally at risk of being evicted.

Bronx Unmet Need

59.6% of Bronx residents with disabilities are rent-burdened, while **40.4%** spend **a half or more of their income on rent**. The rate of rent-burden for Bronx residents with disabilities is **28% higher** than all households nationwide (**31.5%**). There are approximately **27%** of Bronx residents with disabilities who fall between 200%-400% FPL, not currently covered by RTC, even though they can be equally at risk of eviction.

Brooklyn Unmet Need

54% of Brooklyn residents with disabilities are rent-burdened, a little less than a percentage point than citywide, and approximately **33%** more than all households nationwide. **38%** of Brooklyn residents with disabilities lose more than **half or more** of their income to rent, and approximately **32%** of Brooklyn residents with disabilities fall between the 200-400% FPL not currently covered by RTC, even though they can equally be at risk of eviction.

Queens Unmet Need

54% of Queens residents with a disability qualified as rent-burdened, while **36%** of Queens residents with a disability paid out **half or more** of their income to their landlord. There is approximately **38%** of Queens residents who are disabled who fall between 200-400 FPL, which means they are not currently covered by RTC, even though they can be equally at risk for eviction.

Staten Island Unmet Needs

Staten Island has the highest rent burden for residents with disabilities than any other borough, at **60.3%**. **43.8%** of Staten Island residents with a disability spend **half or more** of their rent on rent. Staten Islanders with disabilities who fall within 200-400% FPL is approximately **38%**, meaning those are not currently covered by RTC.

**Tenant Template for Submitting Testimony at Hearing on Intro 1104 and Intro 1529
to Expand the Right to Counsel law**

FOR THE RECORD

Name: _Karen Braga

Address: 618 West 164th 10032
Street _____

How long have you lived at this home? _11 years_ rent
stabilized LANDLORD IS PINE MANAGEMENT, A BAD ACTOR WHICH MARIC LEVIN
KNOWS ABOUT AND
HAS PROVIDED VALUABLE
ASSISTANCE.

I have experience with (Circle all that apply):

- A. Eviction
- B. Housing court
- C. Landlord harassment
- D. Needed repairs

Explain: _My landlord is fighting the new rent laws and trying to get MCIs_ We have experienced market value renovations and construction as harrassment for the past 4 years which HCC and Westside Neighborhood Alliance have helped me navigate and form a tenant organization and lobby for change in Albany _____

Currently, I am: I am a senior and would be income-eligible if Intro. 1104 passed. My gross income is between 200%-400% of the Federal Poverty Level

- A. Income-eligible for Right to Counsel: My gross income is less than 200% of the Federal Poverty Level
- B. Not income-eligible for Right to Counsel, would be income-eligible if Intro 1104 passed: My gross income is between 200%-400% of the Federal Poverty Level
- C. Not income-eligible for Right to Counsel and would not be income-eligible if Intro 1104 passed: My gross income is more than 400% of the Federal Poverty Level


Currently, I am:

- A. A member of a tenant organizing group whose name is: _HCC and West side Neighborhood Alliance_
- B. Not a member of a tenant organizing group

Are you in favor of the New York City Council passing Intro 1104 to expand Right to Counsel's income eligibility level to 400% of the federal poverty level and Intro 1529 to fund and support tenant organizing? Yes

- A. Yes
- B. No

Explain: __My rent is already almost 75% of my income level and yet I do not currently qualify for Right to Council. Without HCC and funding for tenant organizing I would not have had the needed help with what my landlord is trying to do with MCI's and a court case against the new rent laws. HCC provided valuable help. They set me up with a short meeting with a lawyer, helped me compose a tenant letter in response to the court documents we received, and made sure we got the documents in within the 20 day time limit. With the new rent laws there will be more court cases as the landlords are angry and it is scary to be without access to a lawyer or to not have increased funding for housing justice help. Please pass these bills. Thanks in advance for all you do.

Signature: Karen Braga  Date: 2/22/2020
 2/22,2020 _____

Right to Counsel Income Eligibility Guide:

# of People in Household	Below 200% of the FPL	Below 400% of the FPL
1	\$24,980	\$49,960
2	\$33,820	\$67,640
3	\$42,660	\$85,320
4	\$51,500	\$103,000
5	\$60,340	\$120,680
6	\$69,180	\$138,360
7	\$78,020	\$156,040
8	\$86,860	\$173,720

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Estela Vazquez

TESTIMONY OF LILLIE CARIÑO HIGGINS BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON HOUSING AND BUILDINGS AND THE COMMITTEE ON JUSTICE SYSTEM IN SUPPORT OF INTRO 1104

FEBRUARY 24, 2020

- VICE PRESIDENTS AT LARGE**
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Dale Ewart
Tim Foley
David Greenberg
Pat Lippold
Ron McCalla
Rhina Molina-Munck
Barbara Rosenthal
Helen Schaub
Onika Shepherd
Allan Sherman
Katherine Taylor
Daine Williams

Thank you, Speaker Corey Johnson, Chairpersons Rory Lancman, Robert Cornegy, Jr., and members of the Committee on Housing and Buildings and the Committee on Justice Systems for this opportunity. My name is Lillie Cariño Higgins and I am here on behalf of the 250,000 members of 1199 SEIU-UHWE Downstate Divisions residing in New York City, many of whom will benefit from Intro 1104.

- VICE PRESIDENTS**
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Noreen Wray-Roach
Gladys Wrenick
Sui Ling Xu

New York City's Right to Counsel legislation is a historic and powerful anti-eviction tool. For many, it corrected a long-standing imbalance, ensuring a fair day in court for tenants by securing orders for repairs, rent abatements, and payment plans. Research found that it reduced evictions by 84%, evictions which used to occur even when tenants were in the right. Thus, fewer families will enter the shelter system while affordable rent-regulated apartments are preserved.

By expanding eligibility from 200% to 400% of the federal poverty guidelines, an additional 31% of tenants will be covered, covering persons with full time employment earning minimum wage who might otherwise not meet the income requirements of the program. However, to be fully effective, the program must include administrative proceedings and appeals because with more tenants being victorious in housing court, more appeals are being filed.

We strongly urge the City Council to approve, and for the Mayor to sign, Intro 1104. We also commend Council Members Mark Levine and Vanessa Gibson for continuing to champion this very crucial remedy for tenants. Thank you.

- GENERAL COUNSEL**
Daniel J. Ratner
- CHIEF FINANCIAL OFFICER & DIRECTOR OF ADMINISTRATION**
Michael Cooperman

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NEW YORK CITY COUNCIL HEARING ON INTRO 1529 AND INTRO 1104
Testimony of the Association of Legal Aid Attorneys (ALAA) Right to Counsel Working Group
February 24, 2020

Good morning. My name is Joanna Laine and I am a tenants' rights lawyer in the Brooklyn office of The Legal Aid Society. I am also an Alternate Civil Vice President of The Association of Legal Aid Attorneys—Local 2325 of the United Auto Workers—and a member of the Right to Counsel Working group within my union. I speak today on behalf of ALAA to urge the City Council to pass Intro 1529 and Intro 1104, along with the funding necessary to ensure that tenants receive high-quality services from lawyers and tenant organizers alike.

As lawyers fighting some of the City's worst landlords, we have seen first-hand that legal representation alone is not enough to safeguard tenants' rights. So many of the tenants we serve are living in buildings with systemic problems like a lack of heat, widespread conditions of disrepair, and landlords who systematically overcharge and harass their tenants. Without tenant organizing, these tenants may never know that their neighbors are experiencing similar problems, nor will they be empowered to come together to fight the city's most abusive slumlords. Funding for tenant organizers is an essential, irreplaceable part of the fight to keep tenants in safe, habitable homes. We urge the City Council to support Intro 1529 and fund the vital work of tenant organizers.

We also urge the City Council to support Intro 1104, which will expand Right to Counsel to cover more tenants and more types of cases. First, we support Intro 1104 for its expansion of RTC income eligibility to tenants whose income is up to 400% of the federal poverty line. The working-class individuals who eke out a living between 200% and 400% of the federal poverty line are no more able to hire private counsel than their lower-income neighbors. They, too, suffer from tenant harassment. And they, too are at risk of entering the shelter system if Intro 1104 is not passed.

Likewise, we support Intro 1104 for its expansion of RTC to cover tenants facing eviction in NYCHA administrative hearings and other proceedings—no tenant should be deprived of the right to counsel simply based on the type of housing they live in. And critically, Intro 1104 must be enacted to provide funding for appellate litigation. Some of the most important cases are fought not only in housing court, but also in New York State's Appellate Term, Appellate Division, or even the Court of Appeals. Tenants need a lawyer to navigate the complicated appellate process and funding for appeals will help create long-standing legal precedent that will benefit generations of tenants to come.

Intro 1529 and Intro 1104 are critical expansions of the groundbreaking Right to Counsel program, which has caused evictions to drop by 31% in New York City and made this city a leader in homelessness prevention. But as you consider these expansions, we urge you also to provide the level of funding necessary for Right to Counsel to succeed. As it stands, our lawyers, paralegals, and social workers are overwhelmed with high caseloads and our organizations find it hard to retain experienced staff. I know that our tenant organizer colleagues are under similar strains. If Right to Counsel is going to truly seek justice for tenants, it must be adequately funded so that advocates can do the high-quality work that our clients deserve.

Thank you for your time and thank you for fighting alongside us for justice for New York City's tenants.



NEW YORK CITY CENTRAL LABOR COUNCIL, AFL-CIO

President
VINCENT ALVAREZ
Secretary-Treasurer
JANELLA T. HINDS

Testimony on Universal Access to Legal Services New York City Council – Committees on Justice System & Housing and Buildings February 24, 2020

Good morning, my name is Xiomara Loarte, and I am the Community Outreach Coordinator at the New York City Central Labor Council, AFL-CIO. Comprised of 1.3 million members across 300 affiliated unions, the New York City Central Labor Council, AFL-CIO, represents workers in practically every industry in the five boroughs, and related to this legislation, workers in the legal services industry, and workers particularly between 200% and 400% of the FPL.

The Labor Movement of New York City has engaged through the Right to Counsel NYC Coalition to collaboratively combat housing and income inequality. Whenever we discuss universal access to counsel, it is imperative to highlight the workforce of legal service providers to ensure this crucial step forward for tenants does not impede on worker rights and the quality of services.

Currently, tenants who fall within 200% of the federal poverty guidelines and live within one of the handful of zip codes, have universal access to counsel in housing court. Someone could work full time at minimum wage and not be eligible for universal access. Someone could work full time and not be able to afford private counsel in an eviction proceeding. Both statements are true and highlight a major shortfall of this policy. The New York City Central Labor Council, AFL-CIO, representing and advocating for all working people, calls for universal access to counsel to be strengthened and expanded to include families within 400% of the FPL as proposed in Int. No. 1104-2018.

The majority of tenants with incomes within that range work in healthcare, education, social services, retail, hospitality, and food service. Approximately 56,000-71,000 households in this income range are sued in housing court each year. 61% of them do not receive any form of housing assistance, such as Section 8. Unforeseen circumstances can cause significant and unexpected setbacks. If evicted, these tenants could easily end up in a homeless shelter, and/or require public assistance, and the City would have to accrue bigger expenses to assist families in this position.

RTC has demonstrated great success in decreasing eviction rates in zip codes where implementation has begun to occur. However, legal service providers are responsible for more and more cases while funding has remained flat. The severe lack of resources allocated from HRA to legal service providers has caused them to reorganize hiring priorities and has jeopardized their ability to devote sufficient time and resources to their clients' cases.

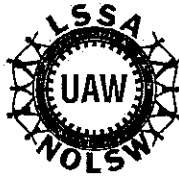
There is a huge team that powers the work of legal service providers, including not only attorneys but process servers, secretaries, social workers, case handlers, and paralegals. Insufficient funding has led to an imbalance all around for legal service workers. The high caseloads and limited funding leaves little time for attorneys and support staff to provide their clients with resources and quality representation. In order for Right to Counsel to achieve its goal the City must prioritize adequate funding, strengthen awareness and education efforts, and expand access to ensure that more working New Yorkers are protected against evictions.

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Sonja Shield
President



Richard Sanchez
Brenden Ross
Vice Presidents

TESTIMONY BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON THE JUSTICE SYSTEM February 24, 2020

My name is Sonja Shield, President of the Legal Services Staff Association (LSSA). Thank you for allowing LSSA to testify about our work with the City Council on behalf of low-income New Yorkers.

Who We Are

We in LSSA are the staff employees at Legal Services NYC (LSNYC) and Mobilization for Justice (MFJ). We are a proud part of the National Organization of Legal Services Workers, Local 2320 of the UAW. We represent all non-management employees at LSNYC & MFJ – attorneys, paralegals, secretaries, social workers, fiscal and IT staff, process servers, and even maintenance workers.

New Yorkers facing homelessness due to wrongful eviction or foreclosure, victims of domestic violence, people with HIV/AIDS, workers cheated of their wages, developmentally disabled residents of group homes, those wrongfully denied federal disability benefits or unemployment insurance, families torn apart or threatened by unnecessary foster care placements: these are but some of the New Yorkers whose rights we vindicate every day.

With our colleagues at the Legal Aid Society and other legal services organization across the City, we are the safety net that catches New Yorkers as they fall. We help New Yorkers access benefits and services that keep them in their homes and away from life-threatening situations. My colleagues and I do this because we are dedicated to justice, and because we know that society can be made more equitable.

We have turned down jobs that pay more and don't require us to stare anguish in the face every day. Our decision is made possible by the wages, benefits and job security for which, through our union, we have fought so long and so hard. These benefits allow us to build careers in legal services, and then provide the benefit of those years of experience and depth of knowledge to our clients.

Right to Counsel Provides a Tremendous Benefit to NYC Tenants

The City Council has been tremendously supportive of the work that we do, and asked LSNYC to be one of the major providers of New York City's expanded efforts to fight displacement and gentrification, first with the Tenant Rights Campaign and now with Universal Access to Counsel.

We appreciate the faith and responsibility you've placed in our staff and union members to serve the low-income tenants of New York City. This is a tremendously important step forward for tenants.

Universal Access to Counsel is a monumental piece of legislation. Our unions have supported Universal Access to Counsel and universal access in housing court since the very beginning, recognizing that high-quality eviction defense is central to protecting affordable housing and preventing displacement and homelessness in gentrifying neighborhoods. Evictions target and displace our most vulnerable members of society, and make our city less equitable and diverse.

In the first several years of this program, Right to Counsel has had a profound impact for tenants, allowing 84% of tenants with a Right to Counsel lawyer to prevent eviction and remain in their homes. Eviction filings in court have gone down, and New York City has been able to save money by steering money towards counsel in housing court rather than to costs associated with eviction.

We are proud to be part of this effort and hope it is the first step toward bringing Civil Gideon to New York City.

Necessary Next Steps

Intro 1529 and Intro 1104

We are in strong support of two bills that would strengthen the law:

- Intro 1529 requires the city to support trusted tenant organizing groups to make sure that tenants know about and use their Right to Counsel.
- Intro 1104 increases RTC's income eligibility level and expands the types of eviction cases covered by RTC.

The funding of organizers is profoundly important, as organizers can help educate tenants about their rights and act as a bulwark against illegal evictions and other types of inappropriate landlord coercion. It is not enough to have the right to a lawyer if you don't know about it or don't feel empowered to access that right. Organizers can help bridge that gap. We therefore urge the passage of Intro 1529.

Similarly, it is crucial that we expand access to counsel to those currently making above the income threshold. Roughly 1/3 of tenants in housing court have income above the cap for eligibility. Many of these tenants still make nowhere near enough to pay for a private lawyer; even someone working full time and earning a \$15 minimum wage makes too much to currently qualify for Universal Access to Counsel. We must ensure that working class New Yorkers are not left out in the cold, and are brought into this important program to help them stay in their homes. We therefore urge the passage of Intro 1104 to double the income eligibility threshold from 200% to 400% of the federal poverty level, and expand the law to cover all eviction cases.

Full Funding of Services

As Universal Access to Counsel expands, we ask that the City Council continues to look for ways to fully fund these services. Universal Access to Counsel, though it provides an unprecedented amount of funding, still does not fully fund the work that is being required of providers, instead providing roughly 50% of the funding that is actually needed.

Underfunding of the actual cost of the work forces us to cut corners by spending less time on each case than our clients deserve. This may mean that we don't have the time to dive

deep enough to discover a less obvious defense against the eviction, or that we don't have time to help the client obtain a rent grant or access other collateral services. We do not want to become factories churning out pro forma stipulations of settlement: our clients deserve more than that. Please help us by fully funding what it actually takes to provide quality representation.

The lack of complete funding also forces providers to cut corners: for example, making tough decisions to not hire a social worker who could connect clients to needed services or talk to a tenant in a mental health crisis, or hiring fewer process servers and secretaries and paralegals than we really need. This results in support staff being overloaded and attorneys having to take on overwhelming amounts of peripheral administrative work instead of being able to keep their focus on what their client – the tenant – needs, leading to frustration by both provider and tenant and inefficient delivery of services.

Our staff and organizations want to do the best work we can for tenants, and tenants deserve top notch legal services. For the vision of Universal Access to Counsel to truly be realized, we ask that help us provide high-quality representation and meaningful access to justice for New York City tenants by passing Intro 1529 and Intro 1104, and by identifying additional sources of funding for this work.

Thank you.



**Testimony of Kadeem Morris, Community Legal Services
New York City Public Hearing on Right to Counsel
February 24, 2020**

Good morning, my name is Kadeem Morris and I am Staff Attorney at Community Legal Services of Philadelphia. I am here today to speak about Philadelphia's experience with Right to Counsel and to encourage New York to adopt an expanded right to counsel, and an awareness campaign, to level the playing field for more tenants facing eviction court.

In 2017, Philadelphia City Council, the Mayor and legal services agencies partnered to create the Philadelphia Eviction Prevention Project (PEPP), a groundbreaking project to assist tenants facing eviction through same-day legal representation, a court help center, a hotline, court navigators, community education and other vital services. Since its start, PEPP has provided legal services to nearly 3,400 tenants facing an eviction.

Preliminary findings suggest that tenants who are provided with representation through our eviction defense program are more likely to show up to court, win their cases, and enter into agreements that give them more money and time to move out than unrepresented tenants.

We partnered with advocates and organizers from New York in developing our eviction defense program. The success of our program is largely based on the lessons from New York leaders on the frontlines of the fight against the systematic consequences of evictions. These lessons learned from New York allowed us to develop a successful project that achieved better outcomes for tenants and motivated the passage of a Tenant's Right to Counsel in Philadelphia.

On November 14th, 2019 Philadelphia City Council unanimously voted to pass a renter's right to counsel, guaranteeing all low-income renters access to an attorney to fight their eviction. We are now in the implementation process, as Right to Counsel gets phased in over the next few years.

In cities like Philadelphia and New York, where robust eviction prevention efforts or a right to counsel have been implemented, lawyers help maintain housing stability by keeping renters in their homes. Tenants are able to enter into reasonable payment agreements with landlords, so they can stay in their homes or at least avoid default judgements. They negotiate to have repairs made, so tenants don't have to withhold rent, and children, older adults, and other individuals can live safely. Right to counsel levels the playing field for



tenants and prevents what studies have termed “disruptive displacement.”

Philadelphia was lucky to have New York as an example of the benefits of right to counsel. Because of your successes, we were able to significantly expand access to legal representation for vulnerable low income tenants who would otherwise not have access to legal representation. Philadelphia and many other cities are looking to New York to find inspiration for our own programs, and an expansion of your Right to Counsel legislation would not only help New Yorkers facing evictions but would also help low-income individuals all across the country, as cities strive to achieve your success.

One lesson we’ve learned from the success of our eviction defense program is the critical importance of community education and outreach. The City of Philadelphia has invested in an awareness campaign, funding our PhillyTenant.org website, as well as the creation of know-your-rights videos, materials, Tenant Resource Guide for individuals facing court, and a live tenant hotline. Working with community organizations, we have been able to provide tenants with access to education on their rights and responsibilities both at court through courtroom Navigators and off-site through regular community-based trainings.

Your Intro 1529, which would help tenants understand their legal rights through awareness of Right to Counsel, is based on the same principle, that a more educated tenant population is a more empowered tenant population, which is that people must know their rights to assert their rights. Given the stark difference in outcomes for represented versus unrepresented tenants, it is vital that tenants are aware that they can access legal information and representation so that all qualified individuals have a fair chance in court.

New Yorkers deserve justice, and a lack of legal representation, or a lack of knowledge about available resources, makes justice impossible. When tenants can access a lawyer, they are much more likely to be able to avoid eviction, displacement, and homelessness. They are also more likely to have improved housing conditions, so they don’t have to live with lead paint, mold, or pest infestations. Evictions and its collateral consequences are a major crisis, and Right to Counsel has proven to be a simple yet effective solution to this crisis.

On behalf of Community Legal Services of Philadelphia, and advocates across the country that can benefit from your leadership, I urge you to pass Intro 1529 and Intro 1104.

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North Philadelphia Law Center: 1410 West Erie Ave. | Philadelphia, PA 19140-4136 | Telephone: 215-227-2400

THE IMPACT OF EVICTIONS AND HOMELESSNESS IS DISPROPORTIONATELY FELT BY COMMUNITIES OF COLOR

RACIAL/ETHNIC CLEANSING VIA ZONING CHANGES

New York City has a moral obligation to continue to lead the way in providing legal representation for its more indigent residents who are facing the threat of eviction in and out of the city's housing courts.

The current homelessness crisis and the overflowing courthouses of Black, Brown, and other poor peoples of color are the outcomes of a century-old plan hatched in New York City, to rid the city of the "rural Blacks and Puerto Ricans" who lived on prime real estate, land that would become extremely valuable to the patricians, if only the Blacks and Puerto Ricans would leave.

In the 1920's, the city's elites start coming together in meetings to hatch a plan for clearing out the working class – predominantly Black and LatinX – from the city. As one economist, working for the Rockefellers, Roosevelts, Morgans, Pratts, and various other wealthy banking, financial, and railroad moguls put it:

"Some of the poorest people live in conveniently located slums on high-priced land ... such a situation outrages one's sense of order. Everything seems misplaced. One yearns to rearrange the hodgepodge and put things where they belong."

This was the genesis of the de-industrialization of New York City, which was at that time responsible for more than 15% of the country's manufacturing output and possessing a vibrant port. The ports were given away to New Jersey. Manufacturing plants were closed and/or relocated in the south. But the communities of color remained.

A frustrated Roger Starr, at that time the Housing and Development Administration chief, opined:

"We should not encourage people to stay where their job possibilities are daily becoming more remote. Stop the Puerto Ricans and rural blacks from living in the city ... [we must] reverse the role of the city. It can no longer be a place of opportunity. Our urban system is based on the theory of taking the peasant

and turning him into an industrial worker. Now there are no industrial jobs. Why not just keep him a peasant?"

That was not only the beginning of the de-industrialization of New York City, but also the launch of modern-day zonings and re-zonings designed to drive people of color out of the city. This continues unabated, and this is where the City Council's efforts are direly needed:

To bring more deserving people under the umbrella of Right to Counsel, so that they can stay in their homes and communities, and in their city. To fight against the relentless machinations of developers, real estate interests, and their financial backers, to bring the plans of the 1920's to fruition.

Because it is really all about ethnic cleansing. Racism at its worst.

COMMUNITY SERVICE SOCIETY

One of the city's prominent community organizations recently issued a report highlighting the effect of evictions on communities and peoples of color in New York City.

For the same of time, I am going to skip over the narrative and go straight to the numbers.

Grassroots tenant organizing groups across the country, like the Right to Counsel Coalition in New York City and City Life/Vida Urbana in Boston have identified evictions as a major contributor to instability in neighborhoods of color. This has been corroborated by sociologist Matthew Desmond's widely-covered research, which makes a strong case that evictions perpetuate poverty, especially among black households, and particularly those headed by women. Our analysis of 2017 eviction data shows a relationship between neighborhoods with a high share of black or Latinx renters and evictions, when controlling for poverty levels. Further, according to our 2017 Unheard Third survey, the share of black respondents who have been threatened with an eviction was twice as high as the share of white respondents.

Given the relationship between race and evictions, it is not surprising that homelessness disproportionately impacts black and Latinx New Yorkers, women with children in particular: 58 percent of New York City homeless shelter residents

are black, 31 percent are Latinx, 7 percent are white, and less than 1 percent are Asian.

The city’s Independent Budget Office’s (IBO) analysis of 2002–2014 data shows that the largest share of family shelter entries (43 percent) were from rent regulated apartments. Using the 2017 eviction data, we analyzed the relationship between eviction and demographic factors on a neighborhood scale. When controlling for neighborhood poverty levels and housing type, we found three predictors for high eviction rates: high rates of severe rent burdens; a high share of black tenants; and a high share of Latinx tenants.

So we are also rapidly losing our stock of rent regulated housing, too.

While potential impact of the expansion is difficult to measure, there are about 785,000 renter households that are under the 200 percent of the poverty line, or 37 percent of all renters. There are about 528,000 renter households in the 200–400 percent cohort, making up 25 percent of the total share of households.

The vast majority of severely rent burdened households, 85 percent, earn under 200 percent of the federal poverty level. Only 13 percent of severely rent burdened households fall in the 200–400 percent cohort.

Table 2: Eviction Petitions Filed in New York City Housing Court, 2013–2017

	2013	2014	2015	2016	2017	% change 2013–17
NYC	246,864	237,639	234,270	233,884	230,071	-6.8
Bronx	83,006	84,670	85,503	85,957	86,035	3.6
Brooklyn	69,812	67,659	63,037	62,488	61,048	-12.6
Manhattan*	46,960	40,893	40,333	42,039	40,645	-13.4
Queens	37,441	35,924	35,918	33,930	32,692	-12.7
Staten Island	5,159	5,029	4,907	4,845	4,776	-7.4

*Excludes Harlem

SOCIAL ENGINEERING

- ≥ America has a well-established history of corralling its non-European whites into neighborhoods – think reservations, internment camps, etc. – so that today we have neighborhoods referred to as ghettos, inner cities, slums, barrios, core cities, urban cities, downtown ...

- ≥ These neighborhoods are deliberately created and segregated into modern-day colonies, governed with benign neglect, with frequent planned shrinkage and disinvestment to ensure urban decay which they then use as an excuse for revitalization, re-development, which in government-speak for the displacement of the colonized and gentrification of the neighborhood from which they were displaced.
- ≥ This ethnic cleansing comes with cultural genocide, relocation of poverty, misery, and a new cycle of government-orchestrated deprivation and dehumanization, to other areas earmarked for future development. The displaced become mere place holders, allowed to temporarily occupy a space until it is needed for portions of the white population at a future date when we again experience another re-zoning, redevelopment, urban renewal, or whatever the process would be called at that time.

The December 2017 issue of *Atlantic Magazine* included an article by Abdallah Fayyad titled *The Presence of Justice: The Criminalization of Gentrifying Neighborhoods* in which he stated that

"... areas that are changing economically often draw more police—creating conditions for more surveillance and more potential misconduct"

and

"By degrees, long-term residents begin to find themselves tangled up in the criminal-justice system for so-called "quality of life" crimes.

When low-income neighborhoods see an influx of higher-income residents, social dynamics and expectations change. One of those expectations has to do with the perception of safety and public order, and the role of the state in providing it. The theory goes that as demographics shift, activity that was previously considered normal becomes suspicious, and newcomers—many of whom are white—are more inclined to get law enforcement involved. Loitering, people hanging out in the street, and noise violations often get reported.

*He quoted Paul Butler, a former federal prosecutor in Washington, D.C., who recently wrote the book **Chokehold: Policing Black Men**: "Culturally, I think the way that a lot of African American and Latino people experience gentrification is as a form of colonization," he said. "The gentrifiers are not wanting to share—they're wanting to take over." One of the tools they can use to take over public spaces, he argues, is law enforcement.*

As New York City history has shown, re-zonings usher in displacement of current residents – an ethnic cleansing of the mainly black and brown population making way for the gentrification of the neighborhood and community. In addition, this leads to cultural genocide: the destruction of the economic, social, and cultural institutions built by the now-displaced residents.

The Jacobin Magazine carried an article by Gavin Mueller in September 2014 edition titled ***“Liberalism and Gentrification”*** and stated:

Gentrification isn't a cultural phenomenon — it's a class offensive by powerful capitalists.

Mueller went on to say that

Gentrification has always been a top-down affair, not a spontaneous hipster influx, orchestrated by the real estate developers and investors who pull the strings of city policy, with individual home-buyers deployed in mopping up operations.

Meagan Day, a staff writer at Jacobin Magazine, in an article titled ***The Purge of New York*** discussed “How real estate barons and investment bankers plotted the destruction of working-class New York.” She quoted extensively from the radical journalist Robert Fitch in his classic book [*The Assassination of New York*](#). Here is one extract:

In the mid-1970s, a financial crisis hit the city, and developers saw another opportunity to shoo working-class New Yorkers out the door. As Fitch documents, elites blamed working-class people for the crisis, pinning the city's financial woes on its welfare-dependent population — especially black and Latino residents — whom they admonished for supposedly draining the city's resources without offering anything in return. A new popular line began to emerge: New York had been deindustrialized; there were no working-class jobs here anymore. Why wouldn't these people wise up, recognize there was no room for them here, and just leave?

She added that as sociologist Sylvie Tissot has shown, gentrifiers do not rely on market forces alone to bring in the types of restaurants and shops compatible with a neighborhood's new image. The same gentrifiers who are drawn to a low-income neighborhood for cheaper housing might also work to change the area more to their liking. This might mean leaning on police and code enforcers to drive out seedy bars, or pushing policymakers to provide subsidies to businesses that "fit in." To be sure, market forces help change commerce in gentrifying neighborhoods. But often lurking behind the "invisible hand" are activists and policymakers who wish to nudge the market to produce certain outcomes.

These two pieces of legislation, Intro 1104 and Intro 1529, are two vital pieces of weaponry we need to fight back against our being pushed out of New York City. One would bring the protection to more people who deserve to be defended into keeping their homes, and the other to allow community organizations to do widespread outreach and education so that more folks know of this right available to them.

Hello. My name is Flandersia Jones. I am a member of the Political Action Committee at NY State Nurses Association.

NY State Nurses Association represents 43,000 nurses working in New York. I am here to testify in favor of passing Intro 1104 and Intro 1529 to expand the Right to Counsel law.

As a nurse I know first hand that housing is a determinant of health. Finding a place to sleep becomes the number one priority in life when people don't have housing. There is no time to manage healthcare so this population usually enters the hospital in a crisis situation.

We are asking the city to increase Right to Counsel's income eligibility level. This is important to me because there is a class of working poor in NYC. Many people are just making ends meet.

As a New York City resident and nurse, I urge my City Council to pass and fund Intro 1104 and Intro 1529 by June so that more people have the Right to Counsel and use it to defend their homes.

The Right to Counsel has helped many low-income tenants to avoid eviction and remain in their apartments. It is a very important first step in leveling the playing field between landlords and tenants. Landlords are most often represented by counsel, while tenants most often do not have the same financial resources.

In the course of the work I have done, both as a tenant advocate in housing court, and as a paralegal for a private law firm, I have seen all too often how easy it is for a tenant to fall between the cracks. Too many tenants, who may be struggling to keep their apartment, nevertheless do not fall within the currently eligible income bracket. A person working full time and earning the minimum wage is currently over the limit of income eligibility for “Right To Counsel” representation.

At the other end of the spectrum, where excellent private representation may be available for those who can afford it, the price can be prohibitive for many others.

While paying the ongoing rent, a tenant may be facing a loss of income for the days taken off for court appearances. Many tenants have expressed concerns about the security of their employment due to repeated absences from work for court appearances. Landlords and their attorneys know this, and are thus at a big advantage over a tenant who may be vulnerable to an unfavorable settlement.

Many tenants have entered into settlements with which they did not actually agree, just to avoid having to go back to court yet again. But, ironically, by entering into an agreement on which they may eventually default, tenants can then be at risk of eviction once again.

Landlords and their attorneys have other advantages as well. If the tenant should prevail, the landlord may appeal, and the case would then go to the Supreme Court. With one exception (NYCHA administrative hearings, an

exception that is only in the case of seniors), the Right to Counsel does not currently apply to cases that are heard outside of Housing Court. Some landlords have even bypassed Housing Court altogether, and commenced their actions in Supreme Court.

It is important for all tenants to be protected from losing their apartment unnecessarily. Just the knowledge that a tenant is represented will usually be cause for the landlord (or the landlord's attorney) to behave in a less exploitative manner. **Intro 1104**, which would double the income cap, is an important next step towards covering those earning somewhat more, but still not enough to afford private representation. **Intro 1104** would also expand upon the types of cases to be covered by the Right to Counsel, and would include cases that are in Supreme Court.

People of the counsel,

My name is Pastor Tabatha Holley

I am the head pastor of New Day Church in the Northwest Bronx. I am in favor of the two bills in question, Intro 1529 and Intro 1104. I come here today bearing the burdens of a working class congregation, one that has no choice but to be present today and fight for what is right, what is right for them, for their families, for their children. Ladies and gentleman of the counsel, I come bearing witness to members who have stared their fate in the face of merciless landlords and the Bronx housing court. I come, a member of clergy, young, black, queer, and a woman in debt who has been evicted, who has lived under the roof of merciless landlords. And so it is my faith that is shaped in a testimony, that brings me here today, two days before the Christian call to repentance, Ash Wednesday. If you are not moved by the testimonies of the people who have shown up here today and vulnerably shared their stories, then I pray you be moved by sacred text, sacred text that is in fact a Lenten text.

A verse in the 58th chapter of Isaiah reads, and the sacred says to the people of Israel, a faithful people committed to fasting: Is not this the fast: to loose the bonds of injustice, to undo the thongs of the yoke, to let the oppressed go free, and to break every yoke? Is it not to share your bread with the hungry and bring the homeless poor into your house;

Later in the text the sacred ensures the people of a thing: if you satisfy the needs of the afflicted, then *your* light shall rise in the darkness and your gloom be like the noonday; the Lord will satisfy *you* continually and satisfy your needs in parched places.

I've been wrestling with this text for two weeks and I'll tell you what the spirit began to say to me: a threat to justice anywhere is a threat to justice everywhere. I'm not a fire and brimstone pastor but you've got to know that if you do not do what is right today, if you do not act according to your moral conscious, there are consequences. There are consequences for you. There are consequences for me. There are consequences for this city. There are consequences for this state. There are consequences for this nation. There are consequences for this world, but for New York City to act powerfully in this moment is to show the world what it means to be a city that cares about the sanctity of the streets that we walk, the sanctity of the individuals who walk them. you have a moral responsibility to do what is just. You have a moral responsibility no matter your faith tradition. You have a moral responsibility to honor the sanctity of all New Yorkers, to see the light that is within them and honor that light, to honor that sacred place that it within each of us when we express the desire at the end of a long days work to go *home*. You have a moral responsibility to extend to the people their sacred and God-given rights: the right to fight, the right to live and the right to be the best that they can be

if we do what is right on this day, then we all get to experience the power and the abundance of God; the sacred promises us in Isaiah 58 that when we do what is right by the working class tenants of this city, we shall be called the restorers of streets to live in. I invite you to enter the season of Lent, 40 days of reflection with the sacred in the wilderness, doing what is right by your fellow human, what is right in the eyes of God, "You shall be called the repairer of the breach, the restorer of the streets to live in."

COMMUNITIES RESIST

A Project of Southside United HDFC

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My name is Dennis Donelly, I am an attorney at Communities Resist a recently formed legal services organization based in North Brooklyn with decades of experience representing tenants in North Brooklyn in some of the most gentrified neighborhoods in NYC.

We are here in solidarity with the Right to Counsel Coalition in enthusiastic support of Intro 1529 and 1104. My comments will focus on Intro 1529 in particular.

Our office believes that across NYC, the fight against tenant harassment and housing discrimination is a structural fight against gentrification and displacement. Lawyering is only one part of this fight and with the present state of Housing Court—badly in need of reform—it is not the most effective tool. Our neighborhoods' best shot at preventing further displacement is a proactive approach; taking the fight to bad actor landlords by organizing with tenants in a building to affirmatively fight together, instead of just reacting to evictions.

This model is IMPOSSIBLE without the community based organizations we partner with and the organizers they field. Without them we quite simply could not conduct any of the legal representation we provide in our neighborhoods. Every step of the way in a tenants campaign to affirm the right to housing, from the door knocking & outreach, to the formation of a tenant association, around the clock communication support between attorneys & tenants, to language access and court support, tenant organizers and community based organizations create the path that we as legal practitioners follow.

Practically speaking, organizing opens a diversity of legal tactics inaccessible to individually represented tenants. An organized tenant association allows our attorneys to join eviction cases together in housing court, letting us uniquely highlight how certain landlords use evictions as part of their business model. Tenant associations let us bring affirmative cases for repairs and to stop harassment against tenants, as well as have increased bargaining power through rent strikes and advocacy out of the court system. In representing a tenant association we can also spot patterns from specific landlords that would be difficult to see for multiple attorneys representing multiple clients.

Perhaps most importantly, organized tenant associations outlive their first case and their participation in Right to Counsel. Once knowledgeable about their rights and how to defend them, tenant associations work together to stop future harassment, organize for repairs, and prevent the need for litigation in the first place. In this way, the existence of such tenant associations stabilize our precious affordable housing stock citywide.

Such organizing is essential to the success of Right to Counsel more broadly. City efforts to educate tenants and spread awareness have made an impact, but many tenants do not learn about their right to counsel because they do not hear about their rights from trusted community organizations they already frequent for other needs. Or tenants don't attend their first court date because they can't afford to take off from work—when they should be able to easily find legal representation beforehand through a neighborhood CBO or legal clinic. We ask the city to consider framing "Universal Access" as the "Right to Counsel" to make tenants rights more understandable and concrete for the public. Community based tenant organizing and neighborhood based legal clinics would make great strides to proactively closing these gaps in accessing legal representation and affirming every NYC resident's human right to housing.

Thank you for the opportunity to testify today. My name is Claunick Duronville and I am a supervising attorney at CAMBA Legal Services in the Brooklyn Housing Unit. Since starting as a law graduate in 2015, this has been my first job and I have seen Housing Court before the implementation of the first RTC bill and the legislation's effect on the lives of thousands of tenants afterwards. In short, it has been a life-changing force of justice but only for some. The expansions contained in Intro 1529 and Intro 1104 are urgently needed if we and this legislative body truly aims to make this a city that protects all of its people.

We are at an incredibly special moment in the history of this city for housing rights and tenant protections. The country is watching as the legislation being tirelessly advocated for by the members of the RTC NYC Coalition is debated on with the hope that this city will be a model for a more equitable society. As an attorney on the frontlines with these tenants, advocates, and community organizations, it is clear that without implementation of Intro 1529 and Intro 1104, the city will be doing a huge disservice to struggling tenants and will relegate thousands each year to battle the violent trauma of evictions on their own. Right now is our moment to empower these tenants with the protections these expansions entail.

The Right to Counsel NYC Coalition urges the City Council and Mayor to pass Intro 1529 and Intro 1104 to expand the Right to Counsel law to ensure more tenants have and use their rights. These measures would greatly further the city's goal of decreasing evictions as well as the Coalition's ultimate goal of ending evictions in NYC. And we can do this. We can make this goal a reality sooner than we realize but it starts here.

RTC has proven to be an immensely effective tool to stopping evictions. Now, it is time to expand the law by passing Intro 1529 and Intro 1104. We must commit to making NYC an equitable, diverse, and just city and this is how we make it happen. The tenants of this city cannot afford to wait. Thank you.

Claunick D. Duronville, Esq.
Supervising Attorney
CAMBA Legal Services

CATHOLIC COMMUNITY RELATIONS COUNCIL

80 Maiden Lane, 13th Floor, New York, New York 10038

**Testimony of Joseph Rosenberg
Executive Director, Catholic Community Relations Council
Before the New York City Council Committee on Housing and Buildings
and the Committee on Criminal Justice
Int. 1104
February 24, 2020**

Good morning Chairs Cornegy, Powers and members of the New York City Council Housing and Buildings Committee and Criminal Justice Committee. I am Joseph Rosenberg, Executive Director of the Catholic Community Relations Council (“CCRC”) representing the Archdiocese of New York and the Diocese of Brooklyn on local legislative and policy issues. I appreciate the opportunity to testify before you in support of this important initiative.

The ongoing homelessness crisis facing tens of thousands of our City’s residents must continue to be addressed through a broad array of focused initiatives. These include programs to construct permanent low-income and supportive housing apartments, the expansion of the City’s Safe Havens program to address chronic street homelessness, and the passage of the Home Stability Support (“HSS”) program by the State Legislature, just to name a few.

Initiatives keeping people in their homes and out of shelters are a critical component of any effort. That is why the Right to Counsel Law passed by the City Council and signed into law by the Mayor in 2017 is so significant. It prevents many unwarranted evictions of low-income families in New York City who are below 200% of the Federal Poverty Level by providing them with legal representation when they are facing eviction proceedings in Housing Court. This critical program is now operating in 25 zip codes across New York City in targeted neighborhoods that have been particularly hard hit with eviction proceedings. As significant as this law is, families that are below 200% of the Federal Poverty Level consist of only 60% of nonrepresented tenants in the Housing Courts of our City. All low-income families and individuals in New York facing eviction in Housing Court should, at the very least, be represented by legal counsel.

This successful program needs to be expanded and this initiative would do just that. Int. 1104 would provide free legal counsel for families facing eviction in Housing Court who are below 400% of the Federal Poverty Level. This legislation, if passed, will help many additional New Yorkers who cannot afford attorneys while fighting eviction proceedings. For example, currently a single full-time New Yorker earning the minimum wage of \$15 hourly would not fit under the income level to be eligible for a Housing Court attorney. Under Int. 1104, they would be covered.

New Yorkers can lose their homes not only in Housing Court but in other venues as well, such as Administrative Hearings to terminate an income based rental subsidy, and Judicial Appeals outside of Housing Court. Int. 1104 allows income eligible New Yorkers in such venues to be provided with legal counsel. This is an extremely important reform to the existing Right to Counsel Law and could help to curtail unwarranted evictions.

Helping the neediest New Yorkers has always been a priority of the Catholic Church. Consistent with this mission and social teaching, Catholic Charities of the Archdiocese of New York and Catholic Charities of the Diocese of Brooklyn, respectively have long standing and successful support programs and centers throughout the five boroughs of New York City. Programs include a vast network of food pantries, soup kitchens, housing for the poor, the homeless and the elderly, anti-eviction and homeless prevention programs, and clinics and centers that help the most vulnerable members of our society - those with developmental disabilities, abused and neglected children and adults with mental illness.

The line between New Yorkers residing in decent, safe affordable housing and facing eviction, homelessness and despair is often a thin and precarious one. It is incumbent upon all of us to protect the most vulnerable of New Yorkers who face the specter of homelessness. Passage of Int. 1104, which will expand the Right to Counsel Law, is an important step in this direction.

Thank you.

TESTIMONY OF THE REAL ESTATE BOARD OF NEW YORK TO THE COMMITTEES ON HOUSING & BUILDINGS AND THE JUSTICE SYSTEM OF THE NEW YORK CITY COUNCIL CONCERNING IMPLEMENTATION AND EXPANSION OF RIGHT TO COUNSEL, INTRO. 1104, AND INTRO. 1529

February 24, 2020

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association representing commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate. REBNY thanks the Council for the opportunity to submit comments regarding the implementation and expansion of the city's Right to Counsel Program.

REBNY supports expanding the right to counsel program. Regardless of why a tenant is in Housing Court, having equal access to legal representation is important. According to a 2018 paper "Protect Tenants, Prevent Homelessness" from the National Law Center on Homelessness and Poverty, "There is not enough affordable and available housing for America's millions of low-income renters.... The lack of affordable housing causes housing instability for low-income renters and leads to increased risk of eviction." A key recommendation from that paper, based on evidentiary practice, is that guaranteeing counsel in housing cases leads to more families staying in their homes.

Equally important to combatting homelessness would be efforts to prevent and reduce incidents of domestic violence. Domestic violence is the single largest cause of homelessness for people entering the Department of Homelessness shelter system. Forty percent of the family population in shelters are there because of domestic violence. The city needs policies that provide survivors of domestic violence the opportunity to establish credit and financial agency. More upstream intervention and assistance is important to solving the homelessness crisis in this city.

The existing "Right to Counsel" program – enacted in 2017 and the first of its kind in the country – has been critical in decreasing evictions. The Regional Planning Association found that less than 2% of owners are "bad landlords." These bad actors are defined as having high eviction rates and over 10 housing code violations, which indicate a repeated pattern of harassment and neglect. The majority of those impacted by poor behavior are also low income and geographically concentrated, with 43% of people affected by bad landlords living in the Bronx.

It is wholly appropriate and laudable for the City Council to level the playing field against these bad actors and ensure equal representation in court. According to the Rent Guidelines Board *2019 Income and Affordability Study*, citywide in 2018 "evictions are down 37.1% over 2013 levels. This is also the fewest number of evictions since at least 1983 (the first year the data is available for)." That trend has continued, with evictions decreasing by more than 25 percent in New York City in January 2020 compared to January 2019. In the areas where the program is offered, it is attributed for the majority of the decrease in evictions in those zip codes.

Intro. 1104 would expand this program in a key way. It is appreciated that the covered proceedings have been expanded to include termination of an income-based rental housing subsidy. It is a public policy failure that owners' recourse to gain the attention of the city for remiss or late payments by the city for a household receiving a city voucher is to file for an eviction proceeding. As part of the reporting structure on the efficacy on the program, REBNY recommends that the Office of Civil Justice should track how many individual clients were served versus repeat clients to ensure we understand the universe of New Yorkers being helped. We also recommend that the Office identify sources of public assistance that have bureaucratic inefficiencies that lead to immediate losses of a subsidy, such as incorrect paperwork or consistent late payments by a city agency.

Intro. 1529 would task the office of the civil justice coordinator to collaborate with community groups in engaging and educating tenants of their rights in housing court. This role seems redundant with efforts of the Tenant Harassment Prevention Taskforce and the Council discretionary funding for not for profits and community-based organizations that do this very work today. Instead of creating an extra layer of government that recreates work done elsewhere within the Mayor's Office, HPD, and City Council sponsored programs, there should be a holistic approach that takes into account all the services provided by all branches of City government. In addition, there should be additional investments on tools further upstream to ensure stability for the thousands of households on the brink of homelessness. A lawyer near the end of that process is helpful but homelessness is a complex problem that requires multiple modes of intervention at the city, state and federal level to combat. This includes efforts to increase the supply of housing, including both traditional and supportive units for homeless individuals.

Thank you for the consideration of these points.

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**REPORT ON LEGISLATION BY THE
TASK FORCE ON CIVIL RIGHT TO COUNSEL**

Int. 1104-2018

Council Members Levine, Gibson, Ayala, Constantinides, Ampry-Samuel, Powers, Chin, Rosenthal, Richards, Rivera, Lander, Menchaca, Levin, Kallos, Adams, Cornegy, Cohen, Lancman, Maisel, Reynoso, Brannan, Koslowitz, Torres, Rose, Louis, Perkins, Moya, Grodenchik, Van Bramer, Salamanca, Rodriguez, Cumbo, Eugene, Treyger, Cabrera, The Public Advocate (Mr. Williams)

A LOCAL LAW to amend the administrative code of the city of New York, in relation to expanding the right to counsel for tenants.

THIS BILL IS APPROVED

There are currently two bills pending before the New York City Council related to expanding the landmark right to counsel (“RTC”) in eviction cases in New York City. Int. 1529 requires the Office of Civil Justice coordinator to work with community groups to educate tenants of their rights in housing court,¹ while Int. 1104-2018 (a) increases the RTC’s income eligibility level from 200 percent to 400 percent of the federal poverty level, and (b) expands the types of eviction cases covered by RTC. While the New York City Bar Association supports both bills, this memorandum focuses on Int. 1104-2018.

I. BACKGROUND

Evictions have devastating consequences for both individuals and their communities. As the supply of affordable rental homes has failed to keep pace with ever increasing demand, more and more Americans—including New Yorkers—are becoming tenants.² A nationwide trend of increasing rents and stagnant income has yielded more tenants spending an ever increasing share of their income on housing costs.³ In 2016, approximately 2.3 million eviction cases were filed

¹ Testimony of Jordan Dressler, Civil Justice Coordinator Before the New York City Council’s Committee on the Justice System HRA’s Fiscal Year 2020 Executive Budget (May 22, 2019)(“Testimony of Jordan Dressler”) at 4, https://www1.nyc.gov/assets/hra/downloads/pdf/ocj_exec_fy20_testimony_final.pdf. (All links in this report were last visited Feb. 21, 2020).

² Heidi Schultheis and Caitlin Rooney, *A Right to Counsel Is a Right to a Fighting Chance*, Center for American Progress (Oct. 2, 2019), <https://www.americanprogress.org/issues/poverty/reports/2019/10/02/475263/right-counsel-right-fighting-chance/>.

³ *Id.*

nationwide and almost 900,000 of these resulted in an eviction.⁴ A recent study from New York University found that evictions cause a significant and persistent increase in the risk of homelessness, increase emergency room use and increase the risk of mental health hospitalizations.⁵ New York City has not been immune to these nationwide trends nor has it been spared the consequences of rising evictions. In the backdrop of this nationwide epidemic, and in the context of a citywide grassroots movement, RTC was born.

In August 2017, New York City Mayor Bill de Blasio signed Int. 214-B into law, which created a right to counsel in eviction cases in New York City. RTC provides free legal representation to tenants in eviction proceedings for households whose income falls below 200 percent of the federal poverty level and charges the Civil Justice Coordinator of the Office of Civil Justice (“OCJ”) with implementing the program, with the goal of achieving representation for all eligible tenants by 2022.⁶ To accomplish this goal, the OCJ has partnered with nonprofit legal services organizations throughout New York City, including Legal Services NYC, Neighborhood Defender Services of Harlem, Bronx Defenders, Legal Aid Society, Urban Justice Center, Brooklyn Defender Services, among others.⁷

The right to counsel in eviction cases in New York City is an essential component of the de Blasio Administration’s “prevention-first” strategy to address homelessness and housing instability for New Yorkers.⁸ “Providing quality [legal] representation and counsel for thousands of the City’s low-income tenants facing eviction and displacement is a key component of [the Administration’s] civil legal services programs, and the cornerstone of [their] tenant legal services is [the right to counsel].”⁹ This groundbreaking advancement of tenants’ rights is a cost-effective and commonsense response to the myriad of issues rooted in the City’s ever-rising housing costs.

The first iteration of the right to counsel covers all New Yorkers with household incomes at or below 200 percent of the federal poverty level.¹⁰ The 2019 federal poverty level income level equates to \$12,490 for individuals and \$25,750 for a family of four. New Yorkers who make less than \$24,980 and four-member households earning less than \$51,500 qualify for representation under the law. At present, RTC covers tenants facing an eviction proceeding in New York City housing court as well as New York City Housing Authority (“NYCHA”) administrative proceedings. Today, RTC is in effect in approximately 25 zip codes.

⁴ *Id.*

⁵ Robert Collinson and Davin Reed, *The Effects of Evictions on Low-Income Households* (Dec. 2018) at 30-31, https://www.law.nyu.edu/sites/default/files/upload_documents/evictions_collinson_reed.pdf.

⁶ Testimony of Jordan Dressler at 4.

⁷ *Id.* at 2-4

⁸ *Id.* at 1.

⁹ *Id.* at 3.

¹⁰ *Id.* at 4.

Once RTC is fully implemented, OCJ estimates that a total of 400,000 New Yorkers in 125,000 households will avail themselves of this law.¹¹

II. ONE YEAR OF THE RIGHT TO COUNSEL IN EVICTION CASES IN NEW YORK CITY

In the two years since New York became the first city in the country to create a right to counsel in eviction cases in New York City, the effort has transformed the playing field for low-income New Yorkers.

Tenant representation in housing court has drastically increased. In FY 2013, one percent of tenants were represented by counsel; in FY 2018, 30 percent of tenants had an attorney in Housing Court.¹² As the law continues to expand throughout the City, tenant representation continues to rise. The NYC Office of Civil Justice found that during the last quarter of FY 2018, 56 percent of tenants in RTC zip codes were represented by counsel in eviction proceedings. In conjunction, the number of eviction cases in Housing Court continues to fall. In 2018, there were approximately 29,000 fewer eviction proceedings filed than in 2013. Housing Courts have also reported an increase in pretrial motions and a corresponding decrease in emergency orders to show cause.¹³ These trends demonstrate an increase in substantive litigation, undoubtedly a welcome result of RTC. Some landlord attorneys have lauded the benefits of RTC in terms of easing case management, reaching quicker solutions and facilitating repairs.¹⁴

Importantly, this law ensures that more New Yorkers remain in their homes. For those New Yorkers represented by an Office of Civil Justice-funded attorney in FY 2018, 84 percent were able to prevent eviction. RTC has helped drive the consistent recent declines in eviction filings, warrants of eviction and executed evictions in New York City.

As reported by Roger Juan Maldonado, President of the New York City Bar Association in his remarks for the Chief Judge’s Statewide 2019 Civil Legal Services Hearing, after only two years of RTC, “[t]enants have a greater sense that they are being treated with dignity and respect. The behavior of judges and opposing counsel is changing as the expectation changes that the litigation will require hearing from both sides in an equal manner. . . . Simply put, it is a game-changer.”¹⁵

¹¹ *Id.*

¹² Oksana Mironova, *NYC Right to Counsel: First year results and potential for expansion*, Community Service Society (Mar. 25, 2019) (“First Year Results”) at 1, <https://www.cssny.org/publications/entry/nyc-right-to-counsel-first-year-results-and-potential-for-expansion>.

¹³ Testimony of Jordan Dressler at 4-5.

¹⁴ Eddie Small, *Inside the Fight to Revamp Right to Counsel*, The Real Deal, New York (May 13, 2019) <https://therealdeal.com/2019/05/13/inside-the-fight-to-revamp-right-to-counsel/>.

¹⁵ Roger Juan Maldonado, Remarks for the Chief Judge’s Statewide 2019 Civil Legal Services Hearing, New York City Bar Association (Sept. 23, 2019) at 4, <https://s3.amazonaws.com/documents.nycbar.org/files/2019566-MaldonadoCivilLegalServicesFundingTestimony.FINAL.pdf>.

III. INT. 1104-2018

On September 12, 2018, the City Council introduced Int. 1104-2018, entitled “A local Law to amend the administrative code of the city of New York, in relation to expanding the right to counsel for tenants.”¹⁶ It seeks to double RTC’s income threshold to 400 percent of the federal poverty guidelines, to ensure that all tenants in need receive legal assistance during an eviction proceeding. Int. 1104-2018 also expands the types of cases covered beyond just those in housing court to cover all proceedings where ejection, eviction or termination of residence may result. To date, 35 of the City Council’s 51 members and the Public Advocate have sponsored the bill.¹⁷

Int. 1104-2018 is central to the Administration’s goals of reducing evictions and combatting homelessness in the City as it ensures *all* needy New Yorkers facing eviction have access to quality representation.

IV. INCREASING INCOME ELIGIBILITY

As stated above, RTC only covers New Yorkers whose yearly earnings are below 200 percent of the federal poverty level.¹⁸ When accounting for the astronomical cost of living in New York City, the insufficiency of the current levels are revealed. According to estimates by the United States Department of Housing and Urban Development (“HUD”), an individual New Yorker who earns less than \$58,450 and a family of four that makes less than \$83,450 qualify as “low income,” and one who earns less than \$36,550 and a four-person family that makes less than \$52,150 qualify as “very low income.”¹⁹ As City Council Member Mark D. Levine explained, “[t]he federal poverty level is totally out of whack with the reality on the ground in New York City. With the skyrocketing cost of living here, more and more people above 200% of the federal line are in fact facing enormous economic struggles. We need to expand the right to counsel law to reflect that.”²⁰

Int. 1104-2018 seeks to increase the number of struggling New Yorkers who have access to the substantial benefits of RTC by raising the income eligibility level from 200 percent of the federal poverty level to 400 percent of the same. This will expand coverage from individuals with incomes of \$24,980 to \$49,960 and four-member households with incomes of \$51,500 to \$103,000. These new levels will now include most individuals and all four-member households classified by HUD as “low income” as well as single New Yorkers working full-time earning the

¹⁶ Int. 1104-2018, The New York City Council Legislative Research Center, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3673428&GUID=4205F42E-82F7-4976-8BF7-035AE2B5B16D&Options=ID%7cText%7c&Search=>.

¹⁷ *Id.*

¹⁸ First Year Results at 1.

¹⁹ Ameena Walker, *Make less than \$58,450? You may qualify for low income housing*, Curbed New York (May 17, 2018), <https://ny.curbed.com/2018/5/17/17361580/nyc-affordable-housing-requirements-income-limits>.

²⁰ Jake Sporn, “*Right to Counsel*” Leaders Call for Expansion of Landmark Tenants’ Rights Law, Mark Levine (June 8, 2018), http://www.marklevine.nyc/_right_to_counsel_leaders_call_for_expansion_of_landmark_tenants_rights_law.

\$15 minimum wage.²¹ By one estimate, this expansion may help between 55,000 and 70,000 households facing evictions in Housing Court.²²

These moderate-income New Yorkers are predominantly working in healthcare, education, social services, retail, and hospitality,²³ and are almost as likely to experience a housing hardship as low-income tenants.²⁴ Moreover, moderate-income tenants receive considerably less public assistance than low-income New Yorkers.²⁵ This is a vulnerable population filled with hard-working New Yorkers who form the backbone of the City's labor pool. By increasing the income eligibility threshold, Intro 1104-2018 will ensure that the vast majority of vulnerable New Yorkers facing eviction will have a powerful legal ally in their fight to level the playing field and stay in their home. This equates to more stable families and neighborhoods as well as a reduction in the negative externalities imposed upon the City by evicted tenants.

V. EXPAND THE LAW TO COVER MORE EVICTION CASES

Int. 0214-B only covered eviction cases that occur in the City's housing courts and NYCHA administrative proceedings. While this includes the majority of eviction cases, it excludes other notable proceedings that can ultimately result in tenant evictions. This rather glaring omission places hundreds of at-risk tenants in danger of losing their home solely because of the forum where their eviction is brought. To rectify this wrong, Int. 1104-2018 expands RTC to all cases that could possibly result in an eviction. Specifically, it would cover (1) administrative hearings, (2) NY Supreme Court ejectment cases, and (3) appeals. With this expansion, tenants' access to an attorney will no longer be determined by the type of case brought.

The Right to Counsel NYC Coalition estimates that there are approximately 1,400 housing court appeals filed every year and approximately 400 are litigated to a decision. With the increase in successful outcomes for tenants resulting from RTC, landlords are filing more appeals. Without an attorney at the appeal level, tenants must navigate a complicated, intricate, and novel appeal process on their own. This puts them in a highly unfavorable position and may erase all the hard-fought victories achieved at the trial level. This gap in coverage severely undermines the success of RTC by allowing landlords to take advantage of unrepresented tenants during the appeals process.

By expanding RTC to include moderate-income New Yorkers and all eviction forums, the City Council can ensure that all vulnerable tenants facing eviction will have the right to an attorney in their fight to keep their home.

February 2020

²¹ Right to Counsel, Power to Organize, NYC Coalition.

²² First Year Results at 1.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

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* Ms. Vega-Rivera passed away in December of 2019. This report is dedicated to her memory. We are forever thankful for her important voice on this Task Force. She will be missed.

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**REPORT ON LEGISLATION BY THE
TASK FORCE ON CIVIL RIGHT TO COUNSEL**

Int. 1529-2019

Council Members Levine, Gibson, Rosenthal, Cohen, Adams, Chin, Cornegy, Ayala, Powers, Reynoso, Levin, Rivera, Richards, Constantinides, Menchaca, Brannan, Torres, Ampry-Samuel, Lander, Rose, Perkins, Grodenchik, Van Bramer, Moya, Salamanca, Koslowitz, Rodriguez, Louis, Kallos, Cumbo, Lancman, Eugene, Treyger, Maisel, Cabrera, The Public Advocate (Mr. Williams)

A LOCAL LAW to amend the administrative code of the city of New York, in relation to requiring the office of the civil justice coordinator to collaborate with community groups in engaging and educating tenants of their rights in housing court

THIS BILL IS APPROVED

I. INTRODUCTION

A recent *New York Times* investigation showed how landlords “follow a standard playbook to push tenants out” to avoid affordable housing regulations.¹ Their tactics include buyouts, harassment, poor services, constant construction, and lawsuits in housing court.² Landlords in such proceedings rely on a team of attorneys who often mount questionable cases and process servers sometimes fail to notify tenants of the suit before judges order evictions.³ The *Times* found that approximately 232,000 cases were filed in 2017, mostly against tenants who allegedly did not pay back rent (although many had).⁴ When tenants had withheld rent, the *Times* found that often landlords had failed to perform much-needed repairs.⁵ Because the cost to file a housing court complaint is only \$45, large landlords can file thousands of cases each year and keep a cadre of lawyers on retainer, while tenants, historically without access to counsel, are left having to fight to save their homes without any legal support.⁶

¹ Kim Barker, Jessica Silver-Greenberg, Grace Ashford & Sarah Cohen, *The Eviction Machine Churning Through New York City*, N.Y. Times (May 20, 2018), <https://www.nytimes.com/interactive/2018/05/20/nyregion/nyc-affordable-housing.html>. (All links in this report were last visited Feb. 21, 2020).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

In part to address the historical disparity in representation in housing court between landlords and tenants, in August of 2017, Mayor Bill de Blasio signed Intro 214-B to make legal services available to low-income tenants facing eviction in New York City housing court and public housing authority proceedings (the “Right to Counsel” Law).⁷ The Right to Counsel law provides free legal representation in eviction proceedings for residents whose household income falls below 200 percent of the federal poverty level⁸ and calls on the Civil Justice Coordinator (“Coordinator”) of the Office of the Civil Justice (the “OCJ”) to implement a program to achieve total representation for eligible tenants by 2022.⁹ Such representation comes from nonprofits across the five boroughs, including, among many others, Brooklyn Defender Services, the Bronx Defenders, The Legal Aid Society, Legal Services NYC and Neighborhood Defender Services of Harlem.¹⁰

The Coordinator anticipates that by fiscal year 2022, when the Right to Counsel Law is fully implemented, 400,000 residents in 125,000 households will take advantage of the Right to Counsel annually, which would cost \$166 million in annual funding in such year.¹¹ In fiscal year 2019, after the second phase of implementation, approximately 105,000 New Yorkers in 41,000 households took advantage of the OCJ’s legal services for tenants.¹² However, there still are many families that are eligible for the Right to Counsel, but don’t know about it, and therefore often don’t show up to court to fight their case. Substantial progress is necessary to achieve the goal of total representation for eligible tenants by 2022. This report is submitted in support of Int. 1529-2019, which provides for crucial community support and OCJ interaction necessary to obtain the goal of total representation for eligible tenants.

Int. 1529-2019 was referred to the New York City Council Committee on Housing and Buildings on April 18, 2019.¹³ Int. 1529-2019 requires the Coordinator to work with community groups to educate tenants of their rights in housing court, and to create the necessary infrastructure

⁷ NYC Office of Civil Justice 2018 Annual Report at 14, https://www1.nyc.gov/assets/hra/downloads/pdf/final_2018_ojc_report_march_19_2019.pdf.

⁸ Testimony of Jordan Dressler, Civil Justice Coordinator Before the New York City Council’s Committee on the Justice System HRA’s Fiscal Year 2020 Executive Budget (May 22, 2019)(“Testimony of Jordan Dressler”) at 4, https://www1.nyc.gov/assets/hra/downloads/pdf/ocj_exec_fy20_testimony_final.pdf.

⁹ *Id.*

¹⁰ *Id.* at 3-4.

¹¹ *Id.* at 4.

¹² Office of Civil Justice, NYC Human Resources Administration, *Universal Access to Legal Services: A Report on Year Two of Implementation in New York City*, (Fall 2019), at 2, https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_UA_Annual_Report_2019.pdf.

¹³ Int. 1529-2019, “Minutes of the Stated Meeting – April 18, 2019,” at 1533, *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3923900&GUID=93564381-0704-43F3-9599-244BA2545155&Options=ID%7cText%7c&Search>. There are currently two bills pending before the City Council related to expanding RTC in eviction cases in New York City. Int. 1529-2019 and Int. 1104-2018, which (a) increases the RTC’s income eligibility level from 200 percent to 400 percent of the federal poverty level, and (b) expands the types of eviction cases covered by RTC. While the City Bar supports both bills, this memorandum focuses on Int. 1529-2019.

within the communities to ensure that tenants take advantage of their rights.¹⁴ Such efforts include workshops and training for tenants, distribution of literature about housing rights, assisting tenants to form and maintain tenant associations, referring tenants to designated community groups, and “any other activity to engage, educate or inform tenants about their rights in housing court.”¹⁵ Specifically, “designated community groups” refer to nonprofits that can educate tenants on their rights.¹⁶ Additionally, the Coordinator would be required to publish an annual report on community outreach on tenants’ rights.¹⁷

II. BACKGROUND

In June 2015, Mayor Bill de Blasio signed City Council Int. 736-A, which amended the New York City Charter to create the OCJ under the Human Resources Administration/Department of Social Services.¹⁸ The Mayor created the OCJ to supervise New York City’s civil legal assistance for low-income residents and study the need for additional services.¹⁹ OCJ’s mission is to combat poverty, income inequality, and homelessness.²⁰ With the subsequent enactment of Intro 214-B, New York City became the country’s first city to mandate civil legal assistance for low-income tenants facing eviction in Housing Court and in New York City Housing Authority (“NYCHA”) proceedings.²¹

One of New York City’s primary tools to prevent homelessness in its “Turning the Tide on Homelessness” plan is prevention,²² which equitable eviction proceedings can facilitate. Until the passage of Intro 214-B, Housing Courts posed a particularly inequitable forum for low-income residents because most landlords enjoy legal representation, whereas most tenants are not represented.²³ Jordan Dressler, the currently serving Coordinator, has emphasized a “prevention-first” approach to address homelessness and housing instability for low-income residents.²⁴ In line with this approach, he announced that, of the fiscal year 2020 OCJ legal services budget of \$159.4 million,²⁵ \$128.3 million will go to legal services programs for tenants of which \$82.1 million will

¹⁴ Int. No 1529-2019, *id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ NYC Office of Civil Justice 2018 Annual Report at 3.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Turning the Tide on Homelessness in New York City*, (2017), http://www1.nyc.gov/assets/hra/downloads/pdf/news/publications/Turning_the_Tide_on_Homelessness.pdf.

²³ NYC Office of Civil Justice 2018 Annual Report at 13.

²⁴ Testimony of Jordan Dressler at 1.

²⁵ *Id.* at 2.

go towards eviction defense legal services and \$46.2 million for legal services to protect tenants, including combatting harassment.²⁶

III. ANALYSIS

Int. 1529-2019 aims to ensure that all eligible New Yorkers can take advantage of their right to free counsel in housing proceedings, thereby reducing the amount of evictions and the homeless population in New York City. This Memorandum demonstrates why the Coordinator's mandated contact with designated community groups and qualified tenant associations is necessary to maximize participation in the Right to Counsel Law and to eliminate the historical disparity in housing disputes between landlords and tenants.

a. The Many Obstacles of Low-Income Tenants Facing Eviction

A Housing Court judge may rule in favor of a litigant represented by counsel simply because attorneys better comprehend the complexity of a given case. Pro se litigants are less familiar with court procedure and may try to simply appeal to the judge based on their individual narrative as opposed to understanding the nuances of their lease or the applicable law. Furthermore, attorneys are repeat "players" in Housing Court and they can develop strategies based on familiarity with the courts and parties involved and specialized knowledge of substantive law to better serve their clients. Further, if the landlord's attorney knows that a tenant will not have representation in Housing Court, the attorney may take a more aggressive stance in settlement negotiations. Additionally, the landlord's attorney may try to approach an eligible tenant in the court hallway and intimidate and pressure the tenant to settle prior to the tenant being able to identify and meet with his or her representative. As such, tenants may settle with landlords before they even know that they are eligible for representation. Thus, the Coordinator must increase recruitment of community organizations who can ensure that more and hopefully all litigants in Housing Court who are eligible for Right to Counsel are informed and take advantage of that right.

Low-income tenants generally lack the resources to effectively represent themselves in Housing Court. In addition to having to navigate discovery, depositions, and presenting evidence, tenants must also respond to eviction notices. Language and education barriers in addition to time and economic constraints could lead a tenant to ignore her eviction notice, which could result in displacement or homelessness. Low-income tenants, unlike experienced attorneys, also lack the ability to tackle unsettled issues of law, including those involving fraud.

Currently, there is insufficient information made available to eligible tenants about their right to counsel and where to find the legal services lawyers. Tenants currently are not sufficiently aware in advance of arriving at court of the rights and the nature of legal assistance available to them. For example, a survey described in a community group white paper found that 52% of tenants living in eligible zip codes of the Bronx did not know about the Right to Counsel Law until arriving at court.²⁷ When tenants arrive at court there is insufficient signage in the courts and no

²⁶ *Id.*

²⁷ *Tipping the Scales: Right to Counsel is the Moment For the Office of Court Administration To Transform Housing Courts*, A Report by CASA - New Settlement and the Northwest Bronx Community and Clergy Coalition, (Oct.

consistent and effective method of communication to tenants the rights that are available to them. Moreover, many eligible tenants experiencing eviction proceedings don't even make it to court because of lack of information and awareness of the process. Thus, many eligible tenants are not able to take advantage of their right to counsel.

b. Outreach Is Imperative to Enable Residents to Take Advantage of the Right to Counsel

Int. 1529-2019 mandates that the Coordinator take a more active role in connecting low-income tenants with legal counsel, including by supporting the development and maintenance of tenant associations and education initiatives regarding the Right to Counsel. If New York City intends to meet its 2022 goal of 100 percent representation of eligible tenants, the Coordinator will need to more directly partner with community groups to increase the number of eligible tenants who are represented by counsel in eviction hearings. As noted above, despite the availability of the right to legal services in eviction cases, significant numbers of eligible tenants have not shown up to court to fight their case and likely did not know that they had a right to an attorney. Thus, tenant associations, targeted marketing and education with respect to Right to Counsel and participation from the OCJ with respect to such associations, are all necessary to create equitable proceedings that directly affect New York City's rates of homelessness.

The above-described obstacles contribute to the continuance of the past inequities of the Housing Courts. Legislation that would allow for community education and outreach about Right to Counsel is pivotal in diminishing these obstacles and ensuring that the maximum number of eligible tenants take advantage of the program. Tenants must be better informed of their rights and the legal assistance that is available to them before arriving in court. The Coordinator's mandate to work with tenant associations is important because such associations are expected to be the most efficient forum for disseminating information to eligible tenants regarding their rights because tenants will be most receptive to individuals within the same communities.

Finally, Int. 1529-2019 accomplishes more than merely educating eligible tenants of the Right to Counsel before arriving at Housing Court for eviction proceedings. Tenant associations are expected to not only educate tenants of their rights in the event of eviction proceedings, but also to "level the playing field" between tenants and landlords prior to the commencement of eviction proceedings and to limit the ability of landlords to intimidate uninformed tenants with unwarranted threats of eviction proceedings. This type of assistance will help resolve landlord-tenant conflicts and reduce the number of court filings.

Supporting Int. 1529-2019 is particularly important given the positive impact that Right to Counsel has had in the short-term in preventing evictions or providing a reasonable path for litigants to find alternate housing in lieu of being evicted and facing the certainty of either living in a shelter or the streets. With these resources, tenants will be more likely to take advantage of

2019), at 4, <https://newsettlement.org/casa/wp-content/uploads/sites/7/2019/10/Report-Tipping-the-Scales-Right-to-Counsel-is-the-Moment-for-The-Office-of-Court-Administration-to-Transform-Housing-Courts.pdf>.

legal services that could be dispositive in a case that would otherwise overwhelm a pro se litigant who had to work two jobs or attend to familial responsibilities.

IV. CONCLUSION

Int. 1529-2019 allows New York City to maximize the chances that everyone who is eligible will avail themselves of the right to counsel in eviction proceedings because few residents may know who to call when they receive an eviction notice. While New York City has already seen a significant increase in representation thanks to the Right to Counsel, the Coordinator can improve on this progress with a mandate to work with community groups to educate indigent residents of their right to counsel. Int. 1529-2019 bolsters the right to counsel because more residents will know such a right exists. Thus, the “David versus Goliath” tension between tenants and better-resourced landlords in Housing Courts will be further equalized with passage of Int. 1529-2019. Consequently, tenants will be better able to prevent the crippling effects of homelessness and displacement.

February 2020

TASK FORCE ON THE CIVIL RIGHT TO COUNSEL

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Pro Bono Counsel,
Arnold & Porter

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New York Law School

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Tenant Organizer, Catholic
Migration Services

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New York, Inc.

Neil Steinkamp
Managing Director, Stout Risius
Ross, LLC

David Udell
Executive Director, National Center
for Access to Justice at Fordham
Law School

Carmen Vega-Rivera*
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Capital Development Fund

David Jones
President, Community Service
Society of New York

Hon. Jonathan Lippman (Ret.)
Of Counsel, Latham & Watkins

Robert Sheehan
Of Counsel, Skadden

* Ms. Vega-Rivera passed away in December of 2019. This report is dedicated to her memory. We are forever thankful for her important voice on this Task Force. She will be missed.

From: <capg@nyc.rr.com>

Date: February 24, 2020 at 3:35:42 PM EST

Subject: REVISED MON Feb 24 Urgent MARK LEVINE Please READ My TESTIMONY Out Loud Into the Record Today at Council Meeting at City Hall requesting this under ADA Reasonable Accommodation as I had another disability set back overnight & could Not TESTIFY in Person

REVISED on MON Feb 24, 2020 -

URGENT CITY COUNCIL MEMBER M. LEVIN - AMY Make sure he gets this ASAP

WRITTEN RECORDED PROVIDED TO YOU BY CA UNDER PENALTY OF PERJURY AS AN ADA REASONABLE ACCOMMODATION TO BE READ INTO TODAY'S RECORD OUT LOUD

Re: Urgent My Testimony Please READ this TESTIMONY Out Loud Into the Record Today at Council Meeting at City Hall requesting this under ADA Reasonable Accommodation as I had another disability set back overnight & could Not TESTIFY in Person URGENT

1. Urgent I am an ADA Disabled protected class, Low Income Long Term 31 Yr RS Tenant & Senior under Social Security Disability (SSD) from Federal Government I earn UNDER \$15,000 per year
2. Urgent I grant you permission to READ his TESTIMONY Out Loud Into the Record Today at Council Meeting at City Hall requesting this under ADA Reasonable Accommodation as I had another disability set back overnight & could Not TESTIFY in Person URGENT
3. Urgent On Friday Feb 28th at 2PM they will issue a judgement for EVICTION against me I want you to SEE FIRST HAND how JUSTICE is TRULY being dispensed in HOUSING COURT you must ATTEND this I am begging you
4. Fictitious Landlord has SUED me 6 times in less than two and 1/2 years and he is NOT the landlord as he SOLD our bldg in 2016 all cases where MANUFACTURED FRAUDULENT HOLD OVER CASES
5. The Housing Court Judges has refused my right to PRO BONO LEGAL Representation and refused to provide REFERRALS to HRA despite my being QUALIFIED IN 5 different ways
6. HRA in Orchestrated Concert with the Housing Court Judges has refused my right to PRO BONO LEGAL Representation despite my being QUALIFIED IN 5 different ways
7. Fictitious LANDLORD had 48 VIOLATIONS against him on my APT alone from HPD since 2017 and has REFUSED to provide REPAIRS to date despite weekly and monthly REMINDERS in writing

8. I was prevented by the HOUSING COURT JUDGES IN ADJUDICATING ALL OF MY COUNTER CLAIMS & AFFIRMATIVE DEFENSES in ALL 6 CASES from being ADJUDICATED at TRIAL and or HEARD

9. Urgent On Friday Feb 28th at 2PM the housing court Judge RINGLEADER to dismiss my 48 HPD VIOLATIONS in the middle of a TRIAL despite the fact that I was NOT PERMITTED to put on my case, enter evidence, cross examine the LL and others and PREVENTED from having my witnesses heard

10. The RINGLEADER housing court judges acting in concert criminally conspired, deprived me due process and equal justice under the law they engaged in the following, we have FACTS and EVIDENCE in support

11. They deprived me of PRO BONO COUNCIL for 6 CASES including this one despite my being qualified in 5 different ways

12. They deprived me of POOR PERSONS, COURT AUDIO FILES of CONFERENCES, MY MOTIONS were NEVER HEARD, SUBPOENAS never SIGNED, they STOLE EXHIBITS of evidence from all my 6 CASES & FILE, they ALTERED the DIGITAL INDEX, they STOPPED HRA from PROVIDING PRO BONO and RENT PAYMENTS after I received WRITTEN CONFIRMATION I Qualified,, they deprived me of other services I was qualified for with city agencies

12B. In the first case and HRA caseworker IDENTIFIED to LAW ENFORCEMENT INVESTIGATORS the (3) judges involved in attempted to APS me as APS stated I was NOT mentally incapacitated so that they can assist the landlord in winning his FRAUDULENT MANUFACTURED NUISANCE CASES

13. They aided and abetted the LAWYERS for the FICTITIOUS LL knowing he is NOT the LL and they CONSPIRED with them thru EXTENSIVE EX-PARTE COMMUNICATIONS

14. I am referencng a high ranking housing court judge and their (2) other partners in crime that are CO JUDGES

15. They engage in Kickbacks, Quid pro quo, play for pay, cases fixing, case rigging and more

16. URGENT MARK I Ask that you attend the final hearing on FRIDAY FEB 28TH at 2PM so that you can see how they have DEPRIVED me of my TRIAL in the middle of a trial in where I am NOT permitted to ADJUDICATE ANY OF MY VIABLE COUNTERCLAIMS & AFFIRMATIVE DEFENSES DESPITE MASSIVE EVIDENCE IN SUPPORT OF THE RULE OF LAW

17. I do NOT OWE any RENT because of the 41 VIOLATIONS nor cured in over 15 years to date and imposed by HPD over 4 YRS ago, along with ALL the other counterclaims and affirmative defenses I am PREVENTED from ADJUDICATING at TRIAL since these are ALL TRIBAL ISSUES of FACT that can ONLY be DETERMINED at trial

18. The NY Housing Courts are run as a RICO CRIMINAL ENTERPRISE SYNDICATE CARTEL of LICENSED RACKETEERS. in where several TOP law firms OWN, OPERATE and PAY high ranking judges to IGNORE the RULE of LAW, CPLR, & DUE PROCESS of tenants

19. From 2016 thru 2020 -4YRS only 2% to 4% of Tenants are REPRESENTED not (40%) the Number is 4%

20. URGENT MARK I Ask that you attend the final hearing on FRIDAY FEB 28TH at 2PM so that you can see how they have DEPRIVED me of my TRIAL in the middle of a trial

21. THANK YOU FOR READING MY TESTIMONY INTO TODAY'S RECORD AS AN ADA DISABLED REASONABLE ACCOMMODATION ITS CRUCIAL THAT THIS IS MADE PART OF THE RECORD TODAY

THANK YOU AC - I AM AN ADA Disabled protected class, Low Income Long Term 31 Yr RS Tenant & Senior under Social Security Disability (SSD) from Federal Government I earn UNDER \$15,000 per year



MITCHELL-LAMA RESIDENTS COALITION, INC.

P.O. Box 20414 Park West Station

New York, New York 10025

Voice-mail: 212-465-2619 Website: www.mitchell-lama.org

Testimony at Right to Counsel Hearing
February 24, 2020

The Mitchell-Lama Residents Coalition has as its mission to work and organize for the preservation and future expansion of the Mitchell-Lama housing program, as well as, all other affordable housing programs and to identify, clarify, and solve common concerns of current and former Mitchell-Lama residents working with elected officials and government agencies in New York State. We are the only Mitchell-Lama group representing both Co-ops and Rental buildings in Albany, Buffalo, New York City (all five boroughs), Rochester, Syracuse and Westchester County statewide.

MLRC supports the passage of Intro 1104 which will extend the Right to Counsel to Mitchell-Lama residents. MLRC is very pleased that City Councilmember Levine has included administrative hearings before NYC Department of Housing Preservation and Development and NYS Housing and Community Renewal officers in this legislation. As this inclusion means that Mitchell-Lama residents facing eviction would be able to avail themselves of counsel and protect their tenancy more effectively.

It has been our experience over the years that these agency hearings are quite secretive and that Mitchell-Lama residents are alone in front of experienced attorneys representing their landlords. As a result, the residents are at a distinct disadvantage. The fact that 300 hearings a year result in evictions from Mitchell-Lama developments shows that there is a great need for the protections offered by Intro 1104. As an organization, of course, we expect that Mitchell-Lama residents will follow all the rules and regulations but we also expect that residents should have experienced representation in these hearings in order to insure correct outcomes.

We urge the City Council to pass this legislation to expand the Right to Counsel by passing Intro 1104.

Respectfully submitted,

The Executive Board of the Mitchell-Lama Residents Coalition

Rabbi Nancy H Wiener
New York, New York
nwiener@huc.edu

To Whom It May Concern,

A large part of my rabbinate has been engagement in social justice issues in New York City, New York State, the United States and Israel. My belief that all humans, created in the image of God, are holy and deserving of respect and dignity has motivated my social activism and led me to speak out when I see injustice. The Universal Declaration of Human Rights Article 7 states: All are equal before the law and are entitled without any discrimination to equal protection of the law. Yet, every day, residents of New York City are not fairly represented by counsel when their housing cases come before the courts. Therefore, I am writing today with regard to Intro 1529 and Intro 1104, both of which seek to redress the absence of adequate counsel for New Yorkers whose housing is in jeopardy.

Intro 1529

New rent laws and inadequate awareness among those most vulnerable to the laws pertaining to housing, result in many going to court unaware of their Right to Counsel. This is a travesty of equal justice before the law. As a society we should be protecting the most vulnerable-- informing them of the ways counsel can serve them. Then they will be less likely to skip court dates, sign agreements with their landlord's attorneys prior to a hearing, or forego requesting necessary repairs for fear of eviction. The city must recognize that the best way to do the necessary outreach and education is by engaging community organizers who can make inroads in the communities most affected by the absence of legal counsel so they can gain tools to protect themselves and advocate for themselves.

Intro 1104

Rents in New York City are notoriously high and the incomes of the poorest among us do not keep pace. There is no equal justice before the law as long as the ceiling for the right to counsel in housing court is set at 200% of the federal poverty level. This means 31% of those with cases in housing court earn between 200% and 400% of the federal poverty level. 61% of them do not live in subsidized housing and do not receive any housing subsidies. Unrepresented in court, they are at a distinct disadvantage. By raising the minimum from 200%-400% of the federal poverty to qualify for Right to Counsel, the city can avail these vulnerable New Yorkers with the representation they deserve and the resources to get a fair hearing in court.

With every hope that decency and fairness for all New Yorkers can be achieved,



Rabbi Nancy H Wiener

Guía para inquilinos con el propósito de presentar testimonio en la audiencia sobre la Intro 1104 y la Intro 1529 para expandir la Ley del Derecho a la Representación Legal

Nombre: Natividad Rodriguez

Dirección: 94-26 - 34 Rd Apt B2 Jackson Heights N.Y 11372

¿Cuánto tiempo lleva usted viviendo en este hogar?

Tengo experiencia con (seleccione todo lo que aplique):

- A. El desalojo
- B. La Corte de Vivienda
- C. El acoso del casero
- D. Reparaciones que se necesitan

Explique: Reparación del piso de la habitación, la cocina y sala. Retención del lease.

Actualmente, soy:

- A. Elegible según mis ingresos para el Derecho a la Representación Legal: mis ingresos brutos están por debajo del 200% del Nivel de Pobreza Federal
- B. No elegible según mis ingresos para el Derecho a la Representación Legal, pero sería elegible según mis ingresos si la Intro 1104 se aprobara: mis ingresos brutos están entre el 200% - 400% del Nivel de Pobreza Federal
- C. No elegible según mis ingresos para el Derecho a la Representación Legal, y no sería elegible según mis ingresos si la Intro 1104 se aprobara: mis ingresos brutos están por encima del 400% del Nivel de Pobreza Federal

Actualmente:

- A. Soy parte de la membresía de un grupo que organiza inquilinos cuyo nombre es:

- B. No soy parte de ningún grupo que organiza inquilinos

¿Está usted a favor de que el Concejo de la Ciudad de Nueva York apruebe la Intro 1104 para expandir el nivel de elegibilidad de ingresos del Derecho a la Representación Legal al 400% del Nivel de Pobreza Federal, y la Intro 1529 para dar fondos y apoyar para que los inquilinos se organicen?

- A. Sí
- B. No

Explique: Necesitamos más organizaciones de inquilinos que nos apoyen y nos defiendan de los dueños de edificio.

Firma: Natividad Rodriguez

Fecha: 1/21/2020

Guía para inquilinos con el propósito de presentar testimonio en la audiencia sobre la Intro 1104 y la Intro 1529 para expandir la Ley del Derecho a la Representación Legal

Nombre: SANDRA ENCARNACION - RAFAEL ROMAN
Dirección: 94-26 34 RD #B6 JACKSON HEIGHTS NY 11372

¿Cuánto tiempo lleva usted viviendo en este hogar?

Tengo experiencia con (seleccione todo lo que aplique):

- A. El desalojo
- B. La Corte de Vivienda
- C. El acoso del casero
- D. Reparaciones que se necesitan

Explique: _____

Actualmente, soy:

- A. Elegible según mis ingresos para el Derecho a la Representación Legal: mis ingresos brutos están por debajo del 200% del Nivel de Pobreza Federal
- B. No elegible según mis ingresos para el Derecho a la Representación Legal, pero sería elegible según mis ingresos si la Intro 1104 se aprobara: mis ingresos brutos están entre el 200% - 400% del Nivel de Pobreza Federal
- C. No elegible según mis ingresos para el Derecho a la Representación Legal, y no sería elegible según mis ingresos si la Intro 1104 se aprobara: mis ingresos brutos están por encima del 400% del Nivel de Pobreza Federal

Actualmente:

- A. Soy parte de la membresía de un grupo que organiza inquilinos cuyo nombre es:

- B. No soy parte de ningún grupo que organiza inquilinos

¿Está usted a favor de que el Concejo de la Ciudad de Nueva York apruebe la Intro 1104 para expandir el nivel de elegibilidad de ingresos del Derecho a la Representación Legal al 400% del Nivel de Pobreza Federal, y la Intro 1529 para dar fondos y apoyar para que los inquilinos se organicen?

- A. Sí
- B. No

Explique: _____

Firma: Sandra Encarnacion
Rafael Roman

Fecha: 2-20-2020

Guía para inquilinos con el propósito de presentar testimonio en la audiencia sobre la Intro 1104 y la Intro 1529 para expandir la Ley del Derecho a la Representación Legal

Nombre: Attagracia Brito

Dirección: 94-2634 R.D apt A2

¿Cuánto tiempo lleva usted viviendo en este hogar?
21

Tengo experiencia con (seleccione todo lo que aplique):

- A. El desalojo
- B. La Corte de Vivienda
- C. El acoso del casero
- D. Reparaciones que se necesitan

Explique: Las ventanas

Actualmente, soy:

- A. Elegible según mis ingresos para el Derecho a la Representación Legal: mis ingresos brutos están por debajo del 200% del Nivel de Pobreza Federal
- B. No elegible según mis ingresos para el Derecho a la Representación Legal, pero sería elegible según mis ingresos si la Intro 1104 se aprobara: mis ingresos brutos están entre el 200% - 400% del Nivel de Pobreza Federal
- C. No elegible según mis ingresos para el Derecho a la Representación Legal, y no sería elegible según mis ingresos si la Intro 1104 se aprobara: mis ingresos brutos están por encima del 400% del Nivel de Pobreza Federal

Actualmente:

- A. Soy parte de la membresía de un grupo que organiza inquilinos cuyo nombre es:

- B. No soy parte de ningún grupo que organiza inquilinos

¿Está usted a favor de que el Concejo de la Ciudad de Nueva York apruebe la Intro 1104 para expandir el nivel de elegibilidad de ingresos del Derecho a la Representación Legal al 400% del Nivel de Pobreza Federal, y la Intro 1529 para dar fondos y apoyar para que los inquilinos se organicen?

- A. Sí
- B. No

Explique: _____

Firma: Attagracia Brito

Fecha: 02/09/20

**Tenant Template for Submitting Testimony at Hearing on Intro 1104 and Intro 1529
to Expand the Right to Counsel law**

Name: Margaret Capid

Address: 552 Parkside Ave Apt 4 Brooklyn N.Y.

How long have you lived at this home? 40 yrs

I have experience with (Circle all that apply):

- A. Eviction
- B. Housing court
- C. Landlord harassment
- D. Needed repairs

Explain: I have faced various water leaks, no heat, no hot water for several days over the years

Currently, I am:

- A. Income-eligible for Right to Counsel: My gross income is less than 200% of the Federal Poverty Level
- B. Not income-eligible for Right to Counsel, would be income-eligible if Intro 1104 passed: My gross income is between 200%-400% of the Federal Poverty Level
- C. Not income-eligible for Right to Counsel and would not be income-eligible if Intro 1104 passed: My gross income is more than 400% of the Federal Poverty Level

Currently, I am:

- A. A member of a tenant organizing group whose name is: Flatbush Tenant Coalition
- B. Not a member of a tenant organizing group

Are you in favor of the New York City Council passing Intro 1104 to expand Right to Counsel's income eligibility level to 400% of the federal poverty level and Intro 1529 to fund and support tenant organizing?

- A. Yes
- B. No

Explain: I am a senior citizen living alone with not much income. Most time a tenant doesn't know what to do when faced with these issues. We want justice.

Signature: Margaret Capid Date: 02-19-2020

Plantilla de inquilinos con el propósito de presentar testimonio en una audiencia sobre la Intro 1104 y la Intro 1529 para expandir la Ley del Derecho a la Representación Legal

Nombre: ESPERANZA PENA

Dirección: 180 E 18 ST apt 5C R 1004426

¿Cuánto tiempo lleva usted viviendo en este hogar?
30

Tengo experiencia con (seleccione todo lo que aplique):

- A. El desalojo
- B. La Corte de Vivienda
- C. El acoso del casero
- D. Reparaciones que se necesitan

Explique: Demande el landlord por arreglos 3 años, y no lo arreglo.

Un incendio ocurrió en mi edificio en feb 2019. Estoy viviendo afuera de mi apartamento hasta que lo arreglen.

Actualmente, soy:

- A. Elegible según mis ingresos para el Derecho a la Representación Legal: mis ingresos brutos están por debajo del 200% del Nivel de Pobreza Federal
- B. No elegible según mis ingresos para el Derecho a la Representación Legal, pero sería elegible según mis ingresos si la Intro 1104 se aprobara: mis ingresos brutos están entre el 200% - 400% del Nivel de Pobreza Federal
- C. No elegible según mis ingresos para el Derecho a la Representación Legal, y no sería elegible según mis ingresos si la Intro 1104 se aprobara: mis ingresos brutos están por encima del 400% del Nivel de Pobreza Federal

Actualmente:

- A. Soy parte de la membresía de un grupo que organiza inquilinos cuyo nombre es:
Flatbush Tenant Coalition
- B. No soy parte de ningún grupo que organiza inquilinos

¿Está usted a favor de que el Concejo de la Ciudad de Nueva York apruebe la Intro 1104 para expandir el nivel de elegibilidad de ingresos del Derecho a la Representación Legal al 400% del Nivel de Pobreza Federal, y la Intro 1529 para dar fondos y apoyar para que los inquilinos se organicen?

- A. Sí
- B. No

Explique: En este momento no hay suficiente \$ para pagar renta, otros gastos, y pagar un abogado. Todos los inquilinos deben ser elegibles. Organizarse es importante, gente tienen que defender en contra de desalojos y mas.

Firma: Esperanza Pena

Fecha: 2/19/20

**Tenant Template for Submitting Testimony at Hearing on Intro 1104 and Intro 1529
to Expand the Right to Counsel law**

Name: MAUREEN GanGaram

Address: 44 Lincoln Road Brooklyn New York 11225 #5F

How long have you lived at this home? 33 YEARS

I have experience with (Circle all that apply):

- A. Eviction
- B. Housing court
- C. Landlord harassment
- D. Needed repairs

Explain: All the Above, was wrongly Taken to court, my Landlord could hold the rent check, and say I never send it, suffered from not heat / Hot water, Ceiling Leaking, and

Currently, I am: Much more,

- A. Income-eligible for Right to Counsel: My gross income is less than 200% of the Federal Poverty Level
- B. Not income-eligible for Right to Counsel, would be income-eligible if Intro 1104 passed: My gross income is between 200%-400% of the Federal Poverty Level
- C. Not income-eligible for Right to Counsel and would not be income-eligible if Intro 1104 passed: My gross income is more than 400% of the Federal Poverty Level

Currently, I am:

- A. A member of a tenant organizing group whose name is: Flatbush Tenants Coalition.
- B. Not a member of a tenant organizing group

Are you in favor of the New York City Council passing Intro 1104 to expand Right to Counsel's income eligibility level to 400% of the federal poverty level and Intro 1529 to fund and support tenant organizing?

- A. Yes
- B. No

Explain: YES I am very much in favor of New York City Council passing intro 1104, As A single Head of Household, making minimum wages, I would not be able to afford a lawyer

Now I am finding very difficult to pay my rent, with the inflation, Thank To Right to Council to keep us aware.

Signature: Maureen GanGaram Date: 2.19.2020

Plantilla de inquilinos con el propósito de presentar testimonio en una audiencia sobre la Intro 1104 y la Intro 1529 para expandir la Ley del Derecho a la Representación Legal

Nombre: Nelida Hernandez

Dirección: 270 Clarkson Ave

¿Cuánto tiempo lleva usted viviendo en este hogar? 6 años

Tengo experiencia con (seleccione todo lo que aplique): Demande Al Arrendador porque vivo con mis dos hijos en condiciones de preorables

- A. El desalojo
- B. La Corte de Vivienda
- C. El acoso del casero
- D. Reparaciones que se necesitan

Explique: el apartamento total muerde sin reparación mis hijos + yo tenemos infecciones respiratorias porque el apartamento esta con hongos portados todos

Actualmente, soy: emos suportado todo para no irnos la calle!!

- A. Elegible según mis ingresos para el Derecho a la Representación Legal: mis ingresos brutos están por debajo del 200% del Nivel de Pobreza Federal
- B. No elegible según mis ingresos para el Derecho a la Representación Legal, pero sería elegible según mis ingresos si la Intro 1104 se aprobara: mis ingresos brutos están entre el 200% - 400% del Nivel de Pobreza Federal
- C. No elegible según mis ingresos para el Derecho a la Representación Legal, y no sería elegible según mis ingresos si la Intro 1104 se aprobara: mis ingresos brutos están por encima del 400% del Nivel de Pobreza Federal

- Actualmente:
- A. Soy parte de la membresía de un grupo que organiza inquilinos cuyo nombre es: Flatbush Tenant Coalition
 - B. No soy parte de ningún grupo que organiza inquilinos

¿Está usted a favor de que el Concejo de la Ciudad de Nueva York apruebe la Intro 1104 para expandir el nivel de elegibilidad de ingresos del Derecho a la Representación Legal al 400% del Nivel de Pobreza Federal, y la Intro 1529 para dar fondos y apoyar para que los inquilinos se organicen?

- A. Sí
- B. No

Explique: porque hay mucha gente no gana lo suficiente para pagar un abogado porque en la union esta la fuerza + en condas vive

Firma: [Signature]

Fecha: 2-19-20

Written Testimony for the Hearing on Intro 1104 and Intro 1529
to Expand the Right to Counsel law

My name is Sandra Walker.

I live on 925 Columbus Ave, Apt. 2RN. NYC, NY, 10025

I have lived in my home for thirty-five years

I have experience with

- A) Eviction
- B) Housing court
- C) Landlord harassment
- D) Needed repairs

The Goddard Riverside Law Project helped me throughout the process of defending my home. Without lawyers, I would have lost my place. It took two and a half years and a team of lawyers in court to help me get repairs in my apartment, end landlord harassment and fight back against his attempts to evict me. We did not have gas for a year and a half, but because of organizing and legal services, our gas got turned back on. Our attorneys managed to negotiate a temporary relocation while repairs were done that were affecting our health. The Daily News even reported our story.

Currently, I am Income-eligible for Right to Counsel: My gross income is less than 200% of the Federal Poverty Level yes

Currently, I am a member of a tenant organizing group whose name is: Goddard Riverside Law Project

I am in favor of the New York City Council passing Intro 1104 to expand Right to Counsel's income eligibility level to 400% of the federal poverty level and Intro 1529 to fund and support tenant organizing. yes
yes

Everyone should have representation in court. Families and elderly people shouldn't face bankruptcy or Eviction because they cannot afford to pay a lawyer. They should have access to lawyers from organizations like the Law Project. Organizers went to court with us, educated us on our rights, walked us through every step, keeping me constantly informed, reassuring and encouraging me that I would not be left or forsaken. The organizers invited us to join community meetings, and made us understand that we were not alone. Through these meetings, we got support of other tenants.

Signature: Sandra Walker Date: Feb 19, 2020

From: Cheryl Pahaham <cpahaham@gmail.com>
Cc: Paul Epstein <paul@rtmteam.net>
Subject: Lenox Terrace

INWOOD LEGAL ACTION

The Olnick Organization is a bad landlord. It was sued for raising rents illegally. It failed to make necessary, required repairs. It baselessly tried to evict tenants. After a bad twenty years, Olnick is asking the Council for a reward. It wants the Council's permission to subject tenants to horrible construction noise, significantly increase density, and alter the character of the community.

How about instead of assuring added profits for Olnick, the Council not only deny this ULURP, but also add Olnick's properties to the Certification of No Harassment program?

Right now when appointees to the RGB are being lobbied hard for rent increase upwards of 8 percent, Councilmembers ought to be thinking about how to ensure tenants stay housed rather than privileging corrupt developers who cannot be bothered to follow the laws.

Listen to the Councilmember from this district, who has said no to this project. According to Council tradition, all members should vote no. Even more important, according to your values, approving Olnick's request should already be unthinkable. Vote no to this rezoning.

Cheryl Pahaham and Paul Epstein
Co-Chairs

From: Katherine O'Sullivan <xkosullivan@hotmail.com>
Subject: Lenox Terrace Rezoning

I am opposed to the Lenox Terrace rezoning and support Council Member Perkins statement of opposition.

Katherine O 'Sullivan

-

From: Nancy Preston <nepreston1@gmail.com>
Subject: Vote NO to Lenox Terrace Rezoning

Please acknowledge Moving Forward Unidos of Northern Manhattan opposes the rezoning of Lenox Terrace. The City Council must put people first.

-

From: Rudyk <erudyk@optimum.net>
Subject: Stop The Rezoning of Harlem's Lenox Terrace

Stop The Rezoning of Harlem's Lenox Terrace

I believe the CPC was misguided and based their decision on rezoning Lenox Terrace on incorrect information. Also at the CPC hearing, It was obvious that there were more people who were opposed to the rezoning, and that should have been evident to the CPC. A 2013 survey determined that 78% of Lenox Terrace Residents were opposed to rezoning. I believe a more current survey would find more Lenox Terrace tenants opposed to rezoning, especially since they have seen what has happened to the city in terms of hyper-gentrification. I fully support Councilman Perkins's statement condemning rezoning of Lenox Terrace.

Ed Rudyk

From: zytiin thornton <zvk135@gmail.com>

Subject: Opposition to Rezoning of lenox Terrace Housing Complex

Chairmen Francisco Moya:

I am opposed to the rezoning of Lenox Terrace Housing Complex and fully supports the attached statement in opposition to the rezoning. The quality of life would be compromised.

No to rezoning.

ZYTIIN THORNTON

 [perkins statement](#)

-

From: Janay shabazz <janayshabazz@aol.com>

Subject:

Dear Chairman Francisco Moya

I am a Tenant at 2186 5th Ave New York New York 10037 I would like you to vote NO to vote the rezoning of Lenox Terrace on Wednesday February 26 2020

Thanks in advance

Janay Shabazz

From: Sandra Contreras <scontreras@goddard.org>
To: "Kampfner-Williams, Maxwell"
Cc: "alyssa@righttocounselnyc.org" <alyssa@righttocounselnyc.org>
Subject: RTC Hearing Written testimony

Dear Matthew,

I have attached written testimony from two of our tenant/members.

Thank you and CM Lancman for all your efforts in putting the hearing together!

Best regards,

Sandra Contreras, MSW

Tenant Organizer

Goddard Riverside Law Project

51 West 109th Street | New York, NY 10025

212-799-9638 ext. 1510 | scontreras@goddard.org

**Tenant Template for Submitting Testimony at Hearing on Intro 1104 and Intro 1529
to Expand the Right to Counsel law**

Name: CHRISTALIA MATTHIAS

Address: 925 COLUMBUS AVE #2FN N.Y. N.Y. 10025

How long have you lived at this home?
40

I have experience with (Circle all that apply):

- A. Eviction
- B. Housing court
- C. ~~Landlord harassment~~
- D. Needed repairs

Explain: I went to housing court to force landlord to make
necessary repairs.

Currently, I am:

- A. Income-eligible for Right to Counsel: My gross income is less than 200% of the Federal Poverty Level
- B. Not income-eligible for Right to Counsel, would be income-eligible if Intro 1104 passed: My gross income is between 200%-400% of the Federal Poverty Level
- C. Not income-eligible for Right to Counsel and would not be income-eligible if Intro 1104 passed: My gross income is more than 400% of the Federal Poverty Level

Currently, I am:

- A. A member of a tenant organizing group whose name is: Goddard Riverside
- B. Not a member of a tenant organizing group

Are you in favor of the New York City Council passing Intro 1104 to expand Right to Counsel's income eligibility level to 400% of the federal poverty level and Intro 1529 to fund and support tenant organizing?

- A. Yes
- B. No

Explain: I have benefited from working with Goddard
Riverside Law project attorneys and tenant
organizers. I was relocated to a renovated apartment
in the same building.

Tenant Script for Testifying at the Hearing on Intro 1104 and Intro 1529
to Expand the Right to Counsel law

Hello. My name is Alphie Martinez, and I am here to testify in favor of passing Intro 1104 and Intro 1529 to expand the Right to Counsel law. I am a rent-stabilized tenant in the borough of Manhattan, where I have lived for 40 years.

It is important to me to remain in my home because I have set roots here; in this neighborhood. I've battled drug dealers + rats here. We are a family here. We belong here. I feel safe here. If a tenant like me is facing an eviction, having the right to a lawyer is key to being able to stay in your home. Right to Counsel is important to me because of my experience with [eviction/ housing court/ landlord harassment/ needed repairs]. I have faced EVICTIONS ON MANY OCCASIONS. WELL BEHIND ON RENT; USED MONEY FOR DAD'S FUNERAL. HELD BACK RENT FOR REPAIRS SEVERAL TIMES, LANDLORD DID NOT POST RENT PAYMENTS REC'D - EVICTION NOTICE SENT.

It is important that the city passed the Right to Counsel law, but it must do more to make sure all tenants have and use this right.

Intro 1104 would increase Right to Counsel's income eligibility level. This is important to me because MANY MORE TENANTS WOULD BENEFIT. LESS HOMELESS PEOPLE. HARD TO HOLD DOWN JOB WHEN YOU'RE HOMELESS.

Intro 1529 would require the city to fund tenant organizing. As a member of 11, this is important to me because TENANTS NEED AS MUCH GUIDANCE AS POSSIBLE TO REMEDY SITUATIONS BEYOND THEIR CONTROL. TENANT ORGANIZING HELPS RELIEVE STRESS + ANXIETY CAUSED BY SAID SITUATIONS.

The city can and should do more to stop evictions. As a New York City resident, I urge my City Council to pass and fund Intro 1104 and Intro 1529 by June so that more people have the Right to Counsel and use it to defend their homes!

Thank you.



**Testimony of Judi Kende
VP and Market Leader
Enterprise Community Partners, Inc.**

**For the New York City Council
Committee on Housing and Buildings
and
Committee on the Justice System**

Hearing on the Implementation and Expansion of Right to Counsel in Housing Court

Good afternoon. My name is Judi Kende, and I am the Vice President and Market Leader for the New York office of Enterprise Community Partners. Enterprise is a national affordable housing nonprofit whose mission is to create opportunity for low- and moderate- income people through affordable housing in diverse, thriving communities. We invest capital to create and preserve quality affordable homes, reinvest revenues to develop programmatic solutions, and scale these solutions through policy change. Since our New York office opened in 1987, we have helped build or preserve more than 63,000 affordable homes for over 167,000 New Yorkers through capital investments, programmatic initiatives, and policy advocacy. On behalf of Enterprise, I would like to thank Chair Cornegy and Chair Lancman for the opportunity to testify in support of Intro 1104 and Intro 1529, which expand and bolster Right to Counsel (RTC) in New York City.

Enterprise supported RTC legislation when it was introduced in 2017 because it promised to provide low-income New Yorkers a fair chance at defending themselves in housing court. Studies show that unrepresented tenants are evicted nearly half the time, but win their cases 90% of the time when represented.¹ The first two fiscal years of the Right to Counsel phase-in have been enormously successful, with evictions declining five times faster in zip codes where RTC is in effect than similar zip codes where it is not.² Over the past two years, 84% of low-income tenants with representation through RTC were able to avoid eviction and stay in their homes.³ RTC is a particularly important resource for rent regulated tenants, who have historically been victims of harassment. The evidence of RTC's positive impact on low-income renters is clear. As a co-leader of the Family Homelessness Coalition, Enterprise supports City programs aimed at preventing family homelessness and increasing stability for families with children who leave shelter. Expanding and strengthening RTC by passing Intro 1104 and Intro 1529 would do just that.

¹ New York Times Editorial Board. A Right to a Lawyer to Save Your Home

http://www.nytimes.com/2016/09/23/opinion/a-right-to-a-lawyer-to-save-your-home.html?_r=0

² Community Service Society, Right to Counsel and Strong Rent Laws Helped Reduce Evictions in 2019

<https://www.cssny.org/news/entry/right-to-counsel-and-stronger-rent-laws-helped-reduce-evictions-in-2019>

³ New York City HRA. Universal Access to Legal Services

https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_UA_Annual_Report_2019.pdf



Intro 1104s expansion of income eligibility level from 200% of the federal poverty level to 400% would expand access to full legal representation to roughly 31% more tenants currently in housing court. Increasing income eligibility would ensure that all tenants facing eviction have the legal representation they need. The bill would also expand RTC to cover residents in Mitchell-Lama buildings and other eviction proceedings handled outside of NYC housing court.

In order for RTC to be truly successful, all renters need to understand their rights and what resources are available to them. Intro 1521 would boost education and awareness for RTC providing resources to trusted tenant organizing groups who have a deep understanding of their communities and how to engage them. Tenant organizers could also identify reasons outside of the legal court process that tenants are forced out of their homes, preventing more covert harassment and intimidation.

Thank you for the opportunity to testify today. Enterprise applauds the Council's leadership in its efforts to expand the right to legal counsel to more tenants, and bolster engagement and education efforts. We look forward to ensuring that adequate resources are allotted for RTC expansion, and look forward to our continued work together to expand access to housing, prevent displacement, and make New York City a fairer place for renters.

NYC Council Committee on Justice System
Implementation and Expansion of Right to Counsel in Housing Court
Testimony of Bronx Borough President Ruben Diaz Jr. (On Submission)
February 24, 2020

The housing affordability crisis facing our city has touched people living in every neighborhood in all five boroughs. Millions of New Yorkers are rent burdened or severely rent burdened and tens of thousands of households are at risk of eviction every year. Homelessness is at or near its all-time high, with a recent City Council report saying that 83,277 individuals were homeless in January 2019 including 3,950 individuals experiencing street homelessness. In fiscal year 2019, there were 20,013 evictions citywide. These numbers indicate a crisis that we must do more to address.

Nowhere in the city is this truer than in the Bronx. Of those 20,013 evictions citywide, 6,856 were in the Bronx – 34 percent of the total. Bronx residents are least likely among the boroughs to have representation in housing court at only 29 percent. There were 30,753 eviction warrants issued in the Bronx in fiscal year 2019 accounting for 38 percent of the city total, including the most warrants for non-payment among the boroughs. According to a report by the Furman Center, the Bronx was the only borough to see an increase in eviction filings between 2010 and 2017, and this increase happened in every Bronx community district.

The ‘right to counsel’ legislation that New York City adopted in 2017 was a strong step forward to keeping people in their homes. I am proud to have supported the passage of this landmark legislation and am thankful for the thousands of Bronx residents who have been able to stay in their homes due to the assistance that they received under this program.

This program is working as intended. More tenants are gaining access to counsel than ever before. In 2013, only one percent of tenants in housing court had representation. That number had grown to 32 percent by the end of fiscal year 2019. Additionally, according to a March 2019 report from the Community Service Society, between 2017 and 2018, evictions in the covered ZIP codes declined by 11 percent compared with only four percent overall. More representation and fewer evictions show the program’s success thus far.

According to the second annual report on the ‘right to counsel’ implementation from the Office of Civil Justice (OCJ) in the Human Resources Administration (HRA), 32,170 households citywide were aided in their eviction cases in fiscal year 2019 under this law, including 10,906 households in the Bronx. But still only 32 percent of the tenants who appeared in housing court had representation in the fourth quarter

of fiscal year 2019. Clearly, there is more that must be done to ensure that every tenant is getting a fair shake in housing court.

The implementation of the 'right to counsel' law is continuing to be rolled out by ZIP code. Currently, there are 25 ZIP codes citywide where universal right to counsel is available, including five in the Bronx. Additionally, to qualify for the benefits of the program, the household must make no more than 200 percent of the poverty level. This leaves a large number of people who are not qualified for the program but still facing evictions. While many low-income New Yorkers are being served, middle class residents who are still struggling to pay their high rents are falling through the cracks. The majority of households who have been able to get access to counsel through this program were living in poverty, including 63 percent of those who used the program in the Bronx. An HRA study from 2016 found that 38 percent of tenants without counsel in housing court had incomes over 200 percent of poverty. This number has likely only grown as more people living in poverty gained access to counsel.

The two bills that the City Council is currently considering to expand the right to counsel law would help close this gap and to ensure that even more tenants have access to the counsel that they deserve in housing court.

I support Intro 1104 to expand the Right to Counsel Law to more New Yorkers. Middle class residents are facing increasing rents that make it hard for them to stay in their homes. The rent law that the state legislature passed and Governor Cuomo signed last June was a strong step forward towards tackling high rents. While it was focused on tenants in rent stabilized apartments, there were benefits for all New Yorkers including the capping of security deposits and the recent rule about payment of broker fees that is being adjudicated in the courts. This rent law will help tackle the eviction crisis because it removes one incentive for landlords of rent stabilized apartments to try to evict their tenants because there is no longer an option for them to raise rents from the vacancy bonus. This will help keep rents down.

Intro 1104 will raise the cap on who can have access to counsel through the city program from 200 percent of poverty to 400 percent of poverty. According to the federal poverty level, for a family of four this would be \$103,000 per year, thus covering middle class New Yorkers as well as low-income residents. This would be a big boost to keeping people in their homes. Middle class residents in New York City are much less likely to be homeowners than middle class residents elsewhere in the country. Opportunities for homeownership are limited in our city, particularly in the Bronx as was discussed in my recent report *A Place to Call Home: Pathways to Homeownership Preservation and Opportunity in New York City*. Therefore it is imperative that the City Council act to help keep middle class renters in their apartments, and Intro 1104 will help do just that.

Intro 1529 would also result in more tenants utilizing the universal access to counsel program. In fiscal year 2019, 68 percent of tenants in housing court did not have legal representation. This still included 38

percent of tenants in the ZIP codes already covered by the law. There are thousands of people – even in the covered ZIP codes – that were still at a disadvantage in housing court. One of the problems with this is that many people do not know about the fact that they may be eligible for access to counsel under this program. The requirement for OCJ implemented under Intro 1529 to expand their community engagement and education efforts will help mitigate this issue by increasing the outreach that community organizations do to ensure that everyone who eligible under this law gets counsel under the law.

The Council must ensure that the expansion of the ‘access to counsel’ law is fully funded in subsequent budgets. Additionally, OCJ must find an adequate number of lawyers to help tenants in housing court so that each tenant gets the level of representation they deserve. Without an adequate number of lawyers working on these cases, tenants will not get the full attention they deserve from overburdened advocates. OCJ should continue its strong efforts to recruit more legal advocates to participate in the program, especially ensuring that the lawyers that have experience in housing court stay in the program to provide the tenants with the best representation.

We must also make sure that the residents of NYCHA are aware of their rights to access counsel in NYCHA administrative termination of tenancy hearings. Under Intro 1529, OCJ should also engage with NYCHA tenants’ associations in addition to those associations in private rental buildings to make sure that the information about tenants’ rights goes out to as many people as possible.

I would like to commend Council Members Mark Levine and Vanessa Gibson for their efforts on this important issue and I urge the Council to adopt these two pieces of legislation. I look forward to seeing every tenant in housing court have access to counsel and for as many people as possible to avoid eviction and to be able to stay in their homes.

February 24, 2020
10:00 AM



Testimony of Esteban Girón
Member, Crown Heights Tenant Union (CHTU)
Member, Tenants PAC Board of Directors

Before the New York City Council Committee on Justice System
Jointly with the Committee on Housing and Buildings

Good afternoon. My name is Esteban Girón, and I am a member of the Crown Heights Tenant Union (CHTU). We are a tenant-led, all-volunteer union of tenant associations with member buildings in the 35th, 36th, 40th and 41st NYC Council Districts, and we are proud members of the Right to Counsel Coalition. I also serve on the Board of Directors of Tenants PAC. It is an honor to speak today in support of Intro 1104, “Expanding the Right to Counsel for Tenants,” here in the presence of many of the same tenants and advocates that helped enshrine the Right to Counsel into law in 2017 and followed that up with winning the strongest tenant protections in a generation. I want to take a quick moment to thank the members of the committees present today, and in particular I want to thank Majority Leader Laurie Cumbo, who is my council member in the 35th District, for putting her name on this legislation that will help preserve the homes of tenants in our district for years to come.

In the Winter of 2013, my husband and I were not doing very well financially - my husband was making less than \$8/hr. working part-time while going to graduate school full-time, and I was fighting a recent denial of Social Security benefits. We fell behind on rent and ultimately lost our apartment in an eviction proceeding. We spent almost 3 months couch-surfing before finding a rent-stabilized apartment on the other side of Crown Heights, and even though we knew we couldn’t quite afford the monthly rent, we cashed out an entire semester of student loans to prepay 6 months of rent so the landlord would forgo a credit check and rent us the apartment. It was risky, but not as

risky as remaining homeless, and we were hopeful that with hard work and a bit of good budgeting, our fortunes would improve.

We knew from our previous eviction case that we should get a copy of our rent history, and after obtaining it we were amazed to find that we could indeed afford the rent - the REAL rent - which was hundreds less than what we were paying. We knew DHCR couldn't process our overcharge case in time to help us, so we contacted the Crown Heights Tenant Union after seeing a flyer posted near our train stop. We stopped paying rent in order to force a non-payment proceeding, and by the time we were sued the CHTU had set us up with legal representation through South Brooklyn Legal Services. Despite knowing we had a solid case, it was still an extremely stressful process. The threat of eviction can make a person become paralyzed with fear. A few months later, we reached a settlement that won us a rent reduction of over \$400/month plus treble damages subtracted from our rent arrears. It was life-changing, not only because we kept our home at a price we could afford, but because we did it together with other tenants who supported us and fought alongside us every step of the way.

The experience of winning the overcharge fight led to me fully commit myself to helping my neighbors avoid displacement in a rapidly-gentrifying part of Central Brooklyn, helping to start my building's tenant association (shoutout to the 951 Carroll Street Tenants Association!), and also forming a Local of the tenant union which included several buildings owned by my landlord. As everyone here is aware, landlords really hate organizers, especially those who have already proven effective at forcing them to comply with the law. Our new TA continued to win individual court cases, so our landlord worked very hard to find a way to force us out of our apartment, at one point racking up over 45 HPD open violations in our unit alone. We decided once again to set aside our rent to force those repairs, and shortly thereafter we were back in court. We qualified for an attorney again, but despite having a solid case that was ready for trial, our attorney was too new at the job and too overwhelmed with a full caseload to be able to adequately pursue our claims. She told us she had never done an abatement hearing and wasn't planning on changing that fact. We were forced to settle the case.

By that point I was already receiving social security benefits, and my husband had worked incredibly hard for 3 years to achieve a couple of promotions that made a significant impact on our ability to make ends meet. We were fed up with years of horrible conditions but excited that our zip code was one of the first in Brooklyn to be covered by Right to Counsel. Unfortunately, my husband's salary increase put us a couple hundred dollars over the 200% FPL that was required for free legal services, and when my landlord realized we would not be represented in court, he jumped at the chance to hire a fancy new attorney to try to get rid of us. That led to us being sued 3

more times, for a grand total of 5 non-payment cases (so far) filed against us in our 7.5 years at our current apartment. We have faced those 3 cases with no legal counsel, each time risking our home and feeling the terror of an eviction threat.

It has been demoralizing to find ourselves in that vulnerable of a state after feeling like we had done everything that good, responsible citizens were supposed to do. My husband worked to lift us out of poverty, ultimately phasing himself out of the SNAP and Medicaid programs. Meanwhile, I was finally stable with Social Security benefits, and with my free time I founded the CHTU Court Solidarity Committee. Together with other tenants in the Crown Heights Tenant Union, we've helped our all-volunteer, non-funded, non-hierarchical, radically democratic union take its rightful place as a thorn in the side of slumlords and shady developers. I spend every spare moment that I can building tenant power with my neighbors and colleagues in the housing movement. We've accompanied scores of tenants to housing court, and I have helped legal services orgs like the Legal Aid Society organize tenants for precedent-setting cases. My husband and I have tried to give back as much as we were given. *(This is a strong argument for the other legislation before you today - free lawyers help us save our homes, but good organizers make us advocates for ourselves, our neighbors, and tenants all over the city).

But math is math, and income charts don't account for things like civic duty or self-motivation, a fact made crystal clear when a supervising attorney who I had worked with extensively denied us the chance to be represented in another eviction case. She didn't want to make an exception to policy because she might get audited by HRA, and she recommended we get a one-shot deal so we wouldn't be a drain on resources meant for other tenants, which doesn't make any fiscal sense. We didn't take her advice. Instead, I spent weeks teaching myself how to research case law to figure out how to get the case dismissed with a traverse hearing, and we ultimately prevailed on the credibility of our witnesses.

But my landlord wasn't done. The day before the new rent laws passed on June 14, 2019, we were sued for a 5th time. Again, we were deemed ineligible under income rules, and the very orgs we partner with in several coalitions found themselves unable to help us. We decided to once again attempt to get a dismissal. We agreed to a briefing schedule, served and filed a motion complete with a legal brief, served and filed an answer to the landlord's opposition papers, prepared oral arguments, etc. Prior to this, I was completely unfamiliar with every single term in that sentence, because again, I'm not an attorney! This episode ended well; however, as our motion was granted and the case dismissed, the landlord's attorney simultaneously served us with a notice to cure in

preparation for a nuisance holdover, we aren't sure if or when that case may commence, but it's clear he's not done with us yet.

This is our new normal. Now, the mere possibility that a knock on the door is a process server can leave us with a crippling anxiety that's impossible to shake. And yet I am so blessed to have resources that many tenants can only dream of. I have a community that does solidarity like no other. I have the smartest, wonkiest policy people in the housing movement just a text or email away. I have friends who are housing attorneys and can point me in the direction of caselaw that can help. My husband and I will be fine, I'm sure of that. But there are families just like mine who won't be fine. They can't afford to wait for the allocation of more funding. They can't afford to wait for the budget to be worked out. They need relief now. This legislation was introduced in September 2018. We got a little impatient over the course of a year and went ahead and lobbied enough co-sponsors for this legislation to pass the $\frac{2}{3}$ majority threshold. It took a lot of work, and now we are counting on you to get it across the finish line.

In closing, I'd like to ask all of you here not to let yourselves become desensitized or in any way normalize what we're talking about in all this - evictions are NOT ok. And evictions never have a good cause. Evictions are cruel. Evictions are violent. Evictions kill...and we have the audacity to believe a life is more precious than last month's rent. Intro 1104 will greatly reduce the incidence of these violent acts of eviction and bring us much closer to our goal of an Eviction Free NYC. I urge you to act now! Thank you for your time and attention today.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1104 Res. No. 1529
 in favor in opposition

Date: 2/24/2020

(PLEASE PRINT)

Name: Lucette Clermont

Address: 1750 Grand Concourse

I represent: CASA

Address: 35 Marcy Place

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Both Res. No. _____
 in favor in opposition

Date: 2/24/20

(PLEASE PRINT)

Name: MARINO DILONE

Address: 1665 MONROE AVE.

I represent: CASA

Address: 1512 TOWNSEND AVE.

**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: 2/24/20

(PLEASE PRINT)

Name: GEORGE STARKOFF

Address: 901 WAXTON AVE. #66 10452

I represent: C.A.S.A. COM. NET. SAFE APTS

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: 2/24/2020

(PLEASE PRINT)

Name: FITZROY CHRISTIAN

Address: 15 FEATHERBED LANE #8E 10452

I represent: SELF & C.A.S.A

Address: 35 MARC' PLACE B4 10452

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

[]

I intend to appear and speak on Int. No. 1104+1529 Res. No. _____
 in favor in opposition

Date: 2/24/20

(PLEASE PRINT)

Name: LAWREN SPRINGER

Address: 43-08 40th St #5J, sunnyside, NY 11104

I represent: Catholic Migration Services / RTC NYC Coalition

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

[]

I intend to appear and speak on Int. No. 1529/1104 Res. No. _____
 in favor in opposition

Date: 2/24/2020

(PLEASE PRINT)

Name: Clarence B. Dawsonville, Esq.

Address: _____

I represent: CAUTIONER Services, Inc.

Address: 20 Snyder Ave. Brooklyn NY

11226

**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: 2/24/2020

(PLEASE PRINT)

Name: Gale A Brewer

Address: 412 W 20th St New York, NY

I represent: Manhattan BIP - 2005 SINCERITY

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: ENEAGWA LEWIS

Address: 4 RIVER ROAD NY NY 10014

I represent: 2-4 RR TA/TENANTS & NEIGHBORS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

83

Appearance Card

I intend to appear and speak on Int. No. 1104 Res. No. 1529

in favor in opposition

Date: 2/24/20

(PLEASE PRINT)

Name: Flanders Jones

Address: 131 W 33rd St New York, NY

I represent: NYSNA - Nurses Association

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1529/1109 Res. No. _____

in favor in opposition

Date: 2/29/20

(PLEASE PRINT)

Name: George Sotiroff

Address: 901 Walton Avenue

I represent: CASA members

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: Emily Goldstein

Address: _____

I represent: ANHD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1104 Res. No. 1529

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Daniel Joseph Witley

Address: 234 Oliver street - Newark, NJ

I represent: Ironbound, Newark, NJ

Address: 317 Elm Street, Newark, NJ

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. 1104/1529 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Martha Puente

Address: Elmhurst, Queens

I represent: Catholic Migration Services

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1529/1104 Res. No. _____
 in favor in opposition

Date: 2/24/20

(PLEASE PRINT)

Name: Diana Hawkins

Address: 1065-81 Jerome Ave, Bronx

I represent: myself and Tenants

Address: 1065-81 Jerome Ave, Bronx

**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: 02.24.2020

(PLEASE PRINT)

Name: Patricia Bowles - Simmonds

Address: 83 West 115th St

I represent: Goddard Riverside Law Project

Address: 81

**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: 2-24-2020

(PLEASE PRINT)

Name: TYRONNE ANTHONY PRESIDENT

Address: 300 West 46th Street

I represent: FEMMES GODDARD REVERSIDER MEMBER

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1104 + 1529 Res. No. _____

in favor in opposition

Date: 24 Feb 2020

(PLEASE PRINT)

Name: Robert Reyes Villagomez

Address: 1512 Townsend Avenue Bronx NY 10452

I represent: CHSA - Community Action for safe AB

Address: 30

**THE COUNCIL
THE CITY OF NEW YORK**

75

Appearance Card

I intend to appear and speak on Int. No. 1529 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ROBERT COLKING

Address: 215 W 14th St #12

I represent: GODDARD RIVERIDE

Address: 109 STROSET NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1104/11529 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mary Fox

Address: 777 Tenth Ave. NY, NY

I represent: Housing Conservation Coordinators

Address: 777 Tenth Ave. NY, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1104 Res. No. _____

in favor in opposition

Date: 2/24/2020

(PLEASE PRINT)

Name: Esteban Giron

Address: 951 Carroll St. #6F

I represent: Brooklyn NY 11225
Crown Heights Tenant Union

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: MAMADOLE SYLLA

Address: 120 W 116 ST

I represent: _____

Address: _____

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

THE COUNCIL
THE CITY OF NEW YORK

76

Appearance Card

[Empty box]

I intend to appear and speak on Int. No. 1106 Res. No. 1529

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Diana Miranda

Address: _____

I represent: Community Service Society

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

70

Appearance Card

[Empty box]

I intend to appear and speak on Int. No. 1104/1522 Res. No. _____

in favor in opposition

Date: 2/24/2020

(PLEASE PRINT)

Name: Lily Carino

Address: _____

I represent: 1199

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

[Empty box]

I intend to appear and speak on Int. No. 1104 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Xiomara Loarte

Address: 350 W 31st St, New York, NY 10001

I represent: NYCCLC, AFL-CIO

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 1104 Res. No. _____

in favor in opposition

Date: 02/24/2020

(PLEASE PRINT)

Name: Jared Trayillo

Address: 750 Broadway, Suite 1600

I represent: Association of Legal Aid Attys (NALA 23)

Address: 206th Ave, Apt 408, 10011

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 1104 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Lillie Carino Higgins

Address: 330 W 42 St, NYC 10036

I represent: 1199 SEIU

Address: 330 W 42 St, 17 Fl, NYC 10036

**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: Feb 24, 2020

(PLEASE PRINT)

Name: Chaplain, Sandra Mitchell

Address: 253 East 181st Street #5A

I represent: NWBCCC, CASA Bronx County

Address: 103 ~~East~~ 196th St. At Large
35 Mary Place

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. 1104/1529 Res. No. _____

in favor in opposition

Date: 2/24/20

(PLEASE PRINT)

Name: Bill Whalen

Address: 55 Water Street NY NY

I represent: DC37 Municipal Employees Leg. Services

Address: 55 Water Street NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1104/152 Res. No. _____

in favor in opposition

Date: 2/24/20

(PLEASE PRINT)

Name: Stefanie Romaine

Address: _____

I represent: ATTORNEY MAKE THE ROAD NEW YORK

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1104/1525 Res. No. _____

in favor in opposition

Date: 2/24/20

(PLEASE PRINT)

Name: STEFANIE STORICO

Address: _____

I represent: ATTORNEY TAKE ROOT JUSTICE

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. 1509 1104 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Sanja Shield, Legal Services Staff Association

Address: 256 W. 38th St NY NY 10018

I represent: UAW 2320

Address: 256 W 38th St # 705 NY NY 10018

**THE COUNCIL
THE CITY OF NEW YORK**

60

Appearance Card

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

in favor in opposition

Date: 2/24

(PLEASE PRINT)

Name: Julie Chan

Address: 20 West 115th Street

I represent: North West Bronx Community & Clergy Coalition

Address: 103 E 196th Street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1124/11529 Res. No. _____

in favor in opposition

Date: 2/24/2020

(PLEASE PRINT)

Name: Deborah D. Bradley

Address: 109 S. 5th Street BK NY 11275

I represent: Brooklyn Communities Rebuilt CT

Address: 47-61 Dirksen Blvd. Sunnyside NY

11104

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: 2/24/20

(PLEASE PRINT)

Name: Zyler Simpson

Address: 2987 Webster Ave, #3D

I represent: North Bronx Community Center

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

58

Appearance Card

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

in favor in opposition

Date: 2/24/2020

(PLEASE PRINT)

Name: Ignacio Saucedo

Address: 520 8th Ave

I represent: Center for Court Innovation

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1104/1529 Res. No. _____

in favor in opposition

Date: 2-24-2020

(PLEASE PRINT)

Name: Jose G. Miranda

Address: 5640 Netherland Ave, Bronx NY 10471

I represent: Catholic Migration Services

Address: 191 Tocalmon Street, Brooklyn NY 11201

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. 1104/1529 Res. No. _____

in favor in opposition

Date: 2/24/2020

(PLEASE PRINT)

Name: Lesvia Mendez

Address: _____

I represent: Catholic Migration Services

Address: 47-01 Queens Blvd. Sunnyside Ny
11104

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1104/1529 Res. No. _____

in favor in opposition

Date: 2/24/2020

(PLEASE PRINT)

Name: Jhanita Lucero

Address: _____

I represent: Catholic Migration Services

Address: 47-01 Queens Blvd Sunnyside Ny
11104

**THE COUNCIL
THE CITY OF NEW YORK**

56

Appearance Card

I intend to appear and speak on Int. No. 1124/1529 Res. No. _____

in favor in opposition

Date: 2/24/2020

(PLEASE PRINT)

Name: Judith Bernard

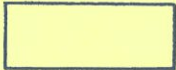
Address: _____

I represent: Catholic Migration Services

Address: 47-61 Queens Blvd. Sunnyside Ny
11104

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. 1104/1529 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ernesto Villafane

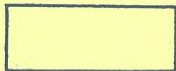
Address: Jackson Heights Queens

I represent: Catholic Migration Services

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. 1104/1529 Res. No. _____

in favor in opposition

Date: 2/24/2020

(PLEASE PRINT)

Name: Ivette salmon

Address: _____

I represent: Catholic Migration Services

Address: 47-01 Queens Blvd Sunnyside NY
1104

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. 1104/1529 Res. No. _____

in favor in opposition

Date: 2/24/2020

(PLEASE PRINT)

Name: Lorena Santana

Address: _____

I represent: Catholic Migration Services

Address: 47-01 Queens Blvd Sunnyside NY
1104

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1104/1529 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Sandra Hidalgo

Address: Queens

I represent: Catholic Migration Services

Address: 47-01 Queens Blvd.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1104/1529 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jesus Alvarez

Address: Queens

I represent: Catholic Migration Services

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: 2/24/20

(PLEASE PRINT)

Name: Sopore Collyer

Address: 500 West 173rd St

I represent: _____

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

47

Appearance Card

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

in favor in opposition

Date: 2/24/2020

(PLEASE PRINT)

Name: Amy Collado

Address: 863 Hunt Point Ave

I represent: Catholic Migration Services

Address: 47-01 Queens Blvd. Jammyside NY

11104

City Barz

**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: Alison King

Address: 250 E. 55th, NY, NY 10019

I represent: NYC Bar Assoc

Address: _____

Admin

**THE COUNCIL
THE CITY OF NEW YORK**

2

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Anthony Gannafro

Address: NYC Civil Court

I represent: Office of Court Administration

Address: 111 Centre St NY, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1529 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: SARAH GILLET

Address: _____

I represent: Flatbush Tenant Coalition

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: 2/24/20

(PLEASE PRINT)

Name: Marlene A-JEAN NOEL

Address: 3413 AVENUE APT 4H

I represent: BROOKLYN TENANT C.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1109/1529 Res. No. _____

in favor in opposition

Date: 2/24/2020

(PLEASE PRINT)

Name: Jenny Laurie

Address: 240 W 95 ST #74F NYC 10025

I represent: Housing Court Answers

Address: 50 Broad St NYC 10004

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. 1529+1104 Res. No. _____

in favor in opposition

Date: 2/25/20

(PLEASE PRINT)

Name: Daniel Buk

Address: _____

I represent: CID-NY

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: Lawrence E. J. Cards

Address: 6 Centre St. Terr Boston MA

I represent: BNCLT, City Life Vida Urbana

Address: Boston

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1529+1104 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Noel Sanders

Address: 1 Hancock St. Somerville, MA 02144

I represent: City Life Vida Urbana

Address: Somerville, MA

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: _____

(PLEASE PRINT)

Name: Jewel Gates

Address: _____

I represent: self

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1529 + 1104 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jacquelyn Simone

Address: _____

I represent: Coalition for the Homeless

Address: 129 Fulton St, NY, NY 10038

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1525 Res. No. _____

in favor in opposition

Date: 2/24

(PLEASE PRINT)

Name: Pastor Taberna Holley

Address: 5700 Arlington Ave

I represent: New Day Church

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. 1104 Res. No. 1529

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Roman Catala

Address: 1685 Toppling Rd. 12

I represent: CASA

Address: 35 Marcy Pl

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 10529 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Dina Lema

Address: Elmhurst Queens

I represent: Catholic Migration services

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: 2-24-20

(PLEASE PRINT)

Name: Ms Samantha Thomas

Address: 410 Cathedral Pkwy

I represent: The Morriside Heights Multi-Cultural

Address: Tenant's Organization and The

Tenants and Neighbor N.Y.S. Board

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: _____

(PLEASE PRINT)

Name: Andrew Scherer

Address: NY Law School

I represent: NYC Bar Assoc.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1104 Res. No. _____

in favor in opposition

Date: 2/24/20

(PLEASE PRINT)

Name: Elizabeth Thompson

Address: _____

I represent: Northwest Bronx Community + Clergy
Coalition

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: KADGET + MORRIS

Address: _____

I represent: Community Legal Services of Philadelphia

Address: 1529 + 1104

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: _____

(PLEASE PRINT)

Name: Randy G. Illers

Address: _____

I represent: _____

Address: _____

Tenants

**THE COUNCIL
THE CITY OF NEW YORK**

(1)

Appearance Card

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

Date: _____

(PLEASE PRINT)

Name: Flloyd Smith

Address: 201 E. 18th St. Apt 6 BK. N.Y. 10026

I represent: FTC

Address: 773 OCEAN AV. BK.

**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: 2/24/20

(PLEASE PRINT)

Name: Gordon Lee

Address: 1 St. Pauls Ct. Suit 1K

I represent: ALL

Address: Brooklyn County NY (Kingscounty NY)

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: Feb 27, 2020

(PLEASE PRINT)

Name: Rev. Dr. Michael Stuy

Address: 445 E. 17th Street Bx N110457

I represent: Stray Families Delivered Reunited

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1104 Res. No. 9 1525

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MARY Fox

Address: 777 102 Ave ny ny 10019

I represent: HOUSING Conservation COORDINATORS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1529+1104 Res. No. _____

in favor in opposition

Date: 2/24/20

(PLEASE PRINT)

Name: Julia Lake

Address: 260 E. 161st Street, Bmx NY 10451

I represent: The Bronx Defenders

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. 1104 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Beth Goldman
Address: 7 Hanover Square
I represent: NYLAG -
Address: 7 Hanover Sq.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1104/1529 Res. No. _____
 in favor in opposition

Date: 2/21/20

(PLEASE PRINT)

Name: Elena Rodriguez
Address: 81 Willoughby St 5th Fl, Brooklyn, NY 11201
I represent: Housing Works, Inc
Address: 81 Willoughby St 5th Fl, BK, NY 11201

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1104 Res. No. _____
 in favor in opposition

Date: 2/24/2020

(PLEASE PRINT)

Name: Jessica Penkoff
Address: _____
I represent: Volunteers of Legal Svc Veterans
Address: 40 W 4th Initiative

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1529 Res. No. _____

in favor in opposition

Date: 2/24/2020

(PLEASE PRINT)

Name: Kim Statuto

Address: 1515 Selwyn Ave

I represent: CASAT

Address: 35 Marcy Place

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1109 Res. No. _____

in favor in opposition

Date: 2/24/20

(PLEASE PRINT)

Name: Austen Refuerzo - Neighborhood Defender Service

Address: 317 Lenox Avenue, NY, NY 10027

I represent: Neighborhood Defender Service

Address: 317 Lenox Avenue, 10th Fl., NY, NY 10027

**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: 2/24/20

(PLEASE PRINT)

Name: Jordan Dressler - DSS/HRA

Address: Office of Civil Justice

I represent: _____

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: 2/24/20

Name: Erin Drinkwater - DSS/HRA
(PLEASE PRINT)

Address: ~~XXXXXXXXXX~~

I represent: _____

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: 2/24/20

Name: Jacklyn Moore DSS-HRA
(PLEASE PRINT)

Address: Office of Civil Justice

I represent: _____

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: _____

Name: JONATHAN LIPPMAN
(PLEASE PRINT)

Address: _____

I represent: FORMER Chief JOP

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: _____

(PLEASE PRINT)

Name: Ervin Bennett

Address: 215 E 164 St 4K

I represent: 215 E 164 St Tenment

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: CLAIRE SCHAPIRA

Address: 980 Malsey Apt 3B

I represent: myself

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: 2/24/2020

(PLEASE PRINT)

Name: Yoselyn Gomez

Address: 750 Grand Concourse

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. 1104/1529 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: IGNACIO LAUREGUILLOSA

Address: 520 8TH AVE, 18TH FL, NY, NY 10018

I represent: CENTER FOR COURT INNOVATION

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1104/1529 Res. No. _____

in favor in opposition

Date: 2/24/20

(PLEASE PRINT)

Name: Joanna Laire

Address: 20 St Pauls Ct #4E Brooklyn 11226

I represent: Association of Legal Aid Attorneys (ALAA)

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: 2/24/20

(PLEASE PRINT)

Name: Robbie Ackman

Address: _____

I represent: NY State Alliance for Retired Americans

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: JUSTIN LAMONT

Address: _____

I represent: Mobilization for Justice

Address: 100 William St, NY NY 10038

**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: Adrienne Holder, Atty-in-Charge ^{Civil} Practice

Address: 199 Water Street NYC 10038

I represent: The Legal Aid Society

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: Alex Dougherty

Address: _____

I represent: Brooklyn Defender Services

Address: 177 Livingston, Brooklyn

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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: DAWN RASMUSSEN

Address: Legal Services NYC

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1104 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Vivian Sonnenfeld

Address: 1731 Second Avenue NY NY 10128

I represent: Met Council on Housing

Address: 168 Canal St NY NY 10013

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1104/1529 Res. No. _____

in favor in opposition

Date: 2-24-20

(PLEASE PRINT)

Name: ROGER JUAN MALDONADO

Address: 42 WEST 44th Street, NY NY

I represent: The New York City Bar Association

Address: Saxe

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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: 2/24/20

(PLEASE PRINT)

Name: Richard Brender

Address: 427 West 51 St. #2B

I represent: NY Assembly Member Richard Gottfried

Address: 314 West 29 St. 10th Floor

**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: 2/24/20

(PLEASE PRINT)

Name: Frank Ricci Mitch Posilkin

Address: _____

I represent: Rent Stabilization Association

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. MC4+1529 Res. No. _____

in favor in opposition

Date: 2/24/20

(PLEASE PRINT)

Name: Both Funky

Address: 750 2nd Ave NY NY

I represent: HARP

Address: _____

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