



**Department for
the Aging**

TESTIMONY

Presented by

**Michael Ognibene
First Deputy Commissioner and Chief Operating Officer**

on

**Oversight: Increasing Affordable Housing for Older New Yorkers
and Improving Accessibility to the City's Housing Stock**

before the

**New York City Council
Committee on Aging**

on

**Monday, October 3, 2022
1:00 pm**

Introduction

Good afternoon, Committee Chairs Hudson and Sanchez, and members of the Aging and Housing and Buildings Committees. I am Michael Ognibene, First Deputy Commissioner and Chief Operating Officer at the New York City Department for the Aging (DFTA). I am joined today by my colleagues at the New York City Department of Housing Preservation and Development (HPD) and other agencies who can help to answer your questions. DFTA has had a strong partnership with HPD over the years which resulted in collaborative efforts to address housing concerns for older adults as the city confronts the issue of housing affordability and accessibility. Thank you for the opportunity to testify about how older adults are being connected to housing supports and improving access to affordable housing in New York City.

As you know, New York City is experiencing a housing challenge, exacerbated by a low vacancy rate, increased rental prices, and high inflation. Older adults, many of whom live on fixed incomes, are particularly vulnerable to fluctuating costs and may experience negative outcomes due to the high cost of housing. Because of this, DFTA is committed to providing older adults with resources, through social supports, which will allow them to stay in their homes and communities. This includes case management, home care, home delivered meals, friendly visiting programs, access to older adult centers, mental health supports, caregiver support programs, and elder abuse interventions.

Regarding housing supports or services which DFTA provides, we are proud of our work with Naturally Occurring Retirement Communities (NORCs), the Tenancy and Eviction Support Services (TESS) program, Home Sharing, and Aging Connect.

Naturally Occurring Retirement Communities

A Naturally Occurring Retirement Community or NORC is a multi-age housing development or neighborhood which was not originally intended to house older adults but now is home to a significant number of them. Throughout New York City, there are 36 DFTA-funded NORCs which provide a range of services such as case assistance, healthcare options, assistance with benefits and entitlements, recreation or other activities, on-site nursing services, and ways of connecting socially. NORCs help older adults to remain in their communities and age in place by utilizing DFTA funded services and programs to provide the necessary social supports which make that possible.

Social Service Supports for Older Adult Tenants

DFTA works closely with the Office of Civil Justice at the New York City Human Resources Administration (HRA) to jointly administer the program, Assigned Counsel Project, now known at DFTA as Tenancy and Eviction Support Services (TESS). While HRA provides direct legal services to older New Yorkers over 60 who are facing eviction as part of the Right to Counsel program, DFTA provides referrals to the social services which address the reasons behind a tenant's potential eviction. To qualify for these support services, an older adult must have an active case in housing court. For older adults who are experiencing housing insecurity or other legal matters, DFTA maintains legal services contracts operating in all boroughs which can address a range of issues, housing included.

Home Sharing

Through the New York Foundation for Senior Citizens, DFTA funds a home sharing program which links adult “hosts” with extra private spaces in their homes or apartments with appropriate adult “guests” who then share that space. One of the people matched must be age 60 or older. The program does not charge clients to be matched and the “hosts” and “guests” work out the monthly contribution amount. The program seeks to match persons for whom shared living arrangements would enhance their financial or social well-being, to promote companionship, and to relieve feelings of isolation.

Aging Connect

DFTA’s in-house information and referral call center, Aging Connect, allows New Yorkers to speak with an Aging Specialist to learn about programs, supports, and opportunities available to older adults and their caregivers. Housing issues and housing supports are frequently a top call category at Aging Connect. Through Aging Connect, older adults can receive information about the Senior Citizen Rent Increase Exemption (SCRIE) which is administered by the NYC Department of Finance; be connected to HPD’s Housing Lottery and Senior First Initiative. Aging Connect can also refer older adults to our sister agencies which provide direct housing support like HRA or HPD. DFTA also publishes resources, such as the Alternatives in Senior Housing guide and the Aging in Place guide, which help to direct older adults who are experiencing housing insecurity or may need additional supports with rental assistance. This information can be accessed through the website or by calling Aging Connect.

Conclusion

This is a sampling of the services available to older adults as they age-in-place in New York City. DFTA will also continue to work in conjunction with sister agencies to strengthen existing partnerships and find opportunities to better serve older New Yorkers. That is why we are excited to see the work that will come out of the newly formed Cabinet for Older New Yorkers which just had its inaugural meeting on September 21st. This first of its kind multiagency collaborative was created to support services, projects, and policies benefitting older adults across New York City, with a primary objective to create an age-inclusive New York City. While an agenda has not yet been developed, it is anticipated that the work of the new Cabinet will include housing, housing supports, and how older adults access affordable housing. The work of this cabinet will allow for cross-agency collaborations to happen at the commissioner and agency liaison levels to better address people’s needs.

Ultimately, it is DFTA’s goal to ensure that all older New Yorkers can access the resources and supports provided by the agency to remain in their homes long-term, age in place with dignity, and live productive and healthy lives without worrying about their housing status. We understand that there are three bills being considered as part of today’s hearing. While we are generally in support of the intent of these bills, we look forward to working with you and your team to identify the best path forward in achieving their stated goals. My colleagues from our partner agencies who have joined us this morning can also help to answer your questions regarding direct housing supports provided for all New Yorkers including older adults.

It is imperative that we continue to build on our ongoing successes amid the growing housing support needs of older adults. Thank you again for this opportunity to testify.



**NEW YORK CITY DEPARTMENT OF BUILDINGS
TESTIMONY BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON HOUSING AND BUILDINGS
COMMITTEE ON AGING
OCTOBER 3, 2022**

Good afternoon Chair Sanchez, Chair Hudson, and members of the Committees on Housing and Buildings, and Aging. I am Guillermo Patino, Deputy Commissioner for External Affairs at the New York City Department of Buildings (“the Department”). I am pleased to testify before the Committees in support of the intent of Intro. 141, which would increase the accessibility of buildings by requiring that more buildings install automatic doors.

Currently, the New York City Building Code requires that a wide range of buildings that are open to the public, including hotels, museums, movie theaters, businesses, and department stores, install automatic doors if they meet a certain occupant load threshold that is generally between 200 to 300 people. Intro. 141 would expand upon this existing requirement by mandating automatic doors at more types of buildings, including those occupied as assisted living facilities, adult homes, and as apartments. However, the bill would require that automatic doors be installed regardless of what the occupant load threshold will be for a particular building. The absence of an occupant load threshold may result in construction costs that are disproportional for smaller projects, including those pursued by small businesses. As such, this proposal merits further discussion with the business community and with other stakeholders to understand how their projects may be impacted. The Department looks forward to working with the Committees on this issue.

Thank you for the opportunity to testify before you today.

Testimony of the
New York City Department of Housing Preservation and Development
to the New York City Council Committees on Housing and Buildings and Aging regarding
Introductions 118 and 1977
Monday, October 3, 2022

Good morning Chair Sanchez and Chair Hudson and members of the Committees on Housing & Buildings and Aging. My name is Lucy Joffe, Assistant Commissioner for Housing Policy at the New York City Department of Housing Preservation and Development. I am joined by my colleagues Brendan McBride, Associate Commissioner for New Construction, and Kerry LaBotz, Assistant Commissioner for Preservation Finance, to discuss HPD's work related to senior housing and accessibility. Supporting older adults is a top priority for the administration, and we know that access to safe and stable housing remains a primary concern for many older New Yorkers. As you all know well, the City is in the midst of a longstanding housing crisis, putting significant strain on low- and moderate-income seniors. HPD's approach to meeting older New Yorkers' housing needs and preferences is reflected in both Where We Live NYC, the City's fair housing plan released in fall 2020, and Housing our Neighbors, the administration's blueprint to address housing and homelessness released last spring.

The Where We Live NYC plan describes the City's housing investments "as designed to empower New Yorkers with realistic choices to live in thriving, integrated neighborhoods." We committed to "increas[ing] opportunity for all New Yorkers by promoting housing choice—the choice to move into a different neighborhood or the choice to stay in a neighborhood, even as it changes." These commitments guide our approach to serving older New Yorkers. Like the general population, older New Yorkers are an incredibly diverse group of people with a wide range of housing needs and preferences who deserve choice in the housing market. While our affordable housing production receives a lot of attention, many older adults are focused on safely remaining in their homes. For this reason, in Housing Our Neighbors, the administration committed to "pursuing new strategies to better meet the needs of older New Yorkers," in addition to creating new affordable housing.

HPD continues to develop new affordable housing to alleviate our current housing crisis. Many of the residents of our new construction homes are older New Yorkers, who apply to live in newly-constructed affordable housing either independently or in intergenerational households. We also develop age-restricted housing specifically for seniors. Through our range of new construction programs, we enable older New Yorkers to choose whether they want to live among other seniors, in buildings that offer targeted services, or as part of an intergenerational and integrated community. Through HPD's Housing Ambassador program, we support New Yorkers, including older adults, navigate the lottery process to remove obstacles or challenges they may experience including using the Housing Connect system.

Many low- and moderate-income older adults want to remain in their current homes and neighborhoods but need more support to be able to do so safely and affordably. These New Yorkers benefit from HPD-funded building rehabilitation projects. As part of these projects, we conduct an integrated physical needs assessment to identify building system needs, many of which make buildings safer for all tenants and allow them to remain in their homes. In addition, HPD's Aging in Place initiative allows all tenants to identify in-unit modifications necessary to continue living safely in their homes, such as grab bars and non-slip surfaces, which are then made at no cost to the tenants. Our Homeowner Helpdesk provides access to counseling and resources, and the Home Fix program assists low- and moderate-income homeowners in one to four family properties, including many older adults, fund home repairs by providing low-cost financing. Approximately 45% of the homeowners served through the Home Fix program are seniors.

The Senior Citizen Rent Increase Exemption (SCRIE) program freezes the rent for eligible seniors living in rent regulated apartments and is a critical tool in the City's toolbox to help older adults remain in their homes. Over the past decade, the City and the State have worked to expand income eligibility for both programs and conducted extensive outreach and assistance to help qualifying households enroll in and stay qualified for the programs. In Housing our Neighbors, the Administration committed to working with partners across the City to ensure more eligible individuals benefit from SCRIE and to help current recipients with annual recertification. The Senior Citizen Homeowners' Exemption (SCHE), administered by the Department of Finance, is an example of one of a property tax program available to help older low-income homeowners.

Because older New Yorkers have a wide variety of needs and preferences, we are working in coordination with other City agencies to ensure that low- and moderate-income seniors have meaningful choice in the housing market. The City Council has also played an invaluable role in improving access to housing programs and resources for older adults. I especially want to thank Chair Hudson, Chair Sanchez and Speaker Adams for their strong leadership in this critical area. We are encouraged by the progress we have been able to achieve over the last 10 years and excited to see the results of our strong commitments going forward.

Turning to the legislation being heard today, HPD supports the intent of Int. 322 and works with our sister agencies to ensure that seniors and persons with disabilities can live safely in their homes. Local, state and federal fair housing laws do require owners to make reasonable accommodations. We look forward to having further conversations with Council and all the relevant agencies about reasonable accommodations.

For Int. 584, HPD works in coordination with our sister agencies to ensure that tenants at risk of eviction have as much information as possible and access to resources. HPD does not, however, have a role in the eviction process and does not receive notice of evictions, complicating our role in this legislation. We also want to ensure that any interventions to ensure that New Yorkers living with disabilities doesn't invade their right to privacy or put them at greater risk for any reason.

HPD is still reviewing Int. 676 as it was only added to the hearing a few days ago. Many of the modifications identified in the bill are already required under the law and incorporated into the building code. As currently drafted, however, the bill treats both new construction and rehabilitation the same, though these different types of projects raise very different accessibility challenges and require different solutions. We also are concerned that a more nuanced approach that takes into account the features of the building, the needs of the tenants, the specific disabilities residents have may be more appropriate for solving the challenge presented here rather than an across-the-board requirement. We look forward to further conversations with Council about this bill and the current requirements of the Fair Housing Act, the Rehabilitation Act and Chapter 11 of the building code before moving this bill forward.

We are also still reviewing Int. 375 and while serving people living with disabilities is a huge priority for the agency, some of this information is available to HPD and some of it is harder to track. We look forward to working with the Council on the details of this bill.

Thank you for your time and I am happy to answer any questions.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

**STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE NEW YORK CITY COUNCIL COMMITTEE ON HOUSING AND
BUILDINGS
OCTOBER 3, 2022**

Good afternoon,

My name is Jumaane D. Williams, and I am the Public Advocate for the City of New York. I would like to thank Chair Sanchez and the members of the Committee on Housing and Buildings for holding this incredibly important hearing.

In 1988, Congress amended Title VIII of the Civil Rights Act of 1968, known as the Fair Housing Act, to prohibit discrimination based on disability in the sale, rental, and financing of housing. People with disabilities are protected from discrimination and entitled to reasonable accommodations when buying or renting a home or apartment. Reasonable accommodations can include an exception to a no-pet policy for a service animal, assigning a tenant an accessible parking space near the front of the building, or allowing a tenant to install grab bars in the bathroom.

Although landlords are legally prohibited from discriminating against or evicting tenants because of their disabilities or required accommodations, it still happens. Disability discrimination complaints are reportedly the most common complaint received by federal and local agencies under the Fair Housing Act. People with disabilities have high rates of housing insecurity and experience poverty at twice the rate of nondisabled adults. Additionally, disabled people are more likely to have medical debt, to receive lower pay, and to experience food insecurity, all factors which contribute to an increased risk of eviction and homelessness. Disabled people of more color, especially Black women, are even more likely to experience these consequences.

Further, having a record with an eviction filing, regardless of whether the eviction was granted, can be a barrier to obtaining rental housing in the future, which can keep renters with disabilities in a cycle of housing instability and homelessness.

For these reasons, I have introduced Int. 0584-2022, which would require the Department of Housing Preservation and Development (HPD) to provide tenants with disabilities with information about legal services when they are facing eviction. It would also require the commissioner of HPD to report to the mayor and the Speaker of the City Council on any pattern of discrimination against disabled tenants. We should be doing everything we can to ensure that tenants with disabilities are provided with the resources they need to stay in their homes.

The COVID-19 pandemic has highlighted housing as an issue of public health and safety. Since the expiration of the eviction moratorium earlier this year, evictions have been slowly but steadily increasing. Even before the pandemic, accessible and affordable housing for people with

disabilities was extremely limited. I look forward to working with the Committee on Housing and Buildings and the City Council to ensure that all people with disabilities in our city have access to stable, affordable, and accessible housing.

Thank you.



Comments on Intros. 322 and 583 and Res. 236

The Rent Stabilization Association of New York City represents 25,000 diverse owners and managers who collectively manage more than one million apartments in every neighborhood and community throughout the city. We thank the Committee for giving us the opportunity to submit testimony in support of Intro. 322, which would provide for the installation of accommodations for seniors and disabled residents; in opposition to Int. 583, which requires owners to undertake certain steps relating to the eviction of disabled tenants; and in favor of Res. 236, supporting state bills providing for automatic SCRIE enrollment.

Intro. 322 would require the installation in multiple dwellings of devices such as grab bars and shower treads for seniors and people with disabilities. The bill also would allow eligible owners to seek a tax abatement for certain related installations. We support the intent of the bill to ensure that people with disabilities, including older New Yorkers, are able to safely use their bathroom and remain in their homes. We would suggest, however, that certain modifications be made regarding the \$250 to \$800 tax abatement values established under the bill to ensure that there is adequate compensation for undertaking these projects. The amounts fixed in the bill may not be sufficient in all types of construction to install the devices. In older dwellings it can be difficult to retrofit units with reinforcements like grab bars, at times extensive construction at great cost is needed to do this safely. Further, this fixed amount certainly will not be adequate in future years. Also, it is imperative that any tax abatement program implemented by the Department of Finance (DOF) be structured to ensure owners get the proper tax abatement credits. There needs to be real consideration of how DOF would implement this program in a logical way that applies credits accurately and timely and developed so that this information can be inputted in a non-arduous manner. The legislation should be modified so that the full cost of installation is eligible for the tax abatement.

Intro. 583 would require that when the owner of a dwelling unit serves a person who is disabled with a petition or notice to evict, the owner must also notify the Department of Housing Preservation and Development (HPD) of the resident's name, address and phone number so that HPD then notify the person of available, legal services. Violations are punishable by a Class A misdemeanor. The bill also requires the commission and HPD to analyze the information received from housing providers concerning disabled occupants and issue a public report identifying any trends in disabled evictions and any findings or patterns of discrimination for this group. But it would be illegal for owners to comply with the mandates of this bill based on current law designed to prevent housing discrimination against the disabled.

It is illegal for owners to make inquiries about certain areas of protected status, and disability is one of these protected areas. Under the New York City Human Rights Law it is illegal for owners to "use any form of application for the purchase, rental or lease" of "a housing

accommodation or an interest therein or to make any record or inquiry in conjunction with the prospective purchase, rental or lease of such a housing accommodation or an interest therein which expresses, directly or indirectly, any limitation, specification or discrimination” against individuals with disabilities, or “any intent to make any such limitation, specification or discrimination.” Therefore, it is unlawful for applications to ask housing applicants whether they have a disability or whether a person intending to reside in the dwelling has a disability. Intro. 538 requires housing providers know the disability status of their residents in order to be able to report to HPD when an eviction might be underway or being contemplated. But the only way to know disability status would be to inquire. It would be impossible for an owner to meet the requirements of this bill without violating the law.

Instead, we suggest that the city and courts turn to the various eviction prevention services already in place as an alternative in order to aid disabled occupants at risk of eviction. The city provides guaranteed representation under its Right to Council law for anyone whose income is up to 200 percent of Federal Poverty Level. Further, the Office of Civil Justice has implemented the right-to-counsel law citywide, as legal provider partners have stepped up to represent all New Yorkers facing an eviction in housing court during the Covid emergency. In addition, there is a requirement that New York City Marshals to do an investigation before undertaking an eviction to determine the status of the renter and if a member of a vulnerable population make a referral to Adult Protective Services. So, under the current program, a referral is already in place. Should the council desire this specific population to be given additional legal services or protections there are programs in place that can do just that. If free legal services are the aim, irrespective of income and even to millionaires, then the parameters of these programs should be adjusted, if necessary, to include targeted populations. Current programs should be utilized to provide legal services and the city should fully fund those programs that help eligible populations.

The RSA also supports Resolution 236 calling upon the state legislature to pass S.5102/A1475, bills that provide for automatic registration and re-enrollment in the SCRIE program. The RSA backs those measures that will streamline the process and help to eliminate application glitches, paperwork issues and errors and delays in processing applications and renewals.



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October 3, 2022

Esteemed Members of the New York City Council on Housing and Buildings,

My name is Alexa Lofaro, and I am the Senior Director of Consumer Programming at the Center for Independence of the Disabled, New York (CIDNY). CIDNY's mission 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.

Today, CIDNY aims to advocate on behalf of aging and disabled individuals living in New York City. We support all accessible housing and maintain that our community is in dire need of expanded accessible and affordable housing. We believe that safe, affordable, accessible housing is a human right; and as such, support the legislation being brought before this committee.

Int. 141 intends to require accessible entrances and exits in the planning of new construction as well as renovated buildings. This enforcement echoes the sentiment of the accessibility guidelines for buildings and facilities in the Americans with Disabilities Act of 1990. CIDNY fully supports this bill particularly considering the lack of access that disabled individuals face among many establishments in our society.

In addition to access, safety is a pivotal issue for the disabled community. In Int. 322, the safety standards that increase the mobility and quality of life of disabled seniors living in multiple dwellings also echo directives that should have been societally implemented several decades ago. The Fair Housing Act of 1991 prohibits discrimination in housing based on disability. According to the Department of Justice, updated most recently in May 2022, the mandates of the Fair Housing Act are clearly outlined as follows:

“The Act requires all newly constructed multi-family dwellings of four or more units intended for first occupancy after March 13, 1991, to have certain features: an accessible entrance on an accessible route, accessible common and public use areas, doors sufficiently wide to accommodate wheelchairs, accessible routes into and through each dwelling, light switches, electrical outlets, and thermostats in accessible location, reinforcements in bathroom walls to accommodate grab bar installations, and usable kitchens and bathrooms configured so that a wheelchair can maneuver about the space.”

Therefore, Int. 322 effectively reiterates these obligations that have yet to be properly enforced since the implementation of the Fair Housing Act.

The safety and security of the disabled individuals living on our community is paramount to CIDNY's mission. For this, we also support Int. 584's plan to require the Department of Housing



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Preservation and Development (HPD) to provide tenants with disabilities with information about legal services when facing eviction. This population already deals with the societal oppression of their disability; and many deal with intersectional oppression due to race and socioeconomic status as well. The policy protections against eviction should not be hidden from disabled tenants. We reiterate that safe, affordable, accessible housing is a human right. As with all human rights, when violated, individuals are owed the proper information and resources to advocate for themselves. They are owed the dignity of being well-informed.

In short, CIDNY fully supports the passage of this legislation; and believe these planned efforts in support of the safety, well-being, and accessibility to an improved quality of life to disabled and aging individuals are long overdue.

Thank you,

Alexa Lofaro, M.A., CPWIC
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TESTIMONY OF CITYMEALS ON WHEELS

**Before the New York City Council Aging Committee
Honorable Crystal Hudson, Chair**

**Jointly with the Committee on Housing and Buildings
Honorable Pierina Ana Sanchez, Chair**

**Oversight - Increasing Affordable Housing for Older New Yorkers
and Improving Accessibility in the City's Housing Stock**

October 3, 2022

**Submitted by:
Citymeals on Wheels**

**Prepared by:
Jeanette Estima, Director of Policy and Advocacy
and
Vik Bensen, Policy Analyst**

Good afternoon, my name is Vik Bensen and I'm the Policy Analyst at Citymeals on Wheels. I would like to thank the Council, Chair Hudson, and Chair Sanchez for holding this important hearing on affordable housing, an issue that is critical for all New Yorkers but is especially challenging for older adults. Citymeals works in partnership with the City and the network of home-delivered meal providers to fill a significant gap in its home-delivered meals program by funding the delivery of meals on weekends, holidays, and emergencies to homebound older adults alongside additional supplemental



feeding and connective services. In addition, we are the only organization providing home-delivered emergency meals to older New Yorkers citywide.

A core part of our mission is to ensure that older New Yorkers can age in place. We do this by providing food for those who can't make or procure it. But there are other important factors in successfully aging in place; housing affordability and suitability are among the largest of them. We strongly support this package of bills because we have seen first-hand how our more than 20,000 meal recipients are impacted by these issues. Automatic enrollment in SCRIE would freeze rents for the nearly 50 percent of eligible older New Yorkers who are not receiving the benefit, which would dramatically improve the housing stability for this vulnerable group. Time and again meal deliverers discover that a client has fallen and is too hurt to come to the door, so we know that improving access to in-home stability devices like grab bars and treads are critical to ensuring their safety. Power-assisted doors would also make a huge difference for the 40% of our recipients who are unable to leave their homes without assistance, and the 90% who use mobility devices.

We would also like to draw your attention to a related issue based on our experiences with meal recipients and deliverers: Frequently, mobility and access is impaired by non-functioning elevators. When an elevator is broken, homebound older adults can be effectively trapped in their apartments. We have heard from many meal recipients that elevator problems often impact their ability to get to doctor's appointments, receive visitors, and live independently. Lengthy breakdowns also become a strain on meal deliverers who are slowed down and physically strained when they must climb flights of stairs to get a meal to a client who may be on the 15th floor, increasing the



burden of already difficult work and impacting the food safety of the meals. Citymeals, alongside the home-delivered meal network, ensures that homebound older adults have food no matter the conditions outside their home, with deliveries continuing throughout historic emergencies like 9/11, the 2003 blackout, Superstorm Sandy, and of course the COVID-19 pandemic. We also respond during local emergencies, like sewage or gas leaks and localized blackouts. Deliverers can be expected to take the stairs during these extreme events to ensure clients have a meal, however it is unreasonable to expect them to regularly do this especially for preventable elevator problems caused by building mismanagement and neglect. While landlords are required by law to maintain the habitability of their buildings for all tenants—and may even be required to provide accommodations when repairs cannot be made within a reasonable amount of time—this does not always occur. Just this year, there have been multiple local news stories featuring the hardship brought to tenants—especially older adults—over lengthy repair times for broken elevators, which plagues both the public and private housing sector¹²³. NYCHA has had a particularly egregious record when it comes to building maintenance and prompt repairs, especially for elevators⁴⁵. With more than 1 in 5 (21.8%) of NYCHA residents over the age of 62, reliable elevator access is vital for their ability to leave home safely⁶. Investigations in recent years from local news agencies and reports from the federal government have documented the constant issues with NYCHA

¹ [‘High-Rise Hell’: N.Y.C. Skyscraper’s Elevator Breakdowns Strand Tenants - The New York Times \(nytimes.com\)](#)

² [Elevator Shutdown Will Impact Elderly and Disabled Residents, Tenants Say - iLovetheUpperWestSide.com](#)

³ [Elevator at Lower Manhattan shelter still out of order after nearly 2 months - CBS New York \(cbsnews.com\)](#)

⁴ [NYCHACCAPQUARTERTWO - DocumentCloud](#)

⁵ [De Blasio Promised \\$2.2B for Public Housing to Settle Federal Lawsuit. Tenants Are Still Waiting. - THE CITY](#)

⁶ [NYCHA-Fact-Sheet_2020_Final.pdf](#)



elevators in buildings across the city⁷⁸⁹. With not enough mechanics, issues with elevator replacement companies, delays in promised repair funding, bureaucratic red tape, and coverups of the extent of the problems, NYCHA residents are stuck dealing with unpredictable and repeated elevator problems. Reports have noted older and disabled residents stranded in their apartments, sleeping in building lobbies, and generally putting themselves at risk to navigate unreliable elevators. Therefore, we ask that the council consider provisions to ensure landlords are held accountable to promptly fix elevators and ensure safe accommodations for older and disabled tenants while elevators are broken. Thank you for the time, and your continued support to ensure Older New Yorkers age

⁷ [NY1 Investigation Finds Elevator Outages Plague NYCHA](#)

⁸ [Most NYCHA Elevators Lack a Key Safety Mechanism \(ny1.com\)](#)

⁹ [Bronx Woman Who Complained About NYCHA Elevators in a Coma After Stairwell Fall - THE CITY](#)



Making New York a better place to age

**New York City Council
Committee on Aging
Chair, Council Member Hudson
Committee on Housing and Buildings
Chair, Council Member Sanchez
October 3, 2022**

Oversight - Increasing Affordable Housing for Older New Yorkers and Improving Accessibility in the City's Housing Stock.

Thank you for the opportunity to testify.

LiveOn NY's members include more than 100 community-based nonprofits that provide core services which allow all New Yorkers to thrive in our communities as we age, including older adult centers, home-delivered meals, affordable senior housing, elder abuse prevention, caregiver support, NORCs, and case management. With our members, we work to make New York a better place to age.

Background

Even prior to the pandemic, New York was in the grip of a housing crisis that made it difficult for tens of thousands of New Yorkers to find stable housing and make ends meet. Today, more than half of older renters are rent-burdened, as are a third of older homeowners. Further, roughly 2,000 older New Yorkers are living in homeless shelters, a number that is expected to triple by 2030 without significant intervention. LiveOn NY's own research has found that there are more than 200,000 older adults languishing on waiting lists for affordable housing through the HUD 202 program, each waiting for 7-10 years on average for a unit to become available. This challenge is mirrored by the thousands of applications that come flooding in each and every time a new affordable senior housing lottery opens on Housing Connect.

This crisis is particularly acute for older adults as many rely on fixed incomes, making it difficult to afford the rent while other costs rise. Further, much of the City's housing infrastructure is inadequate to accommodate an older adult's health and mobility needs, with 70% of the City's housing stock only navigable by at least one set of stairs. In addition, NYCHA is a well-known provider of affordable housing for low income older adults, and yet in many situations for many older tenants living in NYCHA, their living experience is plagued by poor ventilation systems, broken elevators, leaking roofs, and recurring mold.

It is critical we address this crisis, as New York is aging rapidly and research shows that the majority of older adults would prefer the opportunity age in their community, surrounded by the networks of support built over a lifetime. Moreover, we're *all* aging, and we all have a stake in ensuring there are affordable options to call home throughout the lifecycle.



Making New York a better place to age

Recommendations

Firstly, we invite the City to utilize our aging policy agenda, [*Aging is Everyone's Business*](#), released by LiveOn NY in partnership with Hunter College Brookdale Center for Healthy Aging, which is a bold policy agenda that provides actionable policy solutions, including housing, to make New York a better, more equitable place to age.

LiveOn NY calls for a minimum target of 1,000 new units of affordable senior housing with services per year, as part of a total target to construct no fewer than 8,000 new units of housing dedicated to serving extremely low income and homeless households annually. As waitlists and limited housing stock pose an acute challenge for older New Yorkers, a considerable investment and consistent unit targets per year will be critical to paving a pathway out of this crisis.

Further, this investment would build upon the clear success of the City's Senior Affordable Rental Assistance (SARA) program, which has created incredible community assets in every borough, including examples such as West Side Federation for Senior and Supportive Housing's (WSFSSH's) Tres Puentes in the Bronx and HANAC's Corona Senior Residences in Queens. These two buildings are clear examples of what is possible through housing, with Tres Puentes not only offering 175 new units of affordable senior housing, but providing space for a new Older Adult Center, health center and pharmacy on site, and the Corona Residences offering 67 affordable senior units that were built to the environmentally friendly Passive Housing standards, in addition to offering a new Pre-K on the ground floor.

LiveOn NY also recommends the City increase the per unit reimbursement rate for SARA services from \$5,000 per unit, to \$7,500 per unit, allowing for increased staff to more adequately address social isolation and significant case assistance needs. This increased reimbursement rate would make services better available to support an aging and formerly homeless tenant population, in turn enabling more older New Yorkers to age in place and avoid institutionalization.

Increasing capital funding for public housing to support upgrades throughout NYCHA buildings and improve infrastructure to accommodate older adults. NYCHA is also one of the largest sources of affordable housing for older adults, with 38% of households headed by an adult age 62 or older. However, NYCHA faces its own set of challenges. For one, the current condition of the housing poses a safety risk for older occupants. Poor ventilation systems, broken elevators, leaking roofs, lead paint on the walls, broken locks on the doors, and unattended water damage are just some of the challenges that older tenants continue to face. Further, community-based providers operating Senior Centers in NYCHA are not immune to these challenges, particularly when receiving fines for infrastructure related violations that are wholly out of the provider's control.



Notably, the City must also invest in the workforce of the Department of Housing Preservation and Development (HPD), by hiring new staff required to ensure that affordable housing goals can be met. While the pace of development has only quickened in recent years, hiring freezes and now PEGS have resulted in understaffing at HPD that puts the entirety of our City’s affordable housing goals at risk.

LiveOn NY encourages that attention also be paid to improving work order processes initiated by community-based organizations offering services within NYCHA facilities. Community-based organizations operating within NYCHA buildings, such as older adult centers, are critical resources for NYCHA residents and the community at-large. These spaces must also be considered when updating work order processes or should be funded directly to address maintenance concerns considered outside the purview of the authority.

Additionally, it is critical that the City prioritize public and institutional land (e.g., hospitals, libraries, etc.) for affordable senior housing. By prioritizing institutional land such as hospitals in particular, the City will reflect an understanding of the connections between health and housing, and a commitment to treating housing as the social-determinant of health that it is.

Improve the Senior Citizen Rent Increase Exemption “SCRIE.” The ability for seniors and individuals with disabilities living in certain housing types to freeze rents helps to ensure thousands of older New Yorkers will not be priced out of their housing as rents otherwise continue to rise. Despite the strength of this program, it remains underutilized and does not ensure affordability as it caps rents at the period of application, which may already be a place of severe-rent burden for the tenant. To respond to this, LiveOn NY recommends the City continues its strong outreach effort to ensure older adults know about and enroll in SCRIE.

Proposed Legislation

Intro. 676

LiveOn NY supports the intent of Intro. 676, which would require the Department of Housing Preservation and Development (HPD) to develop a list of universal design principles and require a percentage of dwelling units receiving city financial assistance to be universal design units. Much of the City’s housing infrastructure is inadequate to accommodate an older adult’s health and mobility needs, with 70% of the City’s housing stock only navigable by at least one set of stairs. This bill is an opportunity to incorporate universal design into dwelling units to ensure housing is accessible for everyone, regardless of age, physical ability or stature. However, LiveOn NY recommends the City gather input from nonprofit community housing providers and ensure adequate funding is allocated to support community-based housing providers with the ability to comply with universal design requirements.



Making New York a better place to age

LiveOn NY supports the intent of Intro. 584, which would require the Department of Housing Preservation and Development (HPD) to provide tenants with disabilities with information about legal services when such tenants are facing eviction. While this bill is a step forward to address the housing crisis among people living with a disability, we urge the City to work in coordination with community-based organizations with existing housing programs and legal services (ex. The Assigned Counsel Project) that are an additional trusted resource for older New Yorkers and people living with disabilities.

LiveOn NY supports the intent of Intro. 322, which would require the installation in multiple dwellings of certain protective devices for older adults and persons with disability in multiple dwellings. 35.5% of the City's older adult people 65 and older have reported having some form of disability. This is significantly higher than among the population at large, and is a reality that makes certain housing accommodations, such as protective devices including grab bars in the shower, crucial to support the independence of individuals living in the City. Nonetheless, the city should ensure that nonprofit housing providers receive the funding needed for these requirements.

Furthermore, LiveOn NY supports Council Member Caban's Resolution 236 calling upon the New York State Legislature to pass, and the Governor to sign, S.5102/A.1475, which would allow municipalities and localities that have a senior citizen rent increase exemption program to establish an automatic enrollment program for eligible seniors to be automatically enrolled or automatically re-enrolled in the program. Currently, LiveOn NY offers a Benefits Outreach Program, which supports hundreds of older New Yorkers in applying for benefits each year. Through this work we recognize the opportunity to address under-utilization of benefits such as SCRIE by removing barriers in the application processes.

Thank you for the opportunity to testify.

Testimony provided by Brianna Paden-Williams, Communications and Policy Associate at LiveOn NY For questions, please email bpaden-williams@liveon-ny.org

LiveOn NY's members provide the core, community-based services that allow older adults to thrive in their communities. With a base of more than 100 community-based organizations serving at least 300,000 older New Yorkers annually. Our members provide services ranging from senior centers, congregate and home-delivered meals, affordable senior housing with services, elder abuse prevention services, caregiver supports, case management, transportation, and NORCs. LiveOn NY advocates for increased funding for these vital services to improve both the solvency of the system and the overall capacity of community-based service providers.

LiveOn NY

Making New York a better place to age

LiveOn NY also administers a citywide outreach program and staffs a hotline that educates, screens and helps with benefit enrollment including SNAP, SCRIE and others, and also administers the Rights and Information for Senior Empowerment (RISE) program to bring critical information directly to seniors on important topics to help them age well in their communities.



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**Testimony of Suhali Méndez
Senior Advocate and Legislative Coordinator, Disability Justice Program
New York Lawyers for the Public Interest**

to the

**New York City Council
Committee on Housing and Buildings
jointly with the
Committee on Aging**

regarding

**Oversight - Increasing Affordable Housing for Older New Yorkers and Improving
Accessibility in the New York City's Housing Stock**

October 3, 2022

My name is Suhali Méndez, and I am a Senior Advocate and Legislative Coordinator in the Disability Justice Program at New York Lawyers for the Public Interest (NYLPI). NYLPI is a civil rights organization with a robust disability rights practice. Housing advocacy for people with disabilities is an important part of our work.

NYLPI represents tenants in matters involving requests reasonable accommodations, such as apartment and common area retrofitting, transfers to accessible apartments, and protection for use of service animals, as well as other housing discrimination issues. We appreciate the opportunity to provide testimony regarding accessible housing in New York City.

Accessibility and Enforcement of Housing Laws

Although the federal [Fair Housing Act](#) was passed more than 50 years ago, and New York City's and New York State's Human Rights Laws have likewise long been in effect, countless people in New York City continue to face discrimination when it comes to their housing needs. Consistent and aggressive enforcement of anti-discrimination laws allows more people with disabilities to remain in their homes. Our office has assisted countless people with disabilities who lived in untenable situations merely because their landlords or managing agents refused to provide them with legally required reasonable accommodations.

New York City is a city that prides itself on the diversity of its people, and we support all efforts to ensure that housing is accessible and otherwise free of discrimination, and that housing providers are held accountable for adhering to these non-discrimination mandates. Overall,

therefore, we support [Int. No. 141](#), [Int. No. 322](#), and [Int. No. 584](#), while proposing the following amendments:

Int. No. 141

NYLPI supports Int. No. 141's proposal to add the accessibility requirement of automatic door openers to the NYC Building Code. Accessible entrances are essential to achieving overall accessibility for all tenants and visitors. Mandating automatic doors will also vastly improve accessibility in many buildings throughout NYC, including residential buildings, businesses, and schools. This requirement will ensure that newly constructed and renovated buildings will have improved accessibility at their entrances. This will also eliminate the need for individual tenants or patrons to request the reasonable accommodation or modification of adding an automatic door. However, this additional requirement is meaningless without aggressive enforcement by the City. Enforcement of Building Code accessibility requirements should be a priority of the Department of Buildings and the Department of Housing Preservation and Development (HPD). Adding the automatic door opener requirement along with an aggressive enforcement mandate will ensure accessible spaces for New York City's senior citizens and disabled residents to continue to be a part of their communities and live independently.

Int. No. 322

NYLPI supports Int. No. 322's proposal to amend the NYC Housing Maintenance Code, by mandating that landlords provide and maintain certain accessible features. We support adding the requirement of the accessible features as part of New York's required "safety and protective devices." In addition, we strongly support including penalties for those housing providers who do not comply with the access mandates, as well as the opportunity for tax abatements for those who do.

However, focusing solely on the accessibility features of grab bars and anti-slip tub mats is far too limited. Disabilities and the necessary accommodations/modifications for those disabilities are very diverse in nature. There are countless accommodations that could and should also be considered protective devices under this provision. We urge you to include additional examples and specifically note that the list of proffered accommodations is not exhaustive. Additional reasonable accommodation/modification examples can include roll-in showers, widening of doorways, and the lowering of a sink and bathroom counter for residents with mobility impairments.

Moreover, bathrooms should not be the only subject of the bill's safety and accessibility analysis. Other examples of reasonable accommodations/modifications and accessibility needs which should be enumerated include access to common areas such as building lobbies, and access to other areas of the individual units such as the kitchens and closets, as well as the installation of a flashing smoke alarm or doorbell for an individual with a hearing impairment, or a ramp for those with mobility impairments.

Disabilities and accommodations, particularly those that have to do with a tenant’s safety, should be recognized as a spectrum and the contents of this bill should be reconsidered to include mandates across the spectrum. If this provision does not include additional examples, and instead limits this requirement to grab bars and anti-slip tub mats, it serves to exclude countless people with disabilities who require countless other accommodations for their safety.

Additionally, the definition of “disability” in this proposal is far too limited.¹ By limiting the definition, this provision could exclude countless people whose disabilities require these accommodations, or even those who merely do not have access to medical documentation. We recommend that this and all NYC laws adopt the broad definition of disability included in the New York City Human Rights Law.²

Int. No. 584

NYLPI supports Int. No. 584’s proposal to amend Article 26 of the NYC Administrative Code to mandate notice of tenants’ rights and access to legal services as part of eviction proceedings. We also support any efforts by New York City and the Public Advocate to investigate and track evictions of tenants with disabilities, to enforce NYC’s anti-discrimination laws in a systemic way, and to create new causes of action and penalties to aid in enforcement. Because one of the most impactful ways antidiscrimination laws are enforced is through private actions, we suggest adding a mechanism for enabling easy public access to records of discrimination patterns, in addition to public oversight hearings or reports of general findings. Building complaints and violations within the Department of Buildings are already available on the Department’s website through the [Building Information Search](#) (BIS). These records should be similarly publicly available.

About New York Lawyers for the Public Interest

For more than 45 years, NYLPI has been a leader in advocating for marginalized New Yorkers, working to accomplish equality of opportunity for all. We utilize a community lawyering model to bridge gaps between traditional civil legal services and civil rights advocacy and to fortify capacity for both individual solutions and long-term impact.

¹ “Person with a disability. The term ‘person with a disability’ means an individual who provides documentation indicating that he or she is recognized by any city, state or federal authority or agency as having a disability which impedes vision or mobility, or who provides medical evidence indicating that he or she has a disability impeding vision or mobility which would entitle him or her to receive the protective devices referred to in paragraphs 1 and 2 of subdivision a of section § 27-2046.3 of this code.” Int. No. 322 (d), NYC Council (2022).

² “Disability. The term ‘disability’ means any physical, medical, mental or psychological impairment, or a history or record of such impairment. As used in this definition:

1. Physical, medical, mental, or psychological impairment. The term ‘physical, medical, mental, or psychological impairment’ means:

(a) An impairment of any system of the body; including, but not limited to, the neurological system; the musculoskeletal system; the special sense organs and respiratory organs, including, but not limited to, speech organs; the cardiovascular system; the reproductive system; the digestive and genito-urinary systems; the hemic and lymphatic systems; the immunological systems; the skin; and the endocrine system; or

(b) A mental or psychological impairment.” N.Y.C. Admin. Code § 8-102(16).

Our work encompasses comprehensive organizing, policy campaigns, impact litigation, and individual legal services, and we are guided by the priorities of our communities as we advocate for the rights of people with disabilities, equal access to health care, immigrant opportunity, invigorated local non-profits, and environmental justice for low-income communities of color.

NYLPI's Disability Justice Program has represented thousands of individuals and triumphed in numerous campaigns improving the lives of New Yorkers with disabilities. We have long fought disability-based discrimination in housing, and our landmark housing victories include access to New York City Housing Authority housing for persons with disabilities, as well as ensuring that countless private landlords accommodate their tenants with disabilities.

Ongoing Support from NYLPI

We thank the City Council for convening this important hearing to promote accessible housing in New York City. We appreciate the opportunity to provide this written testimony on behalf of our clients with disabilities who seek and deserve equal access to services. Please feel free to contact us at (212) 244-4664 or smendez@nylpi.org.

**New York City Council
Committee on Housing and Buildings; Committee on Aging**

NYSFAH Testimony

3 October 2022

NYSFAH is the trade association for New York's affordable housing industry statewide. Its 400 members include for-profit and nonprofit developers, lenders, investors, attorneys, architects and others active in the financing, construction, and operation of affordable housing. Together, NYSFAH's members are responsible for the vast majority of the affordable housing built in across the City and State that uses federal, state and local subsidies and incentives. Founded in 1998, NYSFAH is the nation's largest affordable housing trade group.

Intro-141 Power Assisted Doors

NYSFAH recommends this legislation be amended through a consultative process with the real estate industry.

NYSFAH strongly supports measures that increase accessibility. However, the proposed legislation should be clarified and modified. First, the bill does not specify whether the requirement would apply to exterior doors, interior doors, or both. Second, it would be inadvisable for a power-assisted door to also serve as a fire door, given that such doors are slower to open and close. Third, older buildings that were not designed with this requirement in mind (or are in historic districts) may not be able to meet this requirement. NYSFAH recommends the creation of a working group between Council and the development industry to ensure that there are not unintended consequences to this legislation.

Intro 322 – Protective Devices

NYSFAH recommends this legislation be amended to accommodate situations in which the installation of grab bars is impracticable, to increase the tax abatement with inflation, and to exempt buildings that have a complete real estate tax exemption pursuant to a regulatory agreement.

NYSFAH supports measures that will improve accessibility for seniors and the disabled, including protective device installation. The City's Human Rights Law ensures that owners make reasonable accommodations for residents with disabilities as well as seniors, including grab bars and treads. Additionally, the Department of Housing Preservation and Development (HPD) ensures that affordable buildings constructed or preserved with City subsidy go above and beyond the accessibility requirements of market-rate buildings.

However, if a bathroom has been constructed with non-load bearing walls, the installation of grab bars would be highly expensive and impractical. Additionally, such work might expose lead paint that would require remediation. This legislation should be amended to address situations where grab bars cannot be installed without major intervention. Additionally, the tax abatement should be adjusted to increase with inflation.

Additionally, while a tax abatement seems like an equitable manner to compensate an owner for the cost of protective device installation, it is not always appropriate for affordable housing.

In order to deepen affordability levels and lessen the amount of City subsidy needed, affordable buildings often receive tax exemptions for their regulatory periods. For instance, a building with a 420-c tax exemption may receive a complete tax exemption for up to 60 years. In other words, an affordable building might have to bear the cost of such protective device installation without any mechanism to receive the benefit of the tax abatement.

This legislation should therefore be amended to exempt buildings that receive a full property tax exemption as there is no way for building operators to receive compensation for the additional requirements that would be imposed, and HPD already highly regulates the accessibility of such buildings.

Intro 584 – Legal Services for Tenants with Disabilities

NYSFAH is opposed to this legislation and recommends instead that right-to-counsel be enhanced through the budget process.

While affordable housing operators are aware of the disability status of residents who choose to submit such information upon lease-up, particularly for disability set-aside units, medical conditions are not static over time. Furthermore, from a privacy standpoint, many tenants would object to building operators monitoring and retaining information on their disability status unless they have explicitly requested a reasonable accommodation.

Additionally, the City's Human Rights Law prohibits discrimination based on disability status. In this particular case, the bill would quite literally require the building operator to discriminate among tenants based on disability status when beginning legal proceedings. Furthermore, in this case the building operator would be supplying the City with medical information concerning a tenant without his or her consent.

Finally, this bill would impose yet another reporting requirement on HPD at a time when the agency has a ~20% vacancy rate.

NYSFAH recommends that Council, through the budget process, improve upon existing right-to-counsel programs to ensure that disabled tenants receive appropriate representation during any proceedings in housing court.

Intro 676 – Universal Design

NYSFAH is highly opposed to this legislation as affordable housing is already the most accessible and most regulated housing in the city, and Universal Design is a set of principles not a regulatory regime.

HPD already has a 245-page manual for how affordable housing architects and developers should comply with accessibility standards. HPD buildings must comply with the following standards for accessibility (excerpted from page 11 of the manual):

- a. The federal Fair Housing Act
 - Applies to multifamily housing consisting of four (4) or more dwelling units.
- b. New York City Building Code (accessibility requirements)
 - Applies to structures with four (4) or more dwelling units or sleeping units intended to be occupied as residences.
- c. Section 504 of the Rehabilitation Act of 1973
 - Applies to multifamily housing projects, containing five (5) or more dwelling units (including scattered sites.)
- d. The Americans with Disabilities Act for public and commercial spaces

* Where multiple laws and technical standards apply to a project, the project must comply with the most stringent laws and technical standards. For example, if a building has 5 or more units:

- a. all units must comply with FHA and BC
- b. the Mobility Impaired (M/I) units must additionally comply with UFAS or ADA.
- c. the Hearing/Visual Impaired (H/V) units must additionally comply with UFAS Section 4.28 or ADA Sections 809.5

It is already highly challenging, though important, for some preservation projects to comply with these requirements. Meanwhile, Universal Design is a set of ideas rather than a legal standard.

NYSFAH therefore opposes this legislation as it would impose a vague and unnecessary additional standard onto what is already highly regulated and highly accessible housing.

NYSFAH would welcome the opportunity to meet with the Council to address any concerns regarding accessibility of affordable buildings.



**Committee on Housing and Buildings and the Committee on Aging
Oversight - Increasing Affordable Housing for Older New Yorkers and Improving
Accessibility in the City's Housing Stock.
October 3, 2022**

Thank you Chair Sanchez and Hudson and members of the Committee on Housing and Buildings as well as members of the Committee on Aging for hosting today's important hearing. JASA welcomes today's hearing as an opportunity to focus on the need for increasing affordable housing for older adults and improving accessibility in the City's housing stock.

JASA is a not-for-profit agency that honors older New Yorkers as vital members of society, providing services for over 50 years that support aging with purpose and partnering to build strong communities. JASA has a comprehensive, integrated network of services that provides a continuum of community-based care in the Bronx, Brooklyn, Manhattan, and Queens. Programming promotes independence, safety, wellness, community participation, and an enhanced quality of life for New York City's older adults. These programs reach over 40,000 clients and include affordable senior housing, home care, and a wide range of social services, which include case management, older adult centers, NORC supportive services, home delivered meals, caregiver support, mental health, advocacy, legal services, and adult protective and guardianship services.

Older New Yorkers, aged 65 and older currently make up about 13% of the city's residents and the number is projected to grow from 1.1 million to 1.4 million by 2040. New Yorkers are living longer than ever, with a life expectancy of 81.2 years. Those of us in the human services field and affordable housing providers know that a critical component to successful aging is stable housing. Lack of housing exacerbates physical and mental health challenges and can lead to unnecessary institutionalization.

JASA Housing Management

JASA Housing Management (JHM) is a full-service property management company providing a wide array of services to building owners and senior residents. JHM is the leading non-profit provider of affordable senior housing in New York City and home to over 2,400 low-and moderate-income older adults. As owner and manager, JHM provides tenants with safe, secure, and accessible environments as well as social services and activities that strengthen and enliven the local communities. Unfortunately, all JHM properties have waitlists due to their reputation for high-quality, affordable and

secure housing in prime locations, as well as the lack of alternative affordable housing for the older adults in NYC.

Through new partnerships with housing developers in the Bronx, Brooklyn, and Queens, JASA is bringing its housing management and services expertise to new senior housing. New grants from NYC HRA SARA and NYS ESSHI support programs designed to bolster stable housing for formerly homeless older adults, some of the most vulnerable of NYC's residents. Most recently JHM participated in the development of a building at 1490 Southern Boulevard in the Bronx and we are currently partnering in the construction of Casa Celina, a 205-unit affordable housing development for seniors in the Soundview section of the Bronx.

We regularly see tenants at JASA housing as part of the fabric of the community they reside in: contributing to their communities, volunteering, and engaging in civic activities. In our experience, residents are eager to invest in their communities and look for opportunities to contribute to the betterment of their neighborhoods.

Unfortunately, when affordable housing is developed, the need is far greater than the number of units. The number of applications is astounding. JASA regularly receives inquiries from older adults, family members, and elected officials looking to assist their constituents. As the Committee on Housing and Building looks to shape and reshape areas of the City, we are pleased that you are including affordable housing for older adults as part of the calculation.

Aging in Place

JASA provides social services at 13 Naturally Occurring Retirement Communities (NORC). A NORC is a community or building complex that was not originally designed for seniors, but has a large percentage of residents who are older adults. These communities were not initially created to help older adults age in place, but have evolved naturally, and provide a unique and easy way for older New Yorkers to live independently. JASA offers a number of quality-of-life programs to seniors living within NORCs. Our NORC programs provide a wide range of social services, educational and recreational activities, supportive counseling, assistance with securing benefits and entitlements, health-related services, and transportation to help senior residents remain at home and continue to participate in community life.

JASA's longstanding commitment to serving these unique communities enables individuals to grow older among familiar faces and surroundings.

Any Council Member with a NORC in the district surely recognizes their value. There are numerous buildings across New York City that technically fit the qualifications for NORC designation, but do not currently receive City or State funding to support the full NORC model. There are also a number of NORC programs which are fully supported by Council Members, which we are extremely grateful for. As the City Council looks at aging in place and ways to improve accessibility, the City should consider expanding funding for NORC programming.

This topic also serves as an opportunity to discuss SCRIE and DRIE, the rent increase exemptions programs. SCRIE and subsequently DRIE were created to ensure that low-income older adults and people with disabilities were protected from bi-annual rent-increases, which threatened their ability to pay for basic necessities such as food, medicine, and clothing. Since its inception, there was an understanding that vulnerable older adults and people with disabilities should not have to choose between paying rent and affording a decent meal. The program was founded with the recognition that people with limited income, and often those who are living on fixed retirement incomes, cannot keep pace with rent increases, and that there was a need for the government to establish protections. It is clear that there are many more eligible older adults than those benefiting from the programs. Efforts to educate more New Yorkers about their existence, and make the process easier and more accessible to older adults will positively impact thousands of households.

JASA is fully committed to providing safe, and accessible housing and supports legislation that makes aging in place easier for older New Yorkers. JASA supports Int 141, which would amend the New York City building code in relation to power-operated and power-assisted doors. JASA also supports Int 322 - a Local Law to amend the administrative code of the city of New York, in relation to the installation of protective devices for seniors and persons with a disability who reside in multiple dwellings, and the provision of a tax abatement for certain related installations.

JASA is pleased to serve as a resource for any additional information and would be more than happy to invite you to conduct a site visit at any of our buildings, SARA sites, and NORC programs.

Thank you for the opportunity to testify today.

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City Wide Housing Practice

Testimony of
The Legal Aid Society
on
Access to Affordable Housing for
NYC's Seniors and People with
Disabilities
presented before

The New York City Council's Committees on Aging
and Housing and Buildings Jointly

Munonyedi Clifford
Attorney-in-Charge of the City-Wide Housing Practice
Civil Practice
Legal Aid Society
October 3, 2022

The Legal Aid Society appreciates the opportunity to comment on access to affordable housing for NYC's seniors and people with disabilities. The Legal Aid Society thanks the Committee on Aging and the Committee on Housing and Buildings for convening this hearing.

WHO WE ARE

The Legal Aid Society is the oldest and largest not-for-profit public interest law firm in the United States, working on more than 300,000 individual legal matters annually for low-income New Yorkers with civil, criminal, and juvenile rights problems in addition to law reform representation that benefits all two million low-income children and adults in New York City. The Legal Aid Society delivers a full range of comprehensive legal services to low-income families and individuals in the City. Our Civil Practice has local neighborhood offices in all five boroughs, including the Brooklyn Office for the Aging, along with centralized city-wide law reform, employment law, immigration law, health law, and homeless rights practices.

I. Older New Yorkers and people with disabilities need help staying housed

Seniors and people with disabilities who are very low or extremely low income in relatively affordable apartments (at or below section 8 levels) need help to stay in those homes. Preserving affordable housing for seniors and people with disabilities should be a top priority for the city. The city has to do more to combat the housing crisis and to prevent the rampant displacement of seniors and people with disabilities.¹ The city can help keep seniors and people with disabilities housed by expanding the CITYFHEPS eligibility criteria and by updating the Senior Citizen Rent Increase Exemption and the Disability Rent Increase Exemption (SCRIE/DRIE) program to not just freeze rents but to set the rent at 30% of the household income for qualifying seniors and people with disabilities.

¹ "The affordable housing crisis is most profound for those with the lowest income." <https://www.coalitionforthehomeless.org/state-of-the-homeless-2022/> The coalition for the homeless estimates that 40% of low-income households are comprised of seniors.

Currently in order to be eligible for CITYFHEPS a household must have an income at or below 200% of the federal poverty guidelines and meet one of four additional criteria.² The household must contain a veteran who is at risk of homelessness; or the household must receive a Pathway Home benefits and would be eligible for CITYFHEPS if they were in a DHS or HRA shelter; or the household was referred by a CITYFHEPS qualifying program, and DSS determined that CITYFHEPS was needed to avoid shelter entry; or the household is facing eviction in court or was evicted in the past year **and** includes someone who was in a DHS shelter, someone who has an active APS case or is in a designated community guardianship program, or lives in a rent-controlled apartment and will use CITYFHEPS to stay in that apartment. CITYFHEPS should be expanded to include low-income seniors and people with disabilities who currently reside in apartments where their rents are at or below the Section 8 rent levels. Expanding the program in this way allows seniors to age in place and prevent displacement from their homes and communities.

“But I still cannot afford the rent” a senior client responds after I explained to her that not only could she take over her deceased partner’s apartment, she could also take over the partner’s SCRIE. SCRIE and DRIE provide that eligible seniors or people with disabilities who live in rent regulated apartments can apply for a rent freeze at their current rent level and protection from future rent increases.³ The rent freeze is a great help where the original rent is affordable. However, countless studies have shown that low-income seniors and people with disabilities are severely rent burdened⁴. Seniors and people with disabilities are often one missed paycheck or support payment from not being able to pay rent, buy food, or purchase needed medication.

In many cases, even though the rent is frozen, the apartment is still unaffordable. The legislature can prevent situations like this by converting the SCRIE/DRIE program from a

² <https://www1.nyc.gov/assets/hra/downloads/pdf/cityfheps-documents/dss-7r-e.pdf>

³ <https://www1.nyc.gov/site/finance/benefits/landlords-drie.page> . See also, <https://www1.nyc.gov/site/rentfreeze/tools/scrie-applications.page>

⁴ https://www.coalitionforthehomeless.org/wp-content/uploads/2022/05/Housing-Affordability-Brief_June-2022.pdf

rent freeze into a program where the rent is calculated based on 30% of the household income, like Section 8 and other rental subsidies. This will ensure that the seniors or person with disabilities are able to afford the rent for their home.

We know that homelessness destabilizes seniors and people with disabilities. They lose access to community and health care providers. This leads to increased costs to the city and state for hospitalizations and medical needs. Not to mention the shelter costs which the city mostly bears. The legislature can do more to keep seniors and people with disabilities in their homes.

II. Older New Yorkers who are losing their homes need help finding new housing

“Where am I supposed to go?” This is the desperate question that we hear so often from our older clients facing eviction. Unless the Legislature reduces the risk of eviction of vulnerable New Yorkers by passing the Good Cause eviction bill⁵, this desperation will continue to grow.

Because waiting lists for senior and disabled housing are years long, older people who are faced with eviction need to find affordable privately-owned housing that they can move into right away while they await an opportunity to secure subsidized housing. But as anyone who has sought housing in New York City knows, finding an apartment here is a herculean task. And it is more difficult for older people now than ever, because older people may have no facility with computers and not have undertaken an apartment search in many years. At The Legal Aid Society, we are helping older clients facing eviction who believe that the way to find new housing is to look in building windows for signs advertising vacant apartments.

But despite the obvious obstacles facing older New Yorkers who want to secure new housing, no resources exist to help them with this task. Now that the eviction

⁵ <https://legalaidnyc.org/news/lte-new-yorkers-need-housing-protections-from-albany/>.

moratorium has ended, we are receiving more and more requests – from older clients and from other members of the public – for help finding new housing. But we do not offer that type of assistance, and we are aware of no other organization or agency in New York City that does. Our impression is that occasionally an especially generous social worker or case worker at a well-staffed senior center will offer a member some help looking for a new home, but this is rare. Thus, the city should create resources to provide older New Yorkers with this crucial assistance.

II. Older New Yorkers need help identifying and applying for senior and disabled housing opportunities

Older people embarking on a housing search are often stunned to learn not only that waiting lists for senior and disabled housing are years long, and that it is impossible even to apply for inclusion on *waitlists* for some properties, but also that there is neither a centralized way to identify and apply for all such housing opportunities, nor assistance available to obtain and complete applications.

Lucy Joffe Assistant Commissioner for Housing Policy at the Department of Housing Preservation and Development testified Monday that the agency has 51 housing ambassadors who partner with community-based service providers in New York City who help people prepare and apply for Housing Connect affordable housing lotteries. The agency testified that 2 of the 51 are dedicated to assisting people with disabilities. While assisting elderly New Yorkers and people with disabilities navigate the lottery process is crucial, this program will continue to be ineffectual in the absence of more affordable housing for seniors and people with disabilities who will continue to languish on long waitlists.

The process of applying for senior housing can be daunting even for older people who are computer-literate. Imagine you are an older New Yorker looking for senior housing options, and thus you conduct a Google search for “senior housing NYC”. Here is what you will find:

- NYC Housing Connect. This site⁶ purports to be “New Yorkers’ portal to find and apply for affordable housing opportunities across the five boroughs of New York City”. But a site search today for opportunities for a single adult with annual income of \$12000 generated **zero** results.
- The NYC Department for the Aging (“DFTA”). Typing “housing” into DFTA’s site’s search field brings up, first, a link to NYC Housing Connect (above). Further down in the list of search results, there are links to DFTA’s five borough-specific “Alternatives in Senior Housing” publications, apparently last updated in 2017.⁷ The 30-page publications contain lists of buildings that house older people and the contact information of their buildings’ management offices; the publication instructs the reader to “contact individual developments for further information and applications”. Thus, one would need to place separate phone calls to the various properties to inquire about eligibility requirements, wait list statuses, and application processes – all of which often differ from location to location.
- New York Foundation for Senior Citizens. This organization’s site, on its “affordable housing” page⁸, describes nine properties that the organization runs, two of which are “not accepting applications at this time”. To apply to the other seven, one must download and complete a separate 9-page application *for each location*; it is not possible to apply for all, or some subset, of the seven properties at once. And each application warns that a family must not submit more than one application; if more than one is received, all of the family’s applications “WILL BE *DROPPED TO THE BOTTOM OF THE LIST!*” (emphasis in the original).

⁶ <https://housingconnect.nyc.gov/PublicWeb/>

⁷ See, e.g., <https://www1.nyc.gov/assets/dfta/downloads/pdf/publications/HousingManhattan2019.pdf>.

⁸ <https://www.nyfsc.org/housing-services/affordable-housing/>.

- JASA affordable senior housing.⁹As with the New York Foundation, only a subset of JASA’s properties are accepting applications for their waitlist. Each property requires the applicant to prepare and submit a separate application, and there is a dire consequence to applying more than one time: “You will be disqualified if more than one application is received per lottery for your household or a single person appears in two or more applications”, the site warns.

It is clear from the foregoing that the process of even finding opportunities to apply for senior housing in New York requires a degree of computer literacy, organization, and persistence that many older New Yorkers cannot hope to achieve. Yet virtually no help is available.¹⁰ Thus, the city should devote resources to provide older New Yorkers with this critical help.

III. The city should expand the Assigned Counsel Project because older New Yorkers in rent-regulated housing need comprehensive help to maintain their tenancies

An affordable rent-regulated apartment in New York City is, for many older people lucky enough to rent one, by far their most valuable asset, without which they would face homelessness. Therefore, maintaining those affordable homes, and thus allowing older people to age in place safely, is the core of our work with older clients at The Legal Aid Society. But the challenges these tenants face are not susceptible to legal solutions only; often a tenancy is jeopardized by an older person’s inability to fulfill some critical obligation, like paying rent, or maintaining a clutter-free environment. In many cases these challenges can be met only with a combination of intensive legal and social

⁹ <https://www.jasa.org/services/housing>.

¹⁰ The Housing Ambassador Program purports to “help people apply for Housing Connect affordable housing lotteries”. <https://www1.nyc.gov/site/hpd/services-and-information/housing-ambassadors.page> As previously mentioned, however, Housing Connect may show no opportunities at all for some potential applicants; and we have found that some of the CBOs that the Ambassador site lists as offering this help actually do not.

work assistance. Therefore, we urge the City to deepen its investment in the Assigned Counsel Project.

The Assigned Counsel Project, or ACP, is a partnership between the Housing Court and New York City agencies and legal services providers; the ACP brings together lawyers and social workers to work as a team to help resolve the Housing Court cases of New Yorkers age 60+ who present with social services needs. The small ACP social services team at the NYC Department for the Aging works with ACP legal services providers in Brooklyn and Manhattan to help ACP clients apply for or recertify their public benefits; find ways to ensure that their rent is paid on time; and reduce clutter and other hazards in their homes. The social services component of the ACP, which has always been available only in Brooklyn and Manhattan, is critical to the outcomes of ACP cases.

For many years the ACP was administered by the NYC Department for the Aging, but HRA took over the Project's administration in 2018. Given the housing-related challenges facing older New Yorkers that have been discussed today, the ACP is clearly more essential than ever and should be expanded. But we are concerned that under the administration of HRA, the ACP is diminishing. It seems notable that, to our knowledge, HRA has published no information about its administration of the ACP since it

took over the Project; the only information about the ACP that can be found on the internet is published by the NYS Courts and the NYC Department for the Aging.¹¹

Because historically many ACP referrals have come from Housing Court judges, it was unsurprising that the flow of ACP cases diminished during the pandemic, along with the flow of cases in the Court more generally. But the flow of referrals diminished even further this past July, when HRA announced that as of July 1 it would begin referring only “nuisance holdover” cases to ACP legal services providers, and not the full range of

¹¹ See <http://ww2.nycourts.gov/ip/nya2j/diverseneeds/assignedcounsel.shtml>; https://nycourts.gov/courts/nyc/civil/pdfs/acp_brochure.pdf; and <https://www1.nyc.gov/site/dfta/services/legal-help.page>. These pages have not been updated to reflect any of the changes to the ACP since HRA began administering the Project.

Housing Court matters that used to be eligible to become ACP referrals. This change has substantially reduced the quantity of ACP matters. Since July 1, 2021, our Brooklyn Office of the Aging, for example, has received only a handful of ACP referrals from HRA; our counterpart in Brooklyn, Legal Services, reports that they too have received very few over the past five months.

We therefore urge the Committee to work with HRA and DFTA to increase the scope of the ACP, by expanding:

- DFTA's ACP social services support beyond Brooklyn and Manhattan;
- the pool of eligible cases beyond the narrow category of nuisance holdover lawsuits; and
- the nature of DFTA's social services support, from short-term crisis intervention to, in appropriate cases (such as nuisance cases settled with probationary agreements), longer-term social work support.

III. The city should call on the state to pass Good Cause eviction legislation

The Good Cause eviction bill limits evictions to only those with good and just causes.¹² Passing Good Cause could help protect the over 4 million market rate renters by tying rent increases to inflation and limiting predatory evictions. Good Cause gives tenants the confidence that they can raise their families in their homes. Tenants will no longer have to worry about being evicted or the stress, anxiety, and expense of struggling to find another apartment when there are simply not enough affordable units in the first place.

¹² <https://www.nysenate.gov/legislation/bills/2019/S2892>

The Legal Aid Society thanks the Committee on Aging and the Committee on Housing and Buildings for convening this hearing. Thank you for partnering with us in protecting seniors and people with disabilities.

For more information, please contact Munonyedi Clifford at Mclifford@legal-aid.org

**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: 10/3/22

(PLEASE PRINT)

Name: Guillermo Patino

Address: Deputy Commissioner, External Affairs

I represent: NYC Department of Buildings

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 10/3/22

(PLEASE PRINT)

Name: Ryan Murray

Address: _____

I represent: HRA - First Deputy Commissioner

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 10/3/22

(PLEASE PRINT)

Name: JOANN KAMUF WARD

Address: 22 Pease St

I represent: COMMISSION ON HUMAN RIGHTS

Address: 22 Pease St

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THE CITY OF NEW YORK**

Appearance Card

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(PLEASE PRINT)

Name: Brianna Paden-Williams

Address: 49 W 45th Street, NY, NY

I represent: Live On NY

Address: _____

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Date: 10-3-2022

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Name: Vik Bensen

Address: _____

I represent: Citymeals on wheels

Address: 355 Lexington Ave, 10017

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THE CITY OF NEW YORK**

Appearance Card

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Date: 10/3/22

(PLEASE PRINT)

Name: Mun Clifford

Address: _____

I represent: The Legal Aid Society

Address: 199 Water St, NY NY



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in favor in opposition

Date: 10/3/22

(PLEASE PRINT)

Name: Michael Ogribene

Address: _____

I represent: Dept. for the Aging

Address: 2 Lafayette St. 10007

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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: JOYCE HILLCARD

Address: MORRIS AVENUE, BX NY 10453

I represent: MORRIS AVENUE

Address: SAME AS ABOVE

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