

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON COURTS  
AND LEGAL SERVICES

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April 15, 2015  
Start: 1:10 p.m.  
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HELD AT: Council Chambers - City Hall

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

COUNCIL MEMBERS:  
Vanessa L. Gibson  
Ben Kallos  
Carlos Menchaca  
Vincent Ignizio  
Mark Levine

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

Steven Banks  
HRA Commissioner

Molly Murphy  
Special Counsel to Commissioner

Sarah Zuiderveen  
HRA

Adele Bartlett  
Office of Manhattan Borough President Gale  
Brewer

Adriene Holder  
Legal Aid Society

Raun Rasmussen  
Legal Services NYC

Randal Jeffrey  
NYLAG

Michael Grinthal  
MFY Legal Services

Andrew Scherer  
Impact Center of New York Law School

Susan Jacobs  
Center for Family Representation

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

Kate Rubin  
Bronx Defenders

McGregor Smyth  
New York Lawyers for Public Interest

Brenna DeVaney  
NYC Bar Association

Jenny Laurie  
Housing Court Answers

Fitzroy Christian  
CASA

Maria Vera Roman  
Banana Residence Council

Joseph Speda

Carmen Vega Rivera  
CASA

Randy Gillard [sp?]  
CASA

Carlos Rivera  
CASA

Maria de La Cruz  
Community Action for Safe Apartments

Garrett Wright  
Urban Justice Project

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

James Heart

Masacatsu Suzuki [sp?]

Alejandra Nassir [sp?]

La Sudez [sp?]

Naila Moore

Pratt Area Community Council

2 CHAIRPERSON LANCMAN: Good afternoon. I

3 am Councilman Rory I. Lancman, Chair of the Committee  
4 on Courts and Legal Services, and we're here today to  
5 discuss Intro 736 sponsored by Council Member Mark  
6 Levine and Speaker Melissa Mark-Viverito, which would  
7 establish an Office of Civil Justice headed by Civil  
8 Justice Coordinator appointed by the Mayor. We are  
9 joined by Council Member Mark Levine, and I know  
10 other Council Members will be coming in and out of  
11 the hearing throughout the afternoon. We have all  
12 watched enough television to know that someone  
13 charged with a crime is advised of their right to an  
14 attorney, and "if you cannot afford an attorney, one  
15 will be appointed for you." There is widespread and  
16 growing recognition of the importance of legal  
17 representation in civil cases as well, particularly  
18 when what is at stake might be your home, your  
19 sustenance, your personal safety, your health, or  
20 custody of your children. Our Chief Judge Johnathan  
21 Litman [sp?] has made the expansion of access to  
22 civil legal services the hallmark of judicial policy  
23 making in New York, particularly through the  
24 establishment of the statewide taskforce to expand  
25 access to civil legal services. New York City has

1 embraced this challenge with gusto. The Council, the  
2 Speaker Mark-Viverito's enthusiastic leadership  
3 doubled its funding of civil legal services this year  
4 to approximately 23 million dollars. The  
5 Administration spends another approximately 25  
6 million dollars on civil legal services. These  
7 include specific programs to provide legal assistance  
8 to domestic violence victims, tenants facing  
9 eviction, and homeowners facing foreclosure,  
10 veterans, immigrants, indeed in almost every kind of  
11 civil case imaginable, including relating to public  
12 benefits, disability, food stamps, home care,  
13 Medicaid, Medicare, hurricane Sandy claims, LGBT  
14 issues, and estate planning. But we are just  
15 scratching the surface of the vast and largely unmet  
16 legal needs of New York City's low and middle income  
17 residents. Establishing an Office of Civil Justice  
18 headed by a Civil Justice Coordinator would  
19 centralize our effort to understand, analyze and  
20 identify the legal representation needs of New  
21 Yorkers and oversee the effectiveness of our civil  
22 legal services funding. Today's hearing on Intro 736  
23 will explore the need for such an office and the  
24 issues relating to its creating and operation, and I  
25

2 look forward to hearing testimony of our witnesses  
3 and the questions from our members. With that, I  
4 would like to invite Council Member Mark Levine, the  
5 sponsor of Intro 736 if he has a brief opening  
6 statement.

7 COUNCIL MEMBER LEVINE: Thank you so  
8 much, Chair Lancman, for your excellent remarks. The  
9 status quo and civil courts in New York City today  
10 doesn't meet anyone's standard of justice. When an  
11 undocumented immigrant who might not speak English  
12 and certainly doesn't understand the American legal  
13 system is forced to confront the deportation hearing  
14 without an attorney, I don't think that meets the  
15 ideals of justice that we hold dear in this country  
16 and the city. When a mother who's been a victim of  
17 domestic violence is forced to confront the hearing  
18 on child custody of her kids in Family Court  
19 attorney, once again, we're not achieving any  
20 reasonable standard of justice. And most certainly  
21 we're not achieving justice in Housing Court where  
22 today 10 percent or fewer of tenants have attorneys  
23 while 90 percent of landlords do, landlords who are  
24 aggressively pushing for eviction cases, and sadly  
25 winning far too many because of the unequal playing

1 field that confronts tenants in Housing Court. This  
2 problem in Housing Court is singularly massive,  
3 150,000 cases a year, approaching 30,000 evictions a  
4 year. Tens of thousands of additional cases where  
5 tenants leave their apartments "voluntarily" during  
6 proceedings out of fear, often taking a buy-out which  
7 is paltry [sic] at best. Even judges are speaking  
8 up. The Chief Judge of New York State, Johnathan  
9 Litman [sp?] has been a singularly powerful voice in  
10 calling for reform in this area, but even judges on  
11 the front lines, on the bench, tell us privately that  
12 they are aghast at the uneven playing field in their  
13 courtroom, and they are requesting reforms. And I am  
14 thrilled that our city is answering that call,  
15 thrilled that we have a Commissioner of HRA Steve  
16 Banks, who more than any in history, profoundly feels  
17 the importance of this issue, knows more about it  
18 than perhaps anyone else in city government. It has  
19 been so effective at increasing our city's response  
20 in his year in office. The City Council together  
21 with the Mayor's Office have put in now close to 50  
22 million dollars, an incredible amount, a huge  
23 increase. But now we have a challenge. If we want  
24 to build on this and get to the day where every  
25

2 single low income New Yorker who needs representation  
3 in Civil Court has it, we have got to build the  
4 infrastructure. We've got to build the base. We  
5 need a single point person in the Administration who  
6 can be an internal advocate for this cause, who can  
7 coordinate among multiple agencies, who can  
8 coordinate with a wide variety of external players.  
9 These include not just traditional legal service  
10 nonprofits, but pro-bono law firms, law schools,  
11 foundations, and many others who are thankfully  
12 moving into this space. We need solid data on the  
13 performance of existing contracts in this area. We  
14 need to know whether we're delivering real results  
15 for low income people in civil court arenas, housing,  
16 immigration, Family Court. We need to get a report  
17 to the public and to the City Council on a yearly  
18 basis on just how great our impact has been, how  
19 effective our spending is, and how large the unmet  
20 need is. We know it's massive, but we need to  
21 understand who is unserved and where are they, and we  
22 need a game plan, a game plan over the short term  
23 over the next coming years to get to the day where  
24 every single New Yorker who needs an attorney in  
25 Civil Court has one. And I am thrilled that the

2 office that we're creating in this Intro, Intro 736,  
3 will solve every one of these problems. By creating  
4 an Office of the Civil Justice Coordinator, we are  
5 elevating this issue to a level it's never been  
6 inside this Administration and it's going to build an  
7 incredibly solid base for us to move forward and grow  
8 in this critical arena, and we're funding it.  
9 Yesterday, in the Council's preliminary budget  
10 response, we called for two million dollars in  
11 funding for this office, which would fund 22  
12 positions, a mix of attorneys and researchers and  
13 support staff. So there will be robust staffing in  
14 place to live up to the promise of this office. I  
15 just wanted to thank a number of people who have been  
16 incredibly helpful in getting us to this moment,  
17 including of course, the Speaker of the City Council,  
18 Melissa Mark-Viverito, who is truly passionate. This  
19 is a personal cause for her. She's been incredible  
20 in leading us forward on this. On the Council  
21 central staff, Laura Pulpa [sp?], Rob Newman, Matt  
22 Gewalb [sp?], Josh Hanshaf [sp?], Rob Calandra, Isha  
23 Rites [sp?], on my own staff, Amy Flattery has worked  
24 tirelessly over the last year to bring this to  
25 reality. And I have to offer a singular and special

2 recognition to my Chief of Staff, Aya Keefe [sp?],  
3 who has been so determined and relentless and  
4 brilliant in bringing together an unprecedented  
5 coalition behind this issue. We really all owe her a  
6 debt of gratitude, and she has my sincere thanks and  
7 admiration for this. With that, Mr. Chairman, I'll  
8 return it back to you. I look forward to our  
9 discussion today. Thank you.

10 CHAIRPERSON LANCMAN: Thank you, Council  
11 Member Levine, and we all appreciated the  
12 accompanying beep that came with most of your  
13 testimony. Hopefully the clerks have gotten a handle  
14 on that. Some administrative matters, we--if you want  
15 to testify, you need to fill out a slip and hand it  
16 to the clerk in the rear, the Sergeant at Arms in the  
17 rear. Every panel will have a time limit if we could  
18 adhere to it. That would be in everybody's interest.  
19 And with that, we'd like to welcome the Commissioner  
20 of HRA and his team to give testimony. Commissioner,  
21 and if either of your associates there are going to  
22 be testifying, if we could swear you in and we'll get  
23 started.

24 COMMISSIONER BANKS: Sure.

2 CHAIRPERSON LANCMAN: Do you affirm to  
3 tell the truth, the whole truth and nothing but the  
4 truth in your testimony before this committee and to  
5 respond honestly to Council Member questions?

6 COMMISSIONER BANKS: I do.

7 CHAIRPERSON LANCMAN: Thank you very much.  
8 Mr. Sergeant at Arms, could we put 10 minutes on the  
9 clock? Ten minutes?

10 COMMISSIONER BANKS: And I'll appreciate-

11 -

12 [cross-talk]

13 COMMISSIONER BANKS: I'll appreciate your  
14 indulgence if I run beyond 10 minutes. I have to my  
15 left Molly Murphy, Special Counsel to the  
16 Commissioner, known to the City Council, and to my  
17 right is Sarah Zuiderveen, who's the Deputy  
18 Commissioner at HRA, and has been overseeing the  
19 expansion of the legal services initiatives at HRA as  
20 well as our Rental Assistance Programs and other  
21 homeless prevention programs. I want to thank you as  
22 the Chair for your leadership on this issue. I want  
23 to thank Council Member Levine who's been a leader  
24 and a champion on this issue and a colleague and  
25 someone who I've enjoyed partnering with over the

2 years, and Chairperson Lancman, I think this is the  
3 first time I've been before you in this context, but  
4 I appreciate all of the things that you've been  
5 involved in over the years that have been important  
6 issues in the other context in which we knew each  
7 other. I want to thank you for inviting us to appear  
8 before the committee today to discuss the role civil  
9 legal assistance plays in providing access to justice  
10 and to testify regarding Intro 736 that provides for  
11 the creation of a Civil Justice Office in New York  
12 City which is certainly a concept that we support.  
13 As you know, every day in all five boroughs, the  
14 City's Human Resources Administration is focused on  
15 carrying out the Mayor's priority of fighting poverty  
16 and income inequity and preventing homelessness.  
17 With an annual budget of 9.7 billion dollars and a  
18 staff of 14,000, HRA provides assistance and services  
19 to some three million low income children and adults,  
20 including economic support and social services for  
21 families and individuals through the administration  
22 of major benefit programs, cash assistance,  
23 supplemental nutritional assistance program benefits,  
24 food stamps, Medicaid, and child support services,  
25 homelessness prevention assistance, educational,

2 vocational and employment services, assistance for  
3 persons with disabilities, services for immigrants,  
4 and civil legal aid, and disaster relief. And for  
5 the most vulnerable New Yorkers, HIV/AIDS services,  
6 adult protective services, home care and programs for  
7 survivors of domestic violence. As part of our  
8 reorganization of the agency over the last year to  
9 carry out the Mayor's priority of addressing poverty  
10 and preventing homelessness, we've created the  
11 Homelessness Prevention Administration headed by  
12 Bruce Jordan [sp?] at HRA, a long time caseworker and  
13 now leader in this area at HRA. In this new program  
14 area of the agency we streamline all of our existing  
15 programs targeted at homelessness prevention and  
16 establish two new programs to enhance our ongoing  
17 efforts to provide low income New Yorkers with access  
18 to legal assistance regardless of whether they are  
19 HRA clients, and I want to emphasize that. This  
20 access to legal assistance that we've been putting in  
21 place is regardless of whether or not New Yorkers are  
22 HRA clients. First, we have the early intervention  
23 outreach team. That's the Homelessness Prevention  
24 Administration's newly created central office whose  
25 mission is outreach to families, individuals in need

2 of legal assistance or emergency rental assistance,  
3 and the team's work is currently based on early  
4 warning referrals that we're getting from Housing  
5 Court Judges with early warning referrals soon to be  
6 added for NYCHA tenant arears cases and NYCHA's  
7 Section 8 eviction cases as well as adult protective  
8 services referrals and referrals from New York City  
9 marshals. The outreach team makes referrals to  
10 tenant counsel to legal services organizations in  
11 accordance with contractual allocations that have  
12 been set through our current legal assistance  
13 initiatives unit, and that's been the advantage of  
14 consolidating those contracts at HRA that we could  
15 link people who are coming to us with rent arears  
16 problems with available counsel. Of particular  
17 relevance to the hearing today, we established a  
18 legal assistance initiatives unit that manages the  
19 HRA legal assistances program. The provision of  
20 legal assistance is part of HRA's overall effort to  
21 address poverty and prevent homelessness and to  
22 advance this effort in the city Fiscal Year that  
23 began on July 1, 2014. So, less than a year ago, the  
24 Mayors consolidate all of the civil legal assistance  
25 programs in the city's baseline budget at the Human

2 Resources Administration. This consolidation has  
3 been implemented to coordinate, to enhance  
4 coordination and effectiveness of these important  
5 programs. The consolidation of HRA currently  
6 includes legal services funding that had been  
7 allocated previously to the Department of Homeless  
8 Services, the Department of Housing Preservation and  
9 Development, the Department of Youth and Community  
10 Development, and the Mayor's Office of Criminal  
11 Justice. The new contracts at HRA fund anti eviction  
12 legal assistance, immigration legal aid and a range  
13 of other civil legal services that are vital to  
14 vulnerable New Yorkers. These legal assistance  
15 programs provide civil legal help to clients  
16 regardless of whether they are applicants or  
17 recipients of HRA's other benefits and services. The  
18 Civil Legal Services programs and the 18.8 million  
19 dollars in associated funding in the city's baseline  
20 budget that have been consolidated HRA are as  
21 follows: 3.5 million for anti-eviction legal  
22 services, which represents an increase of 7.1 million  
23 above the previous funding levels as part of the  
24 Mayor's new initiatives to prevent homelessness that  
25 were announced last September, and 5.3 million in

2 legal assistance for immigrants, including legal  
3 services for survivors of domestic violence,  
4 immigrant workers and immigrant city residents with  
5 legal needs involving citizenship or current  
6 residency. In addition, during the course of this  
7 fiscal year, two further legal assistance programs  
8 have been developed at HRA. A new program in the 13  
9 zip codes in and around the zoning areas that will  
10 provide access to legal assistance for community  
11 residents identified as victims of tenant harassment  
12 in order to prevent displacement, keep families and  
13 individuals in their homes and maintain affordable  
14 housing. When fully implemented, this program will  
15 fund 31 million dollars in civil legal assistance and  
16 five million dollars in HRA support services on an  
17 annualized basis. A new program to assist children  
18 and adults with disabilities obtained federal  
19 benefits in place of state and local benefits for  
20 appeals, counsel review and federal service, court  
21 services, approximately two million dollars when  
22 fully implemented is an additional program that we're  
23 currently developing and are implementing. There's  
24 also a new 660,000 dollar program to support legal  
25 assistance to help New Yorkers benefits from the

2 President's executive action for immigrants as that  
3 begins to be rolled out. These initiatives that I've  
4 summarized in the base line budget represent an  
5 unprecedented commitment of resources by the  
6 Administration for civil legal assistance. For  
7 example, the prior Administration invested up to six  
8 million dollars in annual base line funding for anti-  
9 eviction legal services for families. In contrast to  
10 the current Administration's investment of  
11 approximately 45 million dollars for direct civil  
12 legal assistance to prevent homelessness and  
13 displacement when these programs are fully  
14 implemented. No other municipality allocates even a  
15 small fraction of what New York City has commitment  
16 to provide these programs for access to justice.  
17 Moreover, as we testified at our agency's preliminary  
18 budget hearing, we are developing a study to evaluate  
19 the remaining need for legal assistance in Housing  
20 Court after taking into account the Administration's  
21 new commitment of resources to provide representation  
22 to preserve housing. Unfortunately, recent estimates  
23 of need and the cost of meeting that need are based  
24 on data from the 1990's. When we complete the  
25 evaluation, we'll report on the outcome to the

2 council as part of the reporting specified in  
3 legislation under consideration today. In addition  
4 to the Administration's commitment of resources in  
5 the baseline budget as part of the FY 15 budget  
6 agreement between the Mayor and the City Council,  
7 there's an additional 17.6 million dollars in  
8 discretionary funding that's been added to the city  
9 budget for this year for the following programs:  
10 11.725 million for civil legal services including  
11 citywide civil legal services, legal services for low  
12 income workers, legal assistance to obtain  
13 unemployment insurance benefits and federal  
14 disability benefits, legal services for survivors of  
15 domestic violence, legal services for veterans, and  
16 anti-eviction in SRO housing legal services, a  
17 million dollars for the unaccompanied minors  
18 initiative, and 4.9 million dollars for a unique  
19 family unity project to keep immigrant families  
20 together and avert deportation. Included with the  
21 testimony is a report on both the base line budget  
22 programs in the discretionary funding that presents  
23 the breadth and depth of each of the current  
24 initiatives, both in the base line and those that are  
25 in the discretionary funding from the council. In

2 combination as Chief Judge Johnathan Litman [sp?] has  
3 done for the Judiciary Civil Legal Assistance  
4 Initiative, these programs prioritize providing civil  
5 legal assistance in core matters involving the  
6 essentials of life, legal problems in the area of  
7 housing including evictions, foreclosures, and  
8 homelessness, family matters including domestic  
9 violence, children and family stability, access to  
10 healthcare and education and subsistence income  
11 including employment wages, disability and other  
12 basic benefits of consumer debts. As illustrated by  
13 this summary of available legal assistance programs  
14 that have been consolidated at HRA, we currently  
15 oversee essential legal assistance programs for low  
16 income New Yorkers. These programs emphasize the  
17 provision of preventive legal assistance that can  
18 avert or reduce the need for litigation and highlight  
19 the need for provision of comprehensive services that  
20 require a seasoned, well-trained civil legal services  
21 staff to address complex inter-related legal matters.  
22 Bringing all these services together at HRA enables  
23 the city to utilize existing HRA mechanisms to claim  
24 available state and federal reimbursement for these  
25 kinds of legal services programs to streamline the

1 contract management process to avoid duplication of  
2 effort and maximize resources for the actual direct  
3 provision of legal assistance and enhance planning to  
4 address service gaps in the evaluation of emerging  
5 new legal needs and responsiveness as emergencies  
6 arise. In light of the Mayor's commitment to access  
7 to justice as evidence by this unprecedented  
8 municipal commitment of resource to civil justice  
9 efforts, we are pleased to highlight HRA's civil  
10 legal services programs and continue to counsel with  
11 the partner--to partner with the council as Intro 736  
12 moves through the legislative process to enactment.  
13 In view of the consolidation of the city's legal  
14 services programs at HRA and the dramatically  
15 increased legal services funding that the mayor's  
16 already allocated HRA, we greatly appreciate that the  
17 legislation provides that such an office may be  
18 established by the Mayor within any department, the  
19 head of which is appointed by the Mayor. This  
20 provision will make it possible for the  
21 Administration to continue with the new initiatives  
22 that are already under way. We look forward, as I  
23 said, to continue to partner with you on these  
24 important efforts to provide access to justice. We  
25

2 appreciate all the efforts that you are leading, and  
3 we thank you again for including us in this hearing.  
4 We welcome any questions that you may have.

5 CHAIRPERSON LANCMAN: Thank you very  
6 much, and look at that clock. That's pretty good.  
7 Everyone else, watch and learn. First, let me  
8 welcome Council Member Vanessa Gibson who's a member  
9 of the committee and also chairs the Committee on  
10 Public Safety, and I think we have questions starting  
11 from Council Member Levine.

12 COUNCIL MEMBER LEVINE: Thank you, Mr.  
13 Chair. I thank you for the excellent testimony,  
14 latest validation of the incredible work HRA's doing  
15 already in this area. Our legislation gives the  
16 mayor the option to make the Civil Justice  
17 Coordinator direct report to the Mayor, which is the  
18 case for the Criminal Justice Coordinator or to make  
19 it a direct report to a Commissioner. And we presume  
20 and welcome the prospect that this will be housed at  
21 HRA because of you begin the perfect leader for this  
22 effort. I presume there are other pieces of the  
23 civil justice service work perhaps in immigration and  
24 family that are housed in other agencies currently.

2 Is everything under HRA, and if not, how will you  
3 interface with other agencies?

4 COMMISSIONER BANKS: Well, currently, the  
5 vast, vast majority of all of the funding it involves  
6 civil justice is at HRA. Some of it is still in the  
7 process of being transferred. This was a tremendous  
8 effort and I'll give tremendous amount of credit to  
9 Sarah Zuiderveen for managing this effort of moving  
10 all these contracts and expanding them at the same  
11 time to HRA. I think that there are still some areas  
12 that we're focused on and I think as we've tried to  
13 do in the Administration, I mean obviously I've been  
14 outside of government for my professional life except  
15 for the last year, but there's a tremendous amount of  
16 collaboration among agencies. So, to the extent that  
17 there are programs remaining outside of HRA  
18 currently, there's a tremendous amount of  
19 collaboration, and I think that for example, the  
20 placement of the anti-harassment initiative at HRA is  
21 the recognition in the Administration of the ability  
22 for us to manage these program, get them up and to be  
23 able to coordinate with other agencies to ensure that  
24 frankly the civil justice needs are being met by low  
25 income New Yorkers, who in many respects are the most

2 vulnerable to the kinds of legal issues that you're  
3 concerned about and we're concerned about.

4 COUNCIL MEMBER LEVINE: Right, okay. You  
5 currently have staff that's overseeing existing  
6 contracts, correct?

7 COMMISSIONER BANKS: We do. We were  
8 provided with additional staff as part of our new  
9 initiatives in order to properly manage these  
10 programs.

11 COUNCIL MEMBER LEVINE: How big is that  
12 staff?

13 COMMISSIONER BANKS: Currently we have  
14 additional staffing of 19 to manage the programs.

15 COUNCIL MEMBER LEVINE: So it would  
16 defeat the purpose in part of the new office in the  
17 budget allocation if the new displaced or picked up  
18 some of the work of your existing administrators.  
19 I'm sure that's not your intention, but can you just  
20 reassure us that this would be additive, not  
21 replacing existing work?

22 COMMISSIONER BANKS: Well, I think as in  
23 all matters, all these things will be subject to the  
24 budget discussions that the Administration and the  
25 Council have. I think as you see we're committed to

2 ensure that we have robust staffing. There are  
3 additional obligations in terms of reporting and  
4 assessing need that are in the legislation, and as I  
5 identified at our preliminary budget hearing in  
6 February, we're planning on conducting our own  
7 assessment needs in Housing court. I don't think  
8 there's any reason to wait to go in with that, and  
9 obviously, we'll consult with providers and others,  
10 including yourself in that effort. So, I think that  
11 the exact amount of staffing one needs with the  
12 existing staff we've already got is certainly a  
13 conversation that's appropriate to have in the  
14 negotiations in the bill and the budget.

15 COUNCIL MEMBER LEVINE: Right. So, I  
16 think what you're referring to is that at this point  
17 the Council made a proposal in its budget response  
18 for two million dollar budget for this office and  
19 staff about 22 people, but that's yet to be worked  
20 out in agreement with the Administration in the  
21 months ahead. Is that correct?

22 COMMISSIONER BANKS: Correct. I also  
23 think that it's a fair analysis for us to do together  
24 of here are the obligations that are contemplated for  
25 this work. Do we have the staffing already in place

2 to meet those, yes or no? I think we feel confident  
3 in what we have to manage what we've got. I think  
4 that we'll certainly look with you at all the various  
5 aspects of this as the process proceeds, but bear in  
6 mind that independent of everything that's happened  
7 in legislative process, as a matter of the  
8 collaborative work and partnership we have with the  
9 council and with the providers, we identify the need  
10 to study the gap because we don't want to be dealing  
11 with the 1993 study. I know it well. I don't know if  
12 that's dating me to say that I know that study well.  
13 Between 1993 and the present there's a lot that's  
14 happened. There are obviously economic pressures.  
15 There are issues around the housing market, but at  
16 the same time, the Chief Judge has invested a  
17 tremendous amount of resources into the system,  
18 statewide and in the city. HRA's invested a  
19 tremendous amount of resources in the system. The  
20 Council and its discretionary funding has invested a  
21 tremendous amount in the system. We want to take an  
22 analysis of what's the base line need and see what we  
23 are now, and that may look very different than simply  
24 extrapolating based upon the 1993 data, but we

2 clearly as you can see, a prioritized the services to  
3 address the problem that you see and we see.

4 COUNCIL MEMBER LEVINE: So it's your  
5 understanding that this office could prepare an  
6 updated study that would help us to ask, answer  
7 similar questions about just who is appearing in  
8 front of civil courts, demographic questions, income,  
9 the types of cases and other needs that we could  
10 actually get a good statistically robust picture of  
11 that, thanks to the work of this office.

12 COMMISSIONER BANKS: Absolutely. We want  
13 to know for ourselves in terms of targeting rent  
14 arears, in terms of targeting rental assistance, in  
15 terms of targeting legal services. Are we targeting  
16 appropriately? How do we meet what the issues are  
17 that are emerging every day? And there are new  
18 issues that emerge, things that in 1993 were issues  
19 and may not be issues now, and there are new ones  
20 that have arisen. So, we want to be able to take a  
21 fresh look and provide the information in a  
22 transparent way.

23 COUNCIL MEMBER LEVINE: Okay. There's a  
24 growing world of external partners, not just people  
25 under contract from the city but pro-bono providers

2 of services in civil arena. Law schools are getting  
3 into this. The state court system is investing  
4 heavily in this. Foundations are even funding  
5 increasingly provision of legal services in Housing  
6 Court and other arenas. How could this office--how  
7 will this office work with all those various external  
8 partners?

9 COMMISSIONER BANKS: Well, I can give you  
10 an example of current collaboration that I think is  
11 maybe a good example for the future. So, the Chief  
12 Judge, HRA and Robin Hood have all put in a certain  
13 resources to try to expand availability of counsel,  
14 particularly to create a--for recent law graduates to  
15 create an additional expansion of services. And so  
16 working together, not having any one entity say well,  
17 we're going to do everything, but have everyone work  
18 together and try to then leverage the dollars as  
19 maximizing resources. I think that's a good model  
20 for moving forward. You mentioned a number of  
21 different constituencies, pro-bono assistance, the  
22 court system, foundations, these of course are  
23 entities that we're already working closely with and  
24 by essentially codifying the work that's going on I  
25 think that it gives a very strong base, as you

2 pointed out, to build on and to accomplish more. You  
3 know, as you know, in my prior life that you referred  
4 to, I spent a great deal of time working pro-bono  
5 providers, and I think that that's a piece of the  
6 equation as well. Historically there have been  
7 challenges in terms of delivery pro-bono services in  
8 a Housing Court context. I think we have an excellent  
9 group of institutional providers. We have an  
10 excellent group of pro-bono providers, and it's  
11 another area that should be looked at.

12 COUNCIL MEMBER LEVINE: A key question  
13 we're hoping to answer is impact and effectiveness of  
14 these programs. How do you understand we might  
15 measure that?

16 COMMISSIONER BANKS: Well, there are many  
17 different measures that one looks at. You know,  
18 entry into the shelter system is certainly one that's  
19 historically been a measure to look at. Being able  
20 to retain housing is a measure to look at, and these  
21 are a number of the things that the contractors are  
22 already reporting on, and we want to test and  
23 evaluate are there any other measures that we should  
24 be looking at as we proceed. The consolidation of  
25 all the programs at HRA under the Mayor's leadership

2 was really intended to enhance effectiveness and  
3 avoid duplication. In another world, providers had  
4 multiple contracts and each contract required a  
5 different kind of reporting, different kind of  
6 measures, and we're moving to a world of trying to  
7 have uniform measures, uniform reporting. That's  
8 going to conserve administrative resources for  
9 contractors, but also give us all much better  
10 picture, as you say, what's the real impact of all  
11 these dollars. There's a lot of dollars being put  
12 into the system from the Administration, from the  
13 Council, from the Chief Judge, from foundations.  
14 Providers are making tremendous use of all these  
15 additional resources and we want to give a full  
16 picture of what the real impact is.

17 COUNCIL MEMBER LEVINE: One of the  
18 strongest cases for providing civil legal services is  
19 that it saves the city money over time. We're  
20 spending so much on homeless shelters and building  
21 new affordable housing and mental health services.  
22 Would this office be able to help us get a precise  
23 fix on just what the fiscal impact of this work is  
24 for the city?

2 COMMISSIONER BANKS: I mean, that's  
3 worked. That's work that we are already looking at,  
4 and the legislation certainly provides an effective  
5 framework to enhance that effort by, again, by  
6 codifying the focus on all these issues.

7 COUNCIL MEMBER LEVINE: Great, okay.  
8 There's a five year plan called for in this  
9 legislation. I'm on the record as expressing a  
10 strong believe that the city needs to make a  
11 commitment to a right to counsel, certainly in  
12 Housing Court and other civil arenas. The bill's  
13 wording doesn't exactly use that language, although  
14 it certainly, I think, talks about ambitious growth  
15 in the service provision. Could you tell us what you  
16 understand this five year plan will be planning for  
17 or what it will be driving at, what the ultimate goal  
18 is?

19 COMMISSIONER BANKS: Look, the ultimate  
20 goal is really reflective of the dialogue that we've  
21 been having together now, which is let's get the  
22 facts about what the dollars are that are currently  
23 out there. Let's get the facts about what the impact  
24 of those dollars are. Let's understand what  
25 additional targeting is needed if any. Should the

2 dollars we've already got out there be targeted more  
3 effectively? I see the reporting as a way to just  
4 make it clear in a transparent way about what the  
5 situation is, and I think that that will give us all  
6 both the executive and the legislative branch a much  
7 more robust knowledge base to make judgements about  
8 what's needed going forward. You know, as I said at  
9 the conference at New York Law School back in the  
10 fall, I have a lot of experience with developing  
11 programs to increase access to justice and we  
12 certainly see these programs as part of that  
13 continuum.

14 COUNCIL MEMBER LEVINE: That's my last  
15 question. So I want to close by reiterating a point  
16 I made in my remarks that I see this as essential  
17 infrastructure building that we must have as a city  
18 if we're to meet the massive, massive unmet needs in  
19 civil court and get to what was my dearly held goal  
20 of getting to receiving a right to counsel in Housing  
21 Court. My colleague, Vanessa Gibson, has been  
22 obviously and incredibly effective champion on that  
23 with me as well, and I'm really grateful to have you,  
24 Commissioner, sitting across the table from us as  
25 such a great partner in this effort. Thank you.

2 COMMISSIONER BANKS: Thank you very much.  
3 We look forward, as I said, to continuing to partner  
4 with you.

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

7 CHAIRPERSON LANCMAN: Thank you, Council  
8 Member Levine. We've also been joined by Council  
9 Member Carlos Menchaca from Brooklyn who is a member  
10 of this committee and is also the Chair of the  
11 Council's Immigration Committee. Now, we have--we'll  
12 hear questions from Council Member Gibson.

13 COUNCIL MEMBER GIBSON: Thank you very  
14 much. Thank you, Mr. Chair. Thank you for your  
15 leadership and for holding this hearing today, and to  
16 my colleagues who are here, and Commissioner, thank  
17 you so much for your presence, for the work that you  
18 have been doing in your tenure as Commissioner of  
19 HRA. You've truly been very effective, and when I've  
20 called you, you've answered. So I do appreciate  
21 that. So, just going through your testimony and  
22 understanding a lot of what Intro 736 is calling for,  
23 you know there's been a major and aggressive campaign  
24 for many advocates and tenant leaders on focusing on  
25 civil legal services, particularly in Housing Court.

2 So, I frame my comments as a representative in the  
3 Bronx that represents every court house in the Bronx  
4 and that's including Housing Court. And so looking  
5 at this legislation and I know there's a five year  
6 plan that really looks for this coordinator to, as it  
7 says, coordinate all of the civil legal service  
8 contracts. So, last year when many of the contracts  
9 that HRA now has used to be under MOCJ under Public  
10 Safety of which I chair, I had questions then about  
11 the capacity of HRA to manage these contracts, to  
12 expedite many of these contracts. So I know Council  
13 Member Levine talked about the positions that you are  
14 looking to fill. So, my question is, with the work  
15 that we have done in increasing access for services  
16 for immigrants and battered women, so many  
17 populations that really need, what are we looking to  
18 do in the short term? Because this bill, this  
19 coordinator is going to put everything together and  
20 coordinate and oversee a lot of the implementation to  
21 me on a five year time frame. So, my question is what  
22 are we looking to do to coordinate these providers  
23 and services in the short term? And I say that  
24 because every day someone is being evicted in our  
25 city, and these are preventable evictions. So, what

2 is that we're looking to do in the immediacy to try  
3 to coordinate and integrate a lot of these services  
4 to really provide the resources necessary for many  
5 New Yorkers?

6 COMMISSIONER BANKS: Thank you for your  
7 kind words, first of all, and second of all, let me,  
8 just to address your question. I think there's two  
9 things that we're ready to be able to do in the short  
10 term, but looking back over the past 10 months, it  
11 was an immense undertaking to consolidate all these  
12 programs that had been a patchwork into one agency,  
13 and I think having done that now , we have the  
14 ability to manage and go forward. And so, in an  
15 extremely short period of time, we took what was a  
16 patchwork and have now made it a program. And I  
17 think the next step is to ensure that we're doing  
18 exactly what I think you put your finger on, which is  
19 with all the resources that we have got, which is  
20 still not every resource that everyone would say is  
21 needed, but with all the resources we currently got,  
22 how can we more effectively target what we've  
23 currently got to try to address those kinds of  
24 emerging situations that you are describing. The  
25 equally important thing to do is, as I said, to get a

2 better idea of what the need is. We know what the  
3 need is intuitively, and I don't mean to imply that  
4 oh, you know, is there a need, is there not a need.  
5 But I think that there are--there's been a  
6 substantial investment by many, many entities, the  
7 council, Chief Judge, HRA, foundations. The impact  
8 is real. Providers every day are making an impact  
9 with those dollars. We want to quantify that. We  
10 want to measure that. We want to report effectively  
11 to you. You put discretionary dollars in. You know,  
12 we owe it to everyone to have a very transparent  
13 reporting process of what's the impact. We don't  
14 want to do it on the, you know, we'll get your report  
15 on Monday, because that's going to be imperfect. So  
16 we're designing a way to appropriately study this.  
17 We're going to consult with people that are close to  
18 us on the ground. I think you've noticed at HRA over  
19 the last year we haven't been doing things behind  
20 closed doors in a vacuum. They've been very  
21 consultative and that's certainly going to be the  
22 case for this in order to ensure that we can give you  
23 the information that you're interested in and we can  
24 have the information for own management that we're  
25 interested in. So I think, again, to sum up two

2 immediate things, looking at all the dollars that are  
3 there, in a short run can we target them more  
4 effectively? And two, in the short run, can we  
5 determine baseline need in order to be more proactive  
6 in addressing some of the emergency issues that you  
7 raised? And justifiable raised with us.

8 COUNCIL MEMBER GIBSON: Right. So as you  
9 mention, I mean, we all recognize what the needs are,  
10 right? We have data right now that can pretty much  
11 tell us geographically income based where much of the  
12 need is when you look at civil legal services, and  
13 vulnerable New Yorkers. So, at the end of this  
14 period for this coordinator, if we're looking at this  
15 five year time frame, what are we hoping to achieve  
16 from this coordination of services as well as all of  
17 the necessary reporting in data that we will gather?  
18 What is our end goal with this justice coordinator?

19 COMMISSIONER BANKS: Look, I would hope  
20 that there would be two take-aways that we wouldn't  
21 have to wait five years for. Take-away number one is  
22 to enhance the impact of what we're currently doing  
23 with the current dollars that are there. And take-  
24 away number two is that the information is available  
25 to the executive and the council about what the costs

2 are, what the range of needs are. You and I, in  
3 other contexts I think we did this when we both were  
4 in different places, could project needs, but yet  
5 we're all operating from an IBO study that had as its  
6 basis in 1993 study as to need and cost. And what  
7 we're looking to do at HRA is to have a 2016 analysis  
8 as to need and cost and then the discussion can go  
9 from there.

10 COUNCIL MEMBER GIBSON: and is there any  
11 correlation with this legislation and what HRA's  
12 goals are under some of the state regulations over  
13 our housing stock, like repealing ERA [sic] Stat,  
14 rent reform and some of the other things, does that  
15 play into this conversation? Because it's very much  
16 a part of the same dynamic of the homelessness issue  
17 and the affordability crisis. Investing in our  
18 housing infrastructure, is that a part of the  
19 conversation?

20 COMMISSIONER BANKS: Well, certainly, as  
21 you know, independent of this conversation, the Mayor  
22 and the Administration have been very clear on where  
23 the Administration and the Mayor stands on those  
24 issues, and certainly was very forceful in his budget  
25 testimony at the end of February. So, I think we all

2 see the inter-relationships between people who are  
3 HRA's clients who, I think you've heard me say this  
4 before, they're working full time and they're still  
5 eligible for our services. That raises issues about  
6 the minimum wage--

7 COUNCIL MEMBER GIBSON: Right.

8 COMMISSIONER BANKS: which is another  
9 inter-related piece of this in terms of housing  
10 affordability and being able to retain housing. So,  
11 I guess the short answer to your question, is the  
12 Administration--the agencies in the Administration  
13 are not operating in a vacuum. And so the agencies  
14 such as HRA that are very focused on fighting poverty  
15 and income inequality are working, you know, very  
16 much as part of a team effort to address the other  
17 kinds of problems you're talking about, displacement  
18 from rent regulation issues. The anti-harassment  
19 funding that the Mayor committed to that we're  
20 ramping up is very much focused on the kinds of  
21 issues that come about when preferential rents get  
22 raised for example.

23 COUNCIL MEMBER GIBSON: Right.

24 COMMISSIONER BANKS: And all the kinds  
25 of things that I know you see your district.

2 COUNCIL MEMBER GIBSON: Okay. Thank you  
3 very much, Commissioner, I appreciate your leadership  
4 and the work you're doing and I look forward to  
5 working with you. Thank you, Mr. Chair. Right on  
6 time.

7 CHAIRPERSON LANCMAN: Thank you, Council  
8 Member Gibson. We've been joined by our Speaker  
9 Melissa Mark-Viverito who was one of the co-sponsors  
10 of this legislation and who as I said in my opening  
11 remarks has been a champion of the issue of providing  
12 access for civil legal services and underserved New  
13 Yorkers and highlighted this issue in her State of  
14 the City Address. So, Madam Speaker, if you're ready  
15 we'd love to hear your remarks.

16 SPEAKER MARK-VIVERITO: Well, I'll be  
17 brief, and apologies for being late. I was coming  
18 from another event, but thank you so much Chair  
19 Lancman for holding this hearing, and Mark, great to  
20 be with you here in this legislation. I think it's a  
21 very exciting legislation, and it was good to hear--  
22 see a tweet from one of the reporters saying that you  
23 guys were supportive of it, so I'm very happy. This  
24 is going to go a lot smoother, right? So nice to see  
25 you, Commissioner. So, I just want to--I don't want

2 to really say--I know a lot has been said, but you  
3 know, we have in the one year that I've been here, a  
4 couple of months that we've been Speaker, you know,  
5 we've put in so much more money into legal services  
6 last year than we had in a long time, and this is  
7 something that we're very committed to to ensuring  
8 that people have representation. So, the Council has  
9 historically funded initiatives to provide civil  
10 legal services to low income residents and has  
11 continually strived to better fill the legal needs of  
12 this population. We know that the fact remains that  
13 low income families are not getting the legal help  
14 they need. Every day individuals in our city are  
15 facing legal battles and are losing their homes,  
16 losing out on public benefits, losing financial  
17 support for their children. To name a few areas of  
18 concern, because without representation, they are  
19 ill-equipped to fight the bare essentials of life in  
20 our legal system. So, obviously, improving access to  
21 the civil legal system will benefit tens of thousands  
22 of New Yorkers throughout the city making sure they  
23 have the tools they need to get the justice they  
24 deserve, and I definitely look forward to my  
25 colleagues, not only as this office is rolled out so

2 to speak, but considering we have an Office of  
3 Criminal Justice, we definitely think that there  
4 needs to be an Office of Civil Justice that is  
5 looking proactively at how can we continue to assess  
6 the needs that exist and figure out how we can be  
7 more responsive as government in filling those gaps.  
8 So we're very proud of this work. We're very proud  
9 of what we've been able to achieve in partnership.  
10 You have an incredible history, Commissioner, and it  
11 was really wonderful to work with you outside of this  
12 role. So I know your commitment is very genuine,  
13 very real and on behalf of all New Yorkers, and we  
14 want to be equal partners with you on that. So,  
15 thank you to my colleagues and thank you, Chair  
16 Lancman, and look forward to hearing--

17 COMMISSIONER BANKS: [interposing] Thank  
18 you very much, Speaker. We look forward to  
19 continuing to partner with you.

20 COUNCIL MEMBER LANCMAN: Our next member  
21 to ask questions is Carlos Menchaca from Brooklyn.

22 COUNCIL MEMBER MENCHACA: Thank you,  
23 Chair. And as everyone on the committee and our  
24 Speaker said, we're really excited to continue to  
25 work with you and to kind of build on the success

2 that you've already brought to, you and the team have  
3 brought to HRA and to all these really very  
4 complicated questions. As things continue to move  
5 forward, and I don't want to kind of repeat some of  
6 the pieces, so I'll find a couple of new areas for  
7 inquiry, and the first place that I want to look at  
8 is in the 13 different zip codes that are focused on  
9 some of the rezoning. We think a little bit about  
10 that in--on our side, on the Council side, and there  
11 are definitely more than those zip codes kind of  
12 going through some development questions. Does HRA  
13 have a plan to think about other places and thinking  
14 about maybe Sunset Park that is going through a lot  
15 of development as well? Maybe not housing just yet,  
16 but some other kind of waterfront developments, and  
17 I'm wondering if HRA has a way to think about that as  
18 not just a budget response or a kind of budget  
19 solution, but another kind of critical component  
20 within HRA to think about inequality as it pertains  
21 to say workforce jobs. Kind of share with us any  
22 ideas you have on that.

23 COMMISSIONER BANKS: I think that's a  
24 good question. I appreciate it. I mean, in terms of  
25 the services that we provide, as you know, they're

2 broader than legal services and so employment  
3 services are very important to us, and you know, we  
4 committed to phase out the WEP program. We're  
5 committed to getting people connected to employment  
6 that enables them to move on a pathway out of poverty  
7 as opposed to back and forth from the case load. So  
8 I think we'd be very interested in partnering on how  
9 we could make our other programs effective in  
10 averting the need for legal services, if I'm  
11 following the question. The needs that the legal  
12 services programs are aimed at addressing in many  
13 respects are focusing on other problems further  
14 upstream. And in part, HRA, is taking on this role  
15 of preventing homelessness to deal with the upstream  
16 effects on the Department of Homeless Services.  
17 You're raising something that's of very great  
18 interest to us, which is even before you need legal  
19 services, what kind of other services can we be  
20 focusing on, and we'd be very interested in having  
21 that kind of discussion with you and other members  
22 about what we could do in districts to try to address  
23 those kinds of things.

24 COUNCIL MEMBER MENCHACA: Is there any  
25 metric that you can kind of think about or explain as

2 you kind of looked at the kind of initial roll out  
3 for the 13 zip codes that are going through the  
4 rezonings as a model for us to think about for other  
5 kind of development?

6 COMMISSIONER BANKS: I think there may--I  
7 think the metrics there is measuring something  
8 different than what we were just talking about. I  
9 think the metrics there are about displacement and  
10 enabling people to remain in their communities. Not  
11 so different from what you're asking, but I think the  
12 matrix works a little bit differently because it's,  
13 you know, how many people came and needed legal  
14 services because they don't overcharge or because the  
15 heat and hot water was turned off, or you know,  
16 living in a building where those were issues. And  
17 that may be outside of rezoning areas, and that's why  
18 we have other dollars to try to target those kinds of  
19 problems, which really I think goes back to what I  
20 was saying to Council Member Gibson, which is we have  
21 dollars, and we want to work with the providers and  
22 work with you to ensure that they're targeted as  
23 effectively as we can. Outside of the rezonings we  
24 have other dollars that are targeted in zip codes  
25 that are producing the most numbers of applicants for

2 shelter. And so getting all of these programs to  
3 work in concert was part of the idea of bringing it  
4 all under one roof. So, the matrix may be different  
5 depending on the program, but the goal is going to be  
6 the same, trying to keep people in their homes, but  
7 to take it beyond that, the employment matrix is  
8 really important to us to help people not have to  
9 remain on the case load if they're working fulltime,  
10 and we've got 26,000 out of the almost 90,000 people  
11 who are obligated under federal and state law to work  
12 to be involved with the work programs working full  
13 time. So we want to work with you and others to help  
14 move people off the case load. I think there's a lot  
15 of opportunities for collaborative work there.

16 COUNCIL MEMBER MENCHACA: Well, and I'll  
17 throw something out there that I think we can follow  
18 up on even as we move through the next phase of the  
19 budget discussions, but our district offices can be a  
20 place for temperature checks on some of these  
21 questions and some of these kind of boiling point  
22 issues. A lot of them, most of the constituent case  
23 work is referred out to legal, and it'd be great to  
24 kind of think about how our district offices are kind  
25 of showing some information and data for us to think

2 about connecting to your kind of big revamping of  
3 HRA, and which leads to me to the next piece on  
4 immigration services and the new RFP that's coming  
5 out soon. The--it would be great to kind of get a  
6 sense of what the goals are for that new RFP. I  
7 think there's a lot of questions about how people are  
8 going to re-access since it's changing from an on-  
9 base line to baseline, and you can kind of give us a  
10 little bit about what that, what people can expect.

11 COMMISSIONER BANKS: Right. I think a  
12 top line view of it is there's a great diversity of  
13 providers that exist, and there are small providers  
14 that are, you know, citywide. There are small  
15 providers that are local. There are big providers  
16 that are local, big providers that are citywide, but  
17 what we want is to end up with a network that's  
18 understandable by clients. And sometimes we talk  
19 about the alphabet soup of penetrating the  
20 combination of government and agencies, and we want  
21 to create a system that you can navigate if you need  
22 help, and that's a system that has large and small,  
23 local and citywide. it's a system that I think we  
24 have but not in a coordinated collaborative way, and  
25 we've talked in the concept papers that we put out

2 about encouraging people to work together. And that,  
3 if it is only one sort of message to take away from  
4 it, we're looking for people to partner together, to  
5 work together, because in the end that's a system  
6 that clients can navigate more easily. The other  
7 tendency historically is everybody feels the need to  
8 provide very service, and for some kinds of issues  
9 it's best to get them under one roof. For other  
10 kinds of issues it's best to have people working  
11 together and collaborating to get things delivered  
12 based on what clients need. So there are several  
13 moving parts that are aimed at trying to address the  
14 complexity of negotiating what exists if you're a  
15 client, and the other piece of everybody should  
16 provide their highest and best service in ensuring  
17 the highest quality as a result of that. So, I think  
18 that's--hopefully that will be a take-away, and if  
19 people read it and don't get that take-away there's  
20 always the question and answer period, and we're  
21 going to reinforce what I just said.

22 COUNCIL MEMBER MENCHACA: Yeah, right.

23 And I want to always kind of bring this back to the  
24 district office in allowing us to be partners on the  
25 ground. We build those relationships and really--and

2 I think it doesn't--this is not an immigration issue  
3 at all. This is all the different silos of  
4 experience for New Yorkers, but allowing us to be  
5 partners with you in delivering some of these  
6 services and allowing us to kind of build those  
7 bridges where we can be kind of focal points for all  
8 of you. Have you thought about that on the HRA kind  
9 of restructuring on that front?

10 COMMISSIONER BANKS: As you know, we, you  
11 know, essentially are trying to address 20 years'  
12 worth of challenges that the agencies has had, and we  
13 have a staff that has been really embracing changes  
14 that we're making, but change doesn't happen  
15 overnight. A lot of changes we've made, I think  
16 you'd have to say over 10 months, have happened over  
17 night, but there's a lot more to do, and I think in  
18 partnering in communities is an area which, again,  
19 we're very interested in in evaluating how to be more  
20 effective there. I think we've got a number of  
21 dedicated staff who do a great job with community  
22 outreach, and I think that we want to be able to  
23 ensure that we can be as effective as you--as we can  
24 be as you are gauging things and problems and

2 emerging issues and to make sure that we're being  
3 responsive.

4 COUNCIL MEMBER MENCHACA: Okay. Thank  
5 you so much.

6 CHAIRPERSON LANCMAN: Thank you. Let me  
7 acknowledge and welcome Council Member Ben Kilos from  
8 Manhattan who also is a member of the committee and  
9 also chairs the Government Operations Committee in  
10 the Council, and I understand that the Speaker has  
11 some questions for the Commissioner.

12 SPEAKER MARK-VIVERITO: Yeah. I just  
13 have one question in particular, and I just want to  
14 also just, you know, recognize again as I had  
15 indicated in my opening remarks about the level of  
16 commitment that this Council has made. In Fiscal  
17 Year 14 we had allocated 12 million dollars, 12.4  
18 million dollars to legal services, and last year we  
19 adopted 23 or applied 23 million. So, it's a 87  
20 percent increase, and the list of all the legal  
21 services that are now housed all under HRA, we have a  
22 large amount that is there.

23 COMMISSIONER BANKS: Absolutely.

24 SPEAKER MARK-VIVERITO: So, obviously,  
25 our commitment is a strong one. We just released our

2 budget response yesterday, and one of the things that  
3 had come up during our preliminary budget hearings is  
4 something that we talk a lot about as transparency in  
5 this budget process, and we also recognized the  
6 significance of HRA's legal services program. We  
7 asked for more transparency. So we would like and we  
8 had asked about thinking about creating a U of A for  
9 all legal services under HRA. Would you consider  
10 providing a U of A in your budget, specifically  
11 outlined for legal services as part of the  
12 accountability and transparency that we're seeking?

13 COMMISSIONER BANKS: I mean, certainly,  
14 you know, the legislation is focused on transparency  
15 for what is happening. You know, I think people are  
16 just reacting to the request from or the response  
17 from yesterday. I know enough about the process from  
18 my prior life to know that we're going to be engaged  
19 in a back and forth with you, and we want to be  
20 transparent so you can see what's happening with  
21 these programs. So, I think it's certainly a  
22 conversation we're ready to have with you. I get  
23 what the goal is and I think we can be helpful in  
24 trying to get a result that you'd like us to get to.

2 SPEAKER MARK-VIVERITO: Well, then we  
3 definitely look forward to engaging with you on that,  
4 considering how it's all being consolidated now,  
5 under--

6 COMMISSIONER BANKS: [interposing]  
7 Understood.

8 SPEAKER MARK-VIVERITO: your agency and  
9 that there is additional funds that are being placed,  
10 it'd be great to be able to know and be very  
11 transparent about how, what that is in the budget.  
12 So we'll keep asking that as we move forward and  
13 hopefully arrive at a place where we'll all will be  
14 comfortable by the executive budget.

15 COMMISSIONER BANKS: I hope so too, and  
16 also we want to be transparent about the impact as  
17 well so that you and we and the other people that are  
18 funding these services can see alright, this is the  
19 kind of impact that we're getting from the dollars  
20 that you're putting in and we're putting in, and  
21 we're very focused on trying to develop metrics that  
22 work for providers, that work for you, work for us  
23 and the other stakeholders, the Chief Judge and  
24 foundations. We're very cognizant of bringing all  
25 the programs to HRA of eliminating the past world

2 where, you know, everybody had a separate contract  
3 with a different agencies and each agencies contract  
4 required a different thing. We want to have a  
5 uniformity for what the measurements are, but also  
6 trying to be respectful. The providers have  
7 contracts with the, you know, state agencies and with  
8 foundations and others, and we want to try to align  
9 everybody's metrics so everybody's measuring the same  
10 thing. What's the impact of all the dollars and what  
11 can clients expect to get when they negotiate a  
12 network that we're now managing? Which I think will  
13 help with your oversight as well.

14 CHAIRPERSON LANCMAN: Thank you. You  
15 know, before I let you go I'll just make the  
16 observation. Last night I spoke on a panel at the  
17 City Bar Association that was focused on language  
18 access in the courts, and I made the point that this  
19 is a really special moment in our city for  
20 accessibility to legal services. We have a mayor and  
21 his Administration that is understanding of the issue  
22 and enthusiastic about it. We have a council led by  
23 a Speaker that is understanding about the issue and  
24 compassionate about it, and we don't want to lose  
25 this opportunity because I hate to break it to you,

2 one day, you know, we'll all be doing other things.  
3 Sorry, now you know.

4 COMMISSIONER BANKS: I was at my last job  
5 for 33 years.

6 CHAIRPERSON LANCMAN: As a term limited  
7 Council Member, we all get an expiration date as soon  
8 as we're sworn in. So we're very conscious of it.  
9 and you know, hopefully this will come to pass and we  
10 will institutionalize and imbed within the fabric of  
11 city government the concept of responsibility and  
12 ownership for making sure that people have access to  
13 legal services at the moments in their lives, as  
14 Justice Litman put it, that can be every bit as  
15 important, as impactful as in a criminal proceeding.  
16 I had the opportunity this past year since the  
17 Speaker appointed me the Chair of this committee to  
18 work with our friends at MOCJ and the Criminal  
19 Justice Coordinator and the amount of thought and  
20 effort that goes into coming up with a systematic way  
21 of looking at the criminal justice system is  
22 something that we want to emulate, the civil justice  
23 system as well, and I'm sure that's something that  
24 you're enthusiastic about as well.

2 COMMISSIONER BANKS: Absolutely,  
3 absolutely.

4 CHAIRPERSON LANCMAN: Terrific. Well,  
5 thank you so much for your testimony today.

6 COMMISSIONER BANKS: Thank you very much.  
7 We appreciate it, and as I said, we look forward to  
8 continue to partner with you.

9 CHAIRPERSON LANCMAN: Thank you. So--  
10 yes? [off mic] Thanks for coming. So we have a lot  
11 of people who want to testify today, and we're going  
12 to try to divide up the panels in an orderly way.  
13 We're going to call up--it looks like we have at  
14 least two panels of legal services providers, which  
15 we'll try to divide up in a sensible way, and then we  
16 have some advocates with us today and then members of  
17 the public, but everyone, anyone can hand in a slip  
18 to the Sergeant at Arms at any time and add  
19 themselves to the list. So, our first panel of legal  
20 services advocates are our friends from the Legal Aid  
21 Society, Adriene Holder, Raun Rasmussen from Legal  
22 Services New York City, Randal Jeffrey from NYLAG,  
23 and Michael Grinthal from MFY Legal Services. In  
24 addition, I understand that there's a representative  
25 from the Manhattan Borough President Gale Brewer. Is

2 that Adele Bartlett? Adele, if you are here and you  
3 would like to testify, why don't you come up with  
4 this panel to testify first. If we have any  
5 questions, we can ask you, and then you can go on  
6 your way. Can you get her a chair? Can we get her a  
7 chair? Okay, she found a chair. Raun? Everyone, if  
8 everyone could scrunch to their right we could fit  
9 everyone. This is a five person table, I know it.  
10 I've seen it done. So we're going to do five minutes  
11 per person. You're all professional testifiers.  
12 When the--what? When the bell rings, the next words  
13 out of your mouth are, "In conclusion." Thank you.  
14 We're going to swear everyone in, just because we  
15 don't want the city folks to feel we don't trust them  
16 in particular. So if you would all raise your right  
17 hand. Do you affirm to tell the truth, the whole  
18 truth and nothing but the truth in your testimony  
19 before this committee and to respond honestly to  
20 Council Member questions? Terrific. So, Mr.  
21 Sergeant at Arms, if we could set the clock at five,  
22 and if we can first hear from the representative from  
23 Manhattan Borough President Gale Brewer's Office,  
24 Adele Bartlett.

2 ADELE BARTLETT: Thank you. Oh, it's on.  
3 Thank you. Good afternoon. I'm here for Gale  
4 Brewer, the Manhattan Borough President, and first I  
5 offer thanks to the committee and Chairman Lancman  
6 for moving ahead on this crucial issue. We strongly  
7 support the proposed legislation to create an office  
8 of civil justice. For years we've seen and helped  
9 constituents struggle through civil legal proceedings  
10 without adequate representation. Going to court is  
11 always stressful, and in some cases is it's  
12 dangerous. For those without legal counsel or  
13 adequate financial resources, those stresses can  
14 destroy their lives. We desperately need legal  
15 representation for tenants in Housing Court. As a  
16 Council Member and as Borough President my staff and  
17 I often have to go from agency to agency on behalf of  
18 indigent constituents trying to get them help to  
19 prevent their eviction. A fully funded empowered and  
20 staffed Office of Civil Justice Coordinator promises  
21 to reduce the injustice faced by many civil  
22 defendants who are without counsel and to limit  
23 resulting family hardships. I applaud the  
24 Administration and this Council and this Committee  
25 for bringing this proposal forward. It's long

2 overdue. The facts are well-known and sobering. We  
3 have 60,000 homeless, a record high, many of them  
4 families and children that the city must shelter at  
5 about a cost of about 38,000 dollars a year. For the  
6 last year that we have data, nearly 30,000 households  
7 were evicted through Housing Court proceedings. In  
8 the last decade, more than 100,000 units of regulated  
9 housing have been lost in Manhattan alone, and  
10 evictions played a significant role in those losses.  
11 We know that once a regulated apartment becomes  
12 vacant, the chances of it remaining affordable and  
13 available for another family are quite slim. The  
14 city and state housing laws and court proceedings are  
15 notoriously complex and arcane, and nearly 90 percent  
16 of the landlords who have brought civil proceedings  
17 are represented and 90 percent of the tenants are  
18 not. We've seen multiple studies also showing that  
19 expert legal representation can prevent evictions in  
20 an astonishingly high percentage of cases. So these  
21 facts compelling as they are individually are deeply  
22 intertwined. We have to face the fact that a key  
23 factor in keeping our affordable housing is found in  
24 preventing evictions, and that the most effective way  
25 to do that is through the provision of legal counsel.

1 I believe that a civil justice coordinator's office  
2 if adequately led, staffed and funded would be able  
3 to limit evictions and resulting homelessness  
4 reducing the homeless shelter population and its  
5 related cost. I also believe that with representation  
6 more tenants will be able to raise the issue of  
7 repairs needed in their homes and actually obtain  
8 those necessary repairs. While I support the pending  
9 legislation that would ensure legal representation in  
10 eviction proceedings for very low income households,  
11 we must help a wider group of New Yorkers. The  
12 proposed Office of Civil Justice Coordinator could do  
13 just that. I would hope to see it do much more and  
14 serve a greater need by coordinating and monitoring  
15 cases and managing efficiently an expansion of free  
16 and low cost legal services, something I consider  
17 essential to basic fairness and justice. But the  
18 challenge is not only to assist the lowest income  
19 tenants. We must address the needs of all working  
20 families and individuals who need representation in  
21 legal matters, but are ineligible for public  
22 assistance or existing legal services programs, yet  
23 they're completely unable to afford a private lawyer  
24 at prevailing cost. The office created by this  
25

2 legislation should be charged with supporting and  
3 coordinating agencies and programs that assist  
4 working families and individuals. It should also  
5 work with those agencies to develop more innovative  
6 programs and new models for providing adequate legal  
7 representation in civil matters for all who require  
8 it. In sum, I strongly support the legislation and to  
9 create a robust Civil Justice Coordinator with a  
10 clear legal mandate and adequate funding and staffing  
11 to address the issues outlined above. Thank you.

12 CHAIRPERSON LANCMAN: Thank you. If  
13 there are any questions of the Borough President's  
14 representative, do that now, otherwise, I know she  
15 has a lot to do today. No? Okay. Thank you very,  
16 very much.

17 ADELE BARTLETT: Thank you.

18 CHAIRPERSON LANCMAN: You're welcome to  
19 stay, but I know you have a busy schedule.

20 ADELE BARTLETT: No, I can guess what  
21 you're going to say.

22 CHAIRPERSON LANCMAN: These folks, on the  
23 other hand, they've got nothing else to do. You're  
24 up.

1  
2 RAUN RASMUSSEN: Thank you, Council  
3 Member Lancman, members of the Committee. My name is  
4 Raun Rasmussen. I'm the Executive Director of Legal  
5 Services NYC, and I'm really thrilled to be here to  
6 testify today in favor of the creation of the  
7 council, the Office of Civil Justice. This is really  
8 a historic moment in New York City and New York State  
9 actually. We have an unprecedented partnership with  
10 the Mayor, the Chief Judge, the Council and all of  
11 the provider's community to deliver civil legal  
12 services to low income New Yorkers. We've had an  
13 incredible increase in funding over the past several  
14 years from the state and over the past year from the  
15 city. We've brought the funding streams as we've  
16 just heard and therefore, the provision of the  
17 programs under one agency that is, you know, managed  
18 by the run-by, someone with deep understanding of  
19 what it takes to deliver effective services to the  
20 city. We've got, thanks in part to Council Member  
21 Levine, an incredibly exciting interest in creation  
22 of a right to counsel for people who are threatened  
23 with eviction. And now, with the creation of the  
24 Office of Civil Justice, we have an opportunity to  
25 build forever into the infrastructure of the city,

2 the pursuit of justice. That's an incredibly  
3 exciting development for this city. New York City is  
4 blessed with an abundance of creative, highly  
5 effective providers of civil legal services. This  
6 office will allow us all to contribute in a more  
7 productive, comprehensive look at what it takes to  
8 deliver those services effectively and a well-  
9 coordinated and efficient way. With the Office of  
10 the--with the creation of this office, the city is  
11 also bringing itself to a place where it can partner  
12 even more effectively than it already does with the  
13 Office of Court Administration and the Chief Justice,  
14 who you may know has recently included 85 million  
15 dollars for civil legal services providers throughout  
16 the state. Just an unbelievable commitment of his  
17 energy and vision and funds. And this creation of  
18 this office will allow the city to step into that  
19 discussion and effort in a much more robust way than  
20 it has done up until now. There's really no better  
21 time for this initiative. With the booming economy,  
22 our clients are actually--they're having greater  
23 opportunities for employment and advancement, but  
24 they're also being threatened even more with  
25 displacement, as you all know, because of some of the

2 development that's going on around the city. And so  
3 their need for civil legal services are even greater.  
4 So, this is a historic moment, as I said, and a  
5 terrific opportunity for this city to devote the  
6 resources that are necessary to study how we can do  
7 what we've been doing for many, many years even  
8 better on behalf of our low income neighbors. Thank  
9 you.

10 ADRIENE HOLDER: Good afternoon. I'm  
11 Adriene Holder. I'm the attorney in charge of the  
12 civil practice of the Legal Aid Society, and I too am  
13 really very excited and welcome this opportunity to  
14 testify before you, the New York City Council  
15 Committee on Courts and Legal Services concerning  
16 this creation of an Office of Civil Justice in New  
17 York City. And I'd like to thank each of you  
18 personally who have been real heroes in carrying some  
19 very significant issues whether its housing or  
20 immigration, the understanding of how the courts are  
21 supposed to function, access to benefits. You all  
22 are really at the cutting edge, and we really do  
23 appreciate your leadership and the strategies that  
24 you all are pushing forward to move this issue. We  
25 applaud the City Council and the New York City

2 Administration's emphasis on addressing income  
3 inequality and access to justice through the  
4 establishment and expansion of legal initiatives.  
5 And so you all know, through your visionary  
6 leadership just in this past year, you greatly  
7 expanded a range of civil legal services target  
8 specifically to the most vulnerable New Yorkers,  
9 those facing eviction, homelessness, immigrant  
10 children fleeing oppression, detained immigrants  
11 facing deportation, survivors of domestic violence,  
12 and members of our communities dealing with gun  
13 violence. This same leadership established during  
14 this fiscal year the nation's first program  
15 guaranteeing legal representation for immigrants  
16 facing deportation, and we could not be more proud to  
17 stand with you all as we're showing the nation what a  
18 city that actually has vision and compassion can  
19 actually do that makes sense economically and also on  
20 a humanitarian level. At the same time, the Speaker  
21 and the City Council established this Committee on  
22 Courts and Legal Services, a committee charged with  
23 promoting access to legal representation to ensure  
24 equal justice under the law and working with  
25 community partners and city agencies to identify ways

1 to meet that fundamental goal. This body realized  
2 that for years criminal justice issues were supported  
3 by a separate office, the Mayor's Office of Criminal  
4 Justice with a Criminal Justice Coordinator, while  
5 the critical issues of civil legal services were not  
6 focused on by any particular city office. And in  
7 fact, Chair Lancman asserted that the issue of legal  
8 services would benefit from an independent committee  
9 focused on legal representation issues across of  
10 range of subject matters, and we so appreciate that  
11 now this is really coming fully to fruition with your  
12 committee and now with this bill. So given the City  
13 Council's strategic leadership and investment in  
14 civil legal services, we support Intro 736 which will  
15 establish an Office of Civil Justice headed by a  
16 coordinator to advise and assist the Mayor's respect  
17 to delivery and implementation of key civil legal  
18 services to those New Yorkers most in need. Among  
19 other things, and we're excited about this, a  
20 coordinator would have the power and duty to review  
21 and prioritize budget requests, submit annual reports  
22 of the legal services needs of New Yorkers and  
23 availability of free or low cost legal services.  
24 This is particularly critical and wonderful, also as  
25

2 an opportunity given the tremendous expansion of  
3 civil legal services. There are already lessons that  
4 have been learned by our community, the legal  
5 services community and even the courts and with the  
6 community partners and agencies that we work with.  
7 And so that already will be available in the first  
8 year. But notably, Intro 736 explicitly prioritizes  
9 expansion of housing related civil legal services  
10 needs to low income city residents. We view this  
11 priority as further supporting the effort of  
12 guaranteeing a right to counsel for low income New  
13 Yorkers in Housing Court, and to that end, we also  
14 urge enacting Intro 214 which would of course  
15 establish a right to counsel and the implementation  
16 of a program to provide free legal representation to  
17 low income tenants in eviction, foreclosure or  
18 ejectment cases. So, the creation of this office is  
19 consistent with the City Council's establishment of  
20 the nation's first program guaranteeing legal  
21 representation for immigrants facing deportation, and  
22 is also consistent with the visionary leadership and  
23 commitment you all have made to addressing these  
24 issues for all low income and vulnerable New Yorkers.  
25 And so we again applaud you all for where you stand

2 and we will continue to stand with you and make  
3 ourselves available as a community to work with you  
4 in furthering these goals. Thank you.

5 CHAIRPERSON LANCMAN: Thank you.

6 RANDAL JEFFREY: Chair Lancman, Council  
7 Members and staff, good morning and thank you for the  
8 opportunity to speak to the Courts and Legal Services  
9 Committee about Intro 736. My name is Randal  
10 Jeffrey, and I'm the Director of the General Legal  
11 Services Unit at the New York Legal Assistance Group,  
12 a nonprofit law office dedicated to providing free  
13 legal services in civil law matters to low income New  
14 Yorkers. NYLAG is deeply appreciative of the  
15 commitment by the City Council and the Administration  
16 to increasing the availability of civil legal  
17 services. Thanks to the financial support the city  
18 has shown, civil legal service organizations such as  
19 NYLAG have been able to expand the breadth of our  
20 services and increase the number of New Yorkers we  
21 are able to serve each year. Still, the need for  
22 civil legal services for low income New Yorkers  
23 remains enormous. We know that having a lawyer makes  
24 a huge difference. In Housing Court, for example, the  
25 likelihood of an eviction drops dramatically when a

1           tenant is represented. Numerous studies show that  
2           tenants represented by counsel default less often,  
3           receive better settlements and win more often at  
4           trial. Landlords who know that tenants are  
5           represented by attorneys are less likely to attempt  
6           to deceive or bully tenants out of their homes. We  
7           are gratified that the city recognizes the need to  
8           provide these critical services to those who could  
9           not otherwise afford them, and we enthusiastically  
10          welcome the creation of an Office of Civil Justice to  
11          coordinate these efforts. We especially want to  
12          thank Speaker Mark-Viverito and Council Member Mark  
13          Levine for their tireless efforts and advocacy for  
14          civil legal services and the creation of this  
15          dedicated office. In particular, we believe that the  
16          Civil Justice Coordinator as the head of the Office  
17          of Civil Justice will be able to make immense impact  
18          on the expansion of services throughout New York City  
19          by performing a focused assessment of the needs for a  
20          variety of civil legal services, planning for the  
21          expansion of legal services to meet these needs,  
22          determining the most effective way to provide them,  
23          and studying the effectiveness of various approaches  
24          to the delivery of legal services. We believe that  
25

2 the work of the Office of Civil Justice will  
3 demonstrate conclusively the benefits of civil legal  
4 service programs in the city to tax payers as well as  
5 to the poor and near poor New Yorkers whose lives and  
6 prospects are greatly improved. In addition, NYLAG  
7 is a member organization of the Right to Counsel  
8 Coalition, and we are strongly committed to a  
9 codified right to counsel in Housing Court for low  
10 income New Yorkers. We are encouraged by and  
11 grateful for the recent substantial increases in  
12 funding for housing services over the past several  
13 years, but that funding is not permanent and is  
14 vulnerable to changing priorities and economic  
15 ecstigencies [sic]. By passing this legislation, New  
16 York City will ensure that the tenants most in need  
17 of counsel in Housing Court will be guaranteed  
18 representation. In sum, creation of the Office of  
19 Civil Justice is a visionary step for our city and a  
20 demonstration of our commitment to providing critical  
21 support for the most vulnerable amongst us. By  
22 playing a leadership role in advocating for a city  
23 funded Right to Counsel in Housing Court, the Civil  
24 Justice Coordinator will build on that vision and  
25 make New York the first jurisdiction in the nation to

2 level the playing field between landlords and tens;  
3 in eviction proceedings as well as in other  
4 proceedings in Civil Courts. I want to once again  
5 take the opportunity to thank Chair Lancman and the  
6 members of the committee for their outstanding  
7 leadership and commitment to legal services. We look  
8 forward to a continued conversation about the role of  
9 the Office of Civil Justice and the Civil Justice  
10 Coordinator. Thank you.

11 CHAIRPERSON LANCMAN: Thank you.

12 MIKE GRINTHAL: Good afternoon. My name  
13 is Mike Grinthal. I'm a Supervising Attorney at MFY  
14 Legal Services. Again, thank you to the committee,  
15 to the Chair, to the Speaker, and to Council Member  
16 Levine for all of your leadership and hard work on  
17 this issue, and thank you for the opportunity to be  
18 here at this first step on this historic journey  
19 towards a Right to Counsel in New York City. MFY  
20 Legal Services is grateful and applauds the expansion  
21 of legal services funding over the past--over recent  
22 years, and we strongly support Intro 736 as a--again,  
23 as a first step towards a Right to Counsel for those  
24 facing loss of their homes in Housing Court. We know  
25 that we know from our experience that the cost of

1 evictions to New York City has been vastly  
2 underestimated. We know as everybody else knows that  
3 a certain percentage of people who are evicted in  
4 Housing Court go to shelters at 36,000 dollars a bed,  
5 but we also know that of the percentage who do not go  
6 to shelters and who are not counted in that, many are  
7 also being housed at expense to the city. For  
8 example, many people who would be our clients if we  
9 had greater capacity, seniors and disabled people are  
10 being warehoused essentially in hospitals, rehab  
11 facilities and nursing homes where they don't need to  
12 be, except for the fact that they have nowhere else  
13 to go. For example, Ms. M, a client of MFY's was  
14 evicted on a default judgement in Housing Court while  
15 she was hospitalized after a traffic accident. She  
16 was, other than her temporary injuries, healthy and  
17 able to live independently. Thankfully, her hospital  
18 reached out to the court which assigned her case to  
19 MFY through the Assigned Counsel Project, which is in  
20 many senses a pilot program of a Right to Counsel,  
21 and we were able to get the default judgement  
22 vacated. We were able to get her back into her home  
23 where today she's living independently in her rent  
24 stabilized apartment. If not for the intervention of  
25

1 an attorney, she would--her eviction would be  
2 permanent and she would spend the coming years  
3 bouncing from hospital to rehab facility to nursing  
4 home despite the fact that she can live  
5 independently. She would--the cost to the city from  
6 all those facilities, which are basically the most  
7 expensive way to house somebody that we know of,  
8 would be missing from the estimates that we have so  
9 far for how expensive eviction is to New York City.  
10 So we applaud the creation of the Office of the Civil  
11 Justice Coordinator, because it will be empowered to  
12 study and capture all of these costs and all of these  
13 potential savings that we know about, but that have  
14 never been quantified up until now. We see dozens of  
15 cases like this. We see hundreds of cases like this.  
16 We know that it's happening. The hospital bed  
17 shortage in short in New York City can be said to be  
18 caused directly by unresolved cases in Housing Court.  
19 That's why MFY Legal Services applauds the  
20 introduction, Intro 736. We strongly support its  
21 passage. We also strongly support the hearings on  
22 the other Right to Counsel Bills including Intro 214  
23 that have more than 35 co-sponsors and are still  
24 before the committee.  
25

2 CHAIRPERSON LANCMAN: You all did very  
3 well. Our first questioner will be Council Member  
4 Mark Levine.

5 COUNCIL MEMBER LEVINE: Thank you, Mr.  
6 Chairman. I wonder if any of you all could speak on  
7 the phenomena we're all familiar with, that you can't  
8 serve everyone who shows up looking for help, and if  
9 you could even perhaps quantify that as we try to  
10 grapple with just how far we have to go to meet all  
11 the outstanding legal service needs.

12 RANDAL JEFFREY: At my organization, the  
13 New York Legal Assistance Group, you know,  
14 unfortunately we have to--we're unable to provide  
15 services to the majority of clients who are seeking  
16 free legal services from our organization. We're  
17 overwhelmed with clients calling us on a daily basis.  
18 Sometimes each day 60, 70, 80, or more clients calls  
19 us each day looking for services. Plus, we meet  
20 clients every day in our community offices throughout  
21 all five boroughs of New York City. So, the demand  
22 is strong. We try to meet the demands as best as  
23 possible and to prioritize cases, but unfortunately  
24 at this time we're not able to serve everybody or

2 even the majority of clients who call us up looking  
3 for services, and that's unfortunate.

4 ADRIENE HOLDER: At the Legal Aid  
5 Society, we in the past year, we were able to  
6 represent more than 46,000. We'll work on 46,000  
7 cases that had an impact over 116,000 individuals.  
8 What we find is that during the height of the  
9 recession, we actually were turning away eight out of  
10 every nine that came to us, and it's actually the  
11 hardest thing that you do. We're actually talking  
12 about where you actually get to meet people, and our  
13 folks, staff, you know, screens folks and then they  
14 find that they actually have merit. They're eligible  
15 for our services and have some type of merit to their  
16 case. That number has gone down some for a number of  
17 reasons, principally being some expansion that we've  
18 experienced at the city level, but also the  
19 tremendous investment of resources from the state  
20 level, but its still, the need is still overwhelming.  
21 And so it's the hardest thing that our folks do, to  
22 actually have to tell someone after hearing their  
23 story that they're going to only be able to give them  
24 advice or brief service. What we've always  
25 appreciated is that here at the city and with the

2 City Council you all understand that it's not just  
3 about the touches, although that's significant to  
4 have a presence in a community, to be able to do  
5 outreach, to be able to see people, whether it's on  
6 our Mobile Justice Van or it's through our community  
7 partners in the community based organizations that we  
8 work with, or whether it's in collaboration when we  
9 work together on cases. That's important, but to  
10 actually be able to provide meaningful, full  
11 representation, and to be able to also be able to  
12 tease out the different issues that come out. I  
13 always say that intake is by incident of paper.  
14 People think that they have a housing issue because  
15 they have an eviction notice or a marshal's notice,  
16 but oftentimes as we continue to screen those cases  
17 as providers, our folks realize that there's also an  
18 underlying benefits issue and there's more income  
19 supports that are needed in the household, that there  
20 might actually be an immigration issue. There may be  
21 a disability issue, or there may be a child that  
22 everyone thinks is doing just okay, but maybe that  
23 kid has an individualized education plan and there's  
24 more that we can do to really kind of right-side that  
25 family, not only stabilize the housing but be able to

2 deal with all those other issues. We're finding that  
3 with the investment that you all have been making  
4 that you understand that to really be able to provide  
5 that meaningful service, that there's a real  
6 investment that needs to be made and we appreciate  
7 that, and we're hoping that with your continue  
8 direction and vision that we're going to be able to  
9 see more resources and better efficiencies where  
10 we're going to be able to address those in a  
11 meaningful way. I would hope that with the  
12 establishment of an Office of Civil Justice that we  
13 would also see that there are these other issues that  
14 are emanating from these cases and from these clients  
15 and their lives and their households that need to be  
16 addressed, and that would be a priority also.

17 RAUN RASMUSSEN: So, I'll just add that  
18 demand for legal services is one of the hardest  
19 things to measure, and because you know, when people  
20 don't get services when they request it, then the  
21 word goes out on the street that you might as well  
22 not ask, or people don't know about the availability  
23 of legal services, or people don't know that they  
24 have a legal problem that could be addressed by a  
25 legal services provider. The Chief Judge's taskforce

2 on civil legal services in the most recent report  
3 estimated that after the addition of the 70 million  
4 dollars that had been provided statewide, that at  
5 best the civil legal services the community was  
6 providing, a third--addressing a third of the need.  
7 Some of us who are on the committee thought even that  
8 was overstating what was the amount that was being  
9 met. But this is a very tough number to address, and  
10 I think all of us are forced to triage, and I know  
11 that we at Legal Services NYC try to take those  
12 cases, try to prioritize those cases where we can  
13 solve the problem both in the short term and the long  
14 term, meaning that we want to provide services that  
15 are going to result in long term change and long term  
16 stability for our client's lives. But in every  
17 practice area there are different, you know, attempts  
18 to fine tune the triaging, but unfortunately that's  
19 still the world that we're in.

20 MICHAEL GRINTHAL: I'll just say quickly,  
21 MFY, like everybody else, triages at our highest  
22 level of triage, which is cases where we can say if  
23 we take this case and go to court with them we'll  
24 prevent an eviction, and if we don't, we know that  
25 they'll be evicted. We can take fewer than half of

2 those, and we rarely can take any cases from the  
3 lower levels of triage where we're saying this is  
4 bit of a long-shot but we could make a difference, or  
5 this person's probably going to lose their home, but  
6 we could make it work better. We could give them  
7 time to move, time to hook up with benefits that they  
8 need to land softly. We usually can't even touch  
9 those.

10 [background noise]

11 COUNCIL MEMBER LEVINE: I think that's a  
12 landlord trying to intervene in this hearing.

13 [laughter]

14 CHAIRPERSON LANCMAN: Council Member  
15 Gibson?

16 COUNCIL MEMBER GIBSON: I know, I'm  
17 starting to lose my hearing here. Sorry, we're used  
18 to that here. There are lot of extensive renovations  
19 going on at City Hall. But I first wanted to applaud  
20 all of you from MFY to NYLAG to Legal Aid and Legal  
21 Services, I think each of you I have worked with more  
22 than I can say. So I want to thank you, because  
23 collectively and individually your organizations have  
24 saved hundreds of my tenants in the Bronx from being  
25 evicted, and I know as many of you know, when I call

2 you, you answer. So I appreciate that, and we have  
3 many of my tenant leaders who are here, and I know  
4 many of them will agree when I say that you guys have  
5 done a phenomenal job. So I appreciate that you are  
6 always part of the conversation, whether it's this  
7 bill, 736. I appreciate the support you have of this  
8 bill. I think it's a great stepping stone with a lot  
9 of the work we're doing here. We're making gradual  
10 steps towards and end goal, and you know, having a  
11 universal Right to Counsel like 214 calls for is  
12 where we really want to be. And so if we have to  
13 make baby steps, then I'm okay with that, as long as  
14 we're moving forward and we're not moving backward,  
15 right? So I wanted to ask, with a lot of the  
16 investment that we have made in this Administration,  
17 upwards of about 23 million dollars, is there any  
18 area that you can identify where you have seen the  
19 greatest improvement in your civil legal service work  
20 in terms of the clientele that you have served?  
21 Where has the greatest improvement been? I mean,  
22 when you look at housing there's so many different  
23 facets of it, so can you just give us a little bit of  
24 an understanding of where the greatest improvements  
25 have been? If anyone has anything to add?

2 ADRIENE HOLDER: I mean, there's been  
3 improvements in all areas, and I'm not just saying  
4 that. It really is the case that I think all of us,  
5 you know, as a community because we all do talk and  
6 we do talk about the issues. I think that we've seen  
7 tremendous improvement in the provision of housing,  
8 but I have to say, you know, looking at the  
9 investment that's been made with immigration, we  
10 really are providing a right to counsel in those  
11 forums. For those young people who were part of the  
12 round up at the borders, the unaccompanied minors,  
13 and also for the detained immigrants who are some of  
14 the most vulnerable and whose families are left  
15 behind in the community, and that has just been so  
16 significant. And again, to look at the issues that  
17 come out of those cases or for those families that  
18 are impacted to being able to address their housing  
19 issues, their benefits issues and so on. You know,  
20 this investment that you all have made as a City  
21 Council through your initiatives that fund a number  
22 of the programs, not just the ones up here, but you  
23 know, that are part of our community as well as the  
24 community based organizations that we rely on to  
25 provide supportive social services. It's been

2 tremendous, but I have to say, where I sit at the  
3 legal aid society I'm actually being able to see my  
4 staff so energized and completely overworked as we've  
5 had to staff up and ramp up very quickly, that Right  
6 to Counsel for immigrants has been amazing.

7 RAUN RASMUSSEN: And I'll just add,  
8 there's an incredibly exciting potential for the new  
9 anti-displacement initiative, which is going to  
10 deliver targeted legal services in highly--in  
11 communities that will be highly impacted by some of  
12 the new rezonigns that are proposed. And that  
13 initiative will provide opportunities for increased  
14 collaboration among service providers, increased  
15 collaboration with community based organizers, and  
16 essentially a right to counsel in those  
17 neighborhoods, and that's an incredibly exciting  
18 opportunity for--and potential for low income  
19 residents of New York City.

20 RANDAL JEFFREY: I just wanted to add how  
21 and to echo how exciting it is for legal service  
22 organizations like NYLAG to know about the increased  
23 city funding as well as the state funding to provide  
24 civil legal services and to know which staff we've  
25 been able to hire to provide services under those

2 grants, and then to see and know about the clients  
3 whose lives are changed by the legal services  
4 provider by that staff. It's just one example. At  
5 NYLAG we run volunteer lawyer for a day consumer  
6 protection project program up in the Bronx and in  
7 Queens as well as in Staten Island on a limited  
8 basis, and we serve hundreds if not thousands of  
9 clients through those programs each year, and those  
10 programs are able to, you know, help thousands of  
11 clients deal with their consumer debt issues and get  
12 those issues resolved and be able to come away with a  
13 tangible result in not owing the money that they  
14 thought they owed or reaching a settlement with the  
15 debt collectors and move forward in their lives. So  
16 yes, definitely we've seen improvements. There's a  
17 lot more to do be done, but we have seen  
18 improvements.

19 COUNCIL MEMBER GIBSON: Right. So in--  
20 did you want to add? I'm sorry. MFY?

21 MICHAEL GRINTHAL: I just wanted to say  
22 briefly, the assigned counsel project through which  
23 seniors over the age of 60 are referred by the court  
24 to us has been a huge program for us and allowed us  
25 to do things that we couldn't do before, and one of

2 the two aspects of that that are the most powerful  
3 are first of all, that it is a right to counsel  
4 project coming through the courts, and second that  
5 it's coupled with social services and supports  
6 through the Department for the Aging.

7 COUNCIL MEMBER GIBSON: So, in addition  
8 to the coordination of a lot of the legal service  
9 contract providers, with this Civil Justice  
10 Coordinator, what I'm also hoping, and I encourage  
11 you if you are a part of the conversation, that there  
12 has to be a major emphasis on education and  
13 empowerment. What I have found through many efforts  
14 in all of the work we've done with law clinics and  
15 legal clinics, the mobile units, and the working  
16 groups and the forums, you know, the best way we can  
17 also prevent a lot of these evictions in addition to  
18 legal representation is education, right? Because  
19 many of our tenants across this city don't know what  
20 their rights are as a tenant, and so I've been doing  
21 a lot of work around education and empowering our  
22 residents, because knowledge is power and it allows  
23 you a tool that no one can take away from you. So, I  
24 am hoping that, you know, as we look to continue to  
25 build momentum and support with 736, we also

2 understand that there has to be a component on  
3 education and empowerment, and then that leads me to  
4 my next statement, because when you look at the  
5 population of the clientele that you serve, I'm sure  
6 there's a cross-section and a mixture of many first  
7 time clients, first timers that have never been  
8 evicted, never been to Housing Court etcetera, but  
9 you have a lot of repeaters that are in and out of  
10 this system for many reasons, a lot of the social  
11 service components that you described. But do you  
12 think because these are--they're not too necessarily  
13 different populations, right? Equal challenges, but  
14 some of them, you know, require a little bit more  
15 than others. Do you think that in conversations with  
16 736 and all the other bills we need to put everyone  
17 together in terms of figuring out the best level of  
18 service, or should we focus on some of the intricate  
19 challenges with repeaters, and I hate to use that  
20 word, but you get what I'm saying, those that are in  
21 and out of Housing Court several times over a year  
22 and other factors as compared to someone who's a  
23 first timer? Does that make sense? So do we  
24 separate those populations and look at some of the  
25 intricate challenges facing? I look at repeaters as

2 a more challenging population, because that means  
3 there's something wrong if someone is facing eviction  
4 more than once in a year, as compared to someone  
5 who's never been to Housing Court who's facing their  
6 first eviction. I've seen both, and that's why I'm  
7 asking the question in terms of the population you  
8 serve.

9 RAUN RASMUSSEN: Well, I think one of the  
10 main reasons for the repeaters are often the poorest  
11 of the poor, and so that population needs additional  
12 supports in terms of income supports. Sometimes they  
13 may need coping skill supports. So, I know that all  
14 of our offices have social workers and bring social  
15 workers into the mix as needed, particularly in the  
16 family area where domestic violence is involved. But  
17 the problems that our clients face, and you know, the  
18 majority of our clients are under the federal poverty  
19 level, which is a stunningly 12,000 dollars for an  
20 individual and 24,000 for a family of four. But we  
21 also serve people up to three and 400 percent of the  
22 federal poverty level if they have different kinds of  
23 problems. Often homeowners who have unique problems,  
24 but across the board, the legal issues tend to be the  
25 same. And so there are a lot of similarities in

2 terms of what needs to be done to address the range  
3 of our clients, and then there are some discreet  
4 areas, and with respect to the repeaters, I think  
5 really it has a lot to do with helping them get out  
6 of poverty, which is the cause for their repeated  
7 problems.

8 ADRIENE HOLDER: I mean, in some ways,  
9 you guys have already done some of that. So, you  
10 know, we talked about--my colleague talked about the  
11 Assigned Counsel Program, and so you know, you all  
12 had an understanding that there needed to be this  
13 nexus also with an agency, the Department for the  
14 Aging, and their resources being able to be coupled  
15 with the resources of the not for profits and the  
16 legal services programs to be able to get more robust  
17 outcome for vulnerable seniors. And with the Housing  
18 Help Program, where we're able to target in three of  
19 the most vulnerable boroughs, target those  
20 neighborhoods where often times you have people who  
21 you would say, you know, constantly require services,  
22 but targeting those neighborhoods where people  
23 actually--those zip codes where you actually find  
24 people leaving a zip code going directly into the  
25 city shelter system. You all understood in

2 collaboration with United Way originally and then  
3 later on Robin Hood, that there needed to be, you  
4 know, a legal services provider that could get those  
5 cases from the very beginning of the case. I would  
6 agree that a lot of times what is the singular issue  
7 really, although there's a lot of social services  
8 issues, really is poverty. And again, you guys are  
9 addressing that, and so as an Administration there's  
10 been enhanced, you know, vouchers and other ways in  
11 which to try to address some of the issues again  
12 around income inequality and opportunities for people  
13 to have real livable wages. And you guys see the  
14 whole--we're here to talk about the legal services  
15 component, but you all are seeing and addressing the  
16 whole range of that, and again, we appreciate you  
17 all's vision in understanding that there's a lot of  
18 points to try and to address this in a meaningful  
19 way.

20 CHAIRPERSON LANCMAN: Thank you. Let me  
21 just ask a couple of questions. I don't know if this  
22 has been touched on yet, but are you concerned that  
23 with the establishment of an Office of Civil Justice  
24 and Civil Justice Coordinator that--what's been your  
25 experience with contracts being consolidated with

2 HRA? Have they touched your different organizations,  
3 and does the potential for further consolidation and  
4 centralization concern you?

5 RAUN RASMUSSEN: We're looking for that  
6 glorious day when the contract on consolidation  
7 process results in, you know, fabulous new ways of  
8 doing business. It's very much a work in progress.  
9 We've got a great partnership with HRA. We had good  
10 healthy working relationships with the agencies that  
11 administered the contracts before then, and we're  
12 working out all the glitches right now. Sarah  
13 Zuiderveen, who was sitting next to Steve,  
14 Commissioner Banks, when he testified has been just  
15 incredible in making the impossible seem possible  
16 now, which is to bring the contracts together. As  
17 was testified to earlier, up until now the reporting  
18 requirements have been very significantly different  
19 from agency to agency and contract to contract, and  
20 we're hoping that the bringing together of the  
21 contracts under one agency is going to lead to some  
22 consistencies, some similar approaches in terms of  
23 the data that's collected, in terms of the ways that  
24 the data is collected and that will lead to some  
25 efficiencies for us. So, I think, you know, speaking

2 for Legal Services NYC, we're very appreciative of  
3 what has happened up until now, and we're looking  
4 forward to some of the improvements that we think  
5 will continue to occur as a result of the  
6 consolidation of those contracts.

7 RANDAL JEFFREY: On behalf of NYLAG, I'd  
8 also like to echo the praise for the Human Resources  
9 Administration and its endeavors to consolidate the  
10 contracts and to really streamline the process, and  
11 we're really looking forward to this being an easier  
12 reporting process with the consistency in the reports  
13 and the metrics, and we very much appreciate the  
14 efforts that HRA has made to reach out to us and  
15 their availability to us and our staff as we work  
16 with them through the contracting process.

17 CHAIRPERSON LANCMAN: So, under the  
18 heading of be careful what you wish for, you're  
19 concerned that the establishment of a centralized  
20 Office of Civil Justice might remove the flexibility  
21 that the Council has, the Administration has to  
22 address needs as they might arise or experiment. You  
23 know, MOCJ is terrific and I work with Liz Glazer.  
24 She is terrific, but it is an institution, and  
25 there's a, I don't want to say down side, but a flip

2 side to the amount of enormous analysis and research  
3 that they do before they commit to any particular  
4 direction, you know. Now we can kind of do things on  
5 the fly. Are you concerned about losing any of that  
6 flexibility, worried about flexibility getting lost?

7 RAUN RASMUSSEN: I'm not sure that--  
8 maybe. I think it's a real question. When the  
9 contracts started getting consolidated, I  
10 immediately--where Legal Services NYC is federally  
11 funded by the Legal Services Corporation, and I  
12 flashed on 1980 when President Reagan came into  
13 office and tried to zero fund Legal Services  
14 Corporation nationally, and the lesson learned from  
15 that was the need of all of the providers nationally  
16 to diversify their funding sources. And you know,  
17 when all of the funding is one place, if the person  
18 who's in charge of that, whether it be the Mayor or  
19 the head of the agency changes and is not as  
20 favorable to what you've been doing, then that  
21 creates a potential for a problem. I mean, we have  
22 incredible opportunity now because of the people,  
23 because of the commitment of the Administration and  
24 the City Council to the work that we all do, to the  
25 solutions that we all provide to make huge advances.

2 We're hopeful that actually with respect to  
3 flexibility that some of the planning that is going  
4 to occur, we think, for you know, the first time in  
5 the city may allow for some additional opportunities  
6 for creativity, for, you know, opportunities for, you  
7 know, targeted new initiatives and also for multi-  
8 year funding opportunities that will allow the  
9 providers to plan more effectively in terms of  
10 delivering services. So, we're hopeful that this is  
11 going to be mostly all a positive, but mindful that,  
12 you know, history shows that things can change.

13 ADRIENE HOLDER: And I just want to add,  
14 I completely agree with what Raun is saying. I just  
15 want to add, though, that I think we all do agree,  
16 though, that this is a great opportunity. And so,  
17 you know, I think it's a great question, Chairman,  
18 that you asked and it's one that we should always be  
19 mindful of and have in our mind as we continue to  
20 plan and map out where such an office could go and  
21 understanding that it has to have some sustainability  
22 and vision that outlasts, you know, any of the  
23 current Council Members and leadership that would be  
24 in the form of a coordinator, but it is a tremendous  
25 opportunity that I think that we need to go in full

2 steam ahead on, because it is the idea that, you  
3 know, together that we could really figure out the  
4 best ways of which to provide these services in New  
5 York City.

6 CHAIRPERSON LANCMAN: I think it's more  
7 something for the Council to be cautious about, that  
8 the creation of this office in this position, that we  
9 don't see ownership and authority completely to this  
10 new entity. Because one day, as I said to Steve  
11 Banks and as you observed, it's going to be different  
12 cast of characters, and it may not be this magical  
13 alignment of people who care deeply about this issue  
14 and have committed to it. Thank you very much for  
15 your testimony.

16 RANDAL JEFFREY: Thank you.

17 ADRIENE HOLDER: Thank you so much.

18 CHAIRPERSON LANCMAN: Our next panel if  
19 they are here in desires of testifying is Andrew  
20 Scherer, the Impact Center New York Law School, Susan  
21 Jacobs for the Center for Family Representation, Kate  
22 Rubin from Bronx Defenders, McGregor Smith [sic], or  
23 is it Smyth, from New York Lawyers for the Public  
24 Interest, and Brenna DeVaney from the New York City  
25 Bar Association. We might need an extra chair or

2 two, so let's see when they get up here. If we could  
3 have them on the ends, that'd be better. Okay, if  
4 you would all raise your right hand? Do you affirm  
5 to tell the truth, the whole truth and nothing but  
6 the truth in your testimony before this committee and  
7 to respond honestly to Council Member questions?  
8 Welcome, and we'll just go from right to left.

9 ANDREW SCHERER: Well, thank you very  
10 much. Good afternoon. I'm Andrew Scherer. I'm the  
11 Policy Director of the Impact Center for Public  
12 Interest Law at New York Law School, and I was  
13 teaching all morning so I've lost my voice, but I'll  
14 plot ahead. The Impact Center was launched by New  
15 York Law School in the fall of 2014, just recently to  
16 advance the public interest, to support the practice  
17 of public interest law and to help New York Law  
18 School Students become public interest law  
19 practitioners. As part of my role there, I'm also  
20 directing a Right to Counsel Project, and I'm also an  
21 active member of the New York City Coalition for the  
22 Right to Counsel in Housing Court. A little bit about  
23 myself, I have a very long history in civil legal  
24 services and the movement for access to justice for  
25 over 30 years. Starting the late 70's I was a civil

2 legal services attorney with Legal Services NYC. My  
3 last nine years there I was the Executive Director  
4 and Raun Rasmussen succeeded me in that position.  
5 When I was a young attorney representing tenants in  
6 the South Bronx in the days when the Bronx was really  
7 truly burning, I saw the transformative difference we  
8 could make for our clients. Since leaving legal  
9 services in 2010, I traveled the country, and to some  
10 extent the world, in a consulting role advising,  
11 evaluating and visiting civil legal services programs  
12 and I've seen the enormous impact that legal help has  
13 on people's lives everywhere and the problems that  
14 fester when they cannot get the legal help they need.  
15 I concluded in my early days in legal services and I  
16 continue to firmly believe that access to assistance  
17 for fundamental matters such as loss of one's home  
18 must be a right. In fact, I wrote my first law  
19 review article on this topic about 30 years ago now.  
20 After many years in the proverbial wilderness in  
21 spite of great efforts by City Council Members over  
22 the years, it's really, really heartening to see the  
23 progress being made towards meaningful access to  
24 justice in New York City in particular. The City  
25 Council, the Administration have displayed amazing,

2 unprecedented, overwhelming commitment to access to  
3 justice. The increased funding in civil legal  
4 service, for civil legal services through the efforts  
5 of the Mayor, the Speaker and the Council amount to--  
6 the amounts both already realized and those projected  
7 are just awesome, astounding. And the creation of  
8 the Civil Justice Coordinator's Office through Intro  
9 736 is another example of that awesome commitment.  
10 Intro 736 represents an important and critical step  
11 in building an infrastructure in New York City to  
12 assure access to justice. The office's mandate under  
13 the city charter provision is to do all the right and  
14 necessary things to further access to justice,  
15 examine needs, coordinate services, assess efficacy  
16 and capacity, and plan for expansion of services.  
17 The charter provision, I think, rightly prioritizes  
18 the expansion of legal assistance with housing  
19 matters. Without doubt, this office is a necessary  
20 step towards a civil right to counsel in housing  
21 matters, necessary but not alone sufficient. I urge  
22 the Administration, the Speaker, the Council to now  
23 take the bold next step to establish through  
24 legislation through Intro 214 a right to counsel for  
25 people who face losing their homes in legal

2 proceedings. Establishing a right does what no  
3 amount of funding can do, and we've heard discussion  
4 here today. In fact, Council Member, you talked  
5 about the fact that you're not always going to be  
6 there. Circumstances really change over time, but if  
7 you create a right, it really completely shifts the  
8 dynamic for the long haul. It sets--it sends a  
9 powerful message about respect and human dignity.  
10 The funding can clearly easily be eliminated with a  
11 change in political climate. A right is far more  
12 difficult, if not impossible, to take away. The  
13 time's right. This is a problem-solving  
14 Administration that is in partnership with the  
15 Council, not afraid to take on big important issues,  
16 not afraid to make change where change is needed.  
17 There's a broad consensus that this is the type of  
18 change that's needed. On December 5<sup>th</sup> of 2014 we  
19 hosted, the Impact Center, hosted at New York Law  
20 School a public forum on the right to counsel.  
21 Council Members Levine and Gibson were there, and  
22 I've attached to my testimony some select quotes from  
23 some of the people who were there who were experts  
24 during the day talking about why this is such an  
25 important thing to do. Let me just talk briefly

2 about some of the reasons the city should do it, but  
3 then some of the reasons that the city really can do  
4 it. I think there's some trepidation that maybe this  
5 isn't something that can't be done. It should be  
6 done to shift the paradigm, to create not a system  
7 where you pay to play, but where you get access to  
8 justice regardless of who you are in our society.

9 CHAIRPERSON LANCMAN: Andrew--

10 ANDREW SCHERER: It--

11 CHAIRPERSON LANCMAN: [interposing]

12 Andrew?

13 ANDREW SCHERER: Yes? Am I al--that was  
14 my bell? Aw man, and I'm really just--I'm just  
15 warming up here. In conclusion--

16 CHAIRPERSON LANCMAN: [interposing] In  
17 conclusion.

18 ANDREW SCHERER: In conclusion, let me  
19 say. There's a lot of reasons to do it. Let me just  
20 talk about the reasons that you can do it, because I  
21 think that's a bigger concern. And one is you do  
22 have the legal authority to do it, the delegation of  
23 power from the--

24 CHAIRPERSON LANCMAN: [interposing] We're  
25 talking about the Right to Counsel?

2 ANDREW SCHERER: Yeah, yeah.

3 CHAIRPERSON LANCMAN: And so far as this  
4 bill doesn't address that, I'm going to ask you to--

5 ANDREW SCHERER: [interposing] Okay.

6 CHAIRPERSON LANCMAN: to say in  
7 conclusion--

8 ANDREW SCHERER: [interposing] In  
9 conclusion--

10 CHAIRPERSON LANCMAN: and then a--

11 ANDREW SCHERER: [interposing] This is a  
12 very important first step towards creating a right to  
13 counsel, and I think the first and foremost ask of  
14 this coordinator's role should be to make sure that  
15 that happens. So, these changes that you're putting  
16 in place really last and they're not just temporary.

17 CHAIRPERSON LANCMAN: Very good. Thank  
18 you very--

19 ANDREW SCHERER: [interposing] You're  
20 very welcome. I'm happy to answer any questions at  
21 the appropriate time.

22 SUSAN JACOBS: [off mic] And I won't  
23 yield my time. Good morning, afternoon. My name is  
24 Susan Jacobs, and I'm the President and Executive  
25 Director of the Center for Family Representation.

1 Thank you Council Members Lancman and Levine and the  
2 members of the Committee on Courts and Legal Services  
3 for the opportunity to testify today about this  
4 important issue. CFR applauds the Speaker Mark-  
5 Viverito, Council Member Levine and the entire  
6 Council for your leadership in shining a light on the  
7 need for comprehensive legal services for poor and  
8 low income New Yorkers. Each year, we provide over  
9 2,000 families with free legal assistance and social  
10 work services that enable children to stay with their  
11 families safely, keeping them out of a foster care  
12 system that has devastating consequences. Since 2007  
13 in Manhattan and 2011 in Queens, we've been the  
14 leading indigent legal services provider for parents  
15 in child protective cases. Our unique model which is  
16 used as an interdisciplinary team of an attorney and  
17 a social worker and a parent who reunited with her  
18 child has provided a lot of information about what  
19 these kinds of services can do if essentially  
20 expanded in a civil legal services realm. On  
21 average, 50 percent of our children never enter  
22 foster care, and we serve over--historically have  
23 served over 6,000 families with this team. Our  
24 perspective on the creation of an Office of Civil  
25

2 Justice and the need for increased support of civil  
3 legal services in the city comes from our unique  
4 position as a provider essentially of mandated civil  
5 legal services. We are sort of in that sense a  
6 hybrid. As the institutional provider in Queens and  
7 Manhattan Family Court we have worked with the  
8 Mayor's Office of Criminal Justice and have seen  
9 firsthand how a coordinator can assist in ensuring  
10 increased access to legal services. When we meet our  
11 clients in Family Court, we serve them there and we  
12 see that the crisis that we may resolve there are not  
13 sufficient, the resolution is not sufficient to make  
14 sure that they continue on their way to stability.  
15 The challenging circumstances of their lives require  
16 us to do more to ensure their long term stability  
17 than just being in Family Court. So we've created an  
18 initiative to serve them with more civil legal  
19 services, and our experience is children often enter  
20 foster care because they were interrupted in getting  
21 public benefits because housing was a challenge, and  
22 there's a need for greater support in accessing many  
23 services for these families. If we can expand the  
24 menu of services through the umbrella that this bill  
25 and program will provide, we will be able to provide

2 housing and public benefits advocacy under the same  
3 roof as our Family Court advocacy. We will therefore  
4 be able to maximize efficiency and families will not  
5 have to go hither and yond for support. A few  
6 observations about the proposed legislation. We  
7 think it's critical that the office has the ability  
8 and time to survey the array of legal services  
9 available and needed. Second, that effort should  
10 involve data about these services citywide.  
11 Importantly, the office might also benefit from  
12 having an evaluative function so the quality and  
13 impact of services can be assessed. Third, we think  
14 that the office could also be instrumental in  
15 supporting innovative model of service delivery by  
16 providing agencies with information about population  
17 needs as well as funding to innovate. In our  
18 experience, being able to be nimble and responsive to  
19 client needs is the key to successful representation  
20 and really goes to the question you asked the last  
21 panel. I'd like to end with a quick example of a  
22 family we met which we could have helped more if we  
23 had civil legal services support. We met Natalie, a  
24 single mother with three children when the  
25 Administration for Children Services brought a case

2 of educational neglect against her. All three of her  
3 children have muscular dystrophy and are wheelchair  
4 bound. They lived in public housing. They were  
5 placed in a building without elevator access. Even  
6 though she requested transfers, her requests were  
7 unanswered. Children were not going to school  
8 because she could not carry them up and down stairs,  
9 and unfortunately they were removed and placed in  
10 foster care until she could secure appropriate  
11 housing, which took over 14 months. Had we had a  
12 housing attorney and those resources, we could have  
13 initiated proceedings in Housing Court to demand  
14 necessary repairs. We thank the Council and this  
15 committee for your continued work on expanding  
16 access.

17 CHAIRPERSON LANCMAN: Thank you very  
18 much.

19 KATE RUBIN: Hi. I'm Kate Rubin. Good  
20 afternoon, and I manage the civil action practice at  
21 the Bronx Defenders. We're also a member of LEAP,  
22 which is a network of 14 legal services providers  
23 here in the city, and we're one of the three  
24 providers in the ground-breaking New York Immigrant  
25 Family Unity Project that the Council created, the

2 first public defender system for detained immigrants  
3 in removal proceedings in the country, which has been  
4 incredibly exciting. So we thank you for the  
5 opportunity to testify. You have my longer written  
6 comments. I didn't know I would have a whole five  
7 minutes. So I just have a whole--a few short bullets.

8 CHAIRPERSON LANCMAN: There is no  
9 obligation to use all the time.

10 KATE RUBIN: I don't think I'm going to  
11 take them all.

12 CHAIRPERSON LANCMAN: On the other hand,  
13 you cannot make a deal with the person next to you  
14 and give them.

15 KATE RUBIN: So, first and foremost, we  
16 enthusiastically support Intro 736. We look forward  
17 to working and partnering with an Office of Civil  
18 Justice. We see a really robust role for our  
19 coordinator. One of the key things that we hope the  
20 Civil Justice Coordinator will do is work with courts  
21 and agencies to collect data and share data and  
22 implement policy reforms that will both reduce the  
23 need for and sustain the impact of civil legal  
24 services. And coming from the Bronx Defenders, we  
25 urge that those collaborations include the usual

1 suspects, HRA, NYCHA, everybody else, but also  
2 Department of Correction, Probation, NYPD and other  
3 agencies that really kind of broadly impact our  
4 client's lives. As the city takes tremendous steps  
5 to strengthen legal services, and it is a truly  
6 exciting moment, I want to underscore the importance  
7 of a diverse community of providers to meet diverse  
8 needs. This includes small programs with deep ties in  
9 neighborhoods, new and innovate models and citywide  
10 programs that serve clients in multiple boroughs,  
11 even without physical borough based offices, and we  
12 have a number of examples of that in the LEAP  
13 Coalition. But I especially want to highlight the  
14 model of holistic defense that we have at the Bronx  
15 Defenders. We offer a comprehensive civil legal  
16 services within a city funded criminal and family  
17 defense office. When an immigrant family is facing  
18 eviction because the bread winner is detained and in  
19 removal proceedings, when a woman's cash is subject  
20 to civil forfeiture after she was falsely arrested  
21 for prostitution or a child remains in foster care  
22 because of unsafe conditions in her mother's  
23 apartments, our civil action practice attorneys and  
24 advocates provide early and effective intervention.  
25

2 So, just three quick lessons from holistic practice  
3 that we think are helpful in this conversation. One,  
4 legal services providers must be equipped to serve  
5 people with criminal history. We know millions of  
6 New Yorkers have criminal records. We know the vast  
7 majority of those are concentrated in low income  
8 communities of color, and the future of civil legal  
9 services really must include this group specifically.  
10 Two, most clients will seek services first where  
11 they've received them before and early intervention  
12 can save money, but also prevent worse consequences  
13 down the road, and that includes light touches. So,  
14 if a client has an open criminal case, a CLE [sic]  
15 consult can actually prevent a deportation or  
16 preserve a job. And three, that interdisciplinary  
17 teams really work. So each member of our staff has  
18 different training and a social worker might pick up  
19 on something that a criminal defense or even a  
20 housing attorney might miss. So, finally--1:30 left.  
21 We echo our colleagues in the Right to Counsel NYC  
22 Coalition calling on the Council to sort of take the  
23 next step beyond Intro 736 and expand Right to  
24 Counsel starting with Intro 214, ensuring a

2 fundamental right to counsel in housing court in New  
3 York City. Thank you.

4 CHAIRPERSON LANCMAN: Thank you.

5 BRENNA DEVANEY: Good afternoon,  
6 Chairperson Lancman and members of the Committee on  
7 Courts and Legal Services. Thank you for providing  
8 the New York City Bar Association with the  
9 opportunity to testify before you today on the  
10 creation of an Office of Civil Justice in New York  
11 City. My name is Brenna DeVaney and I'm fortunate to  
12 serve as the Chair of the City Bar's Pro-bono and  
13 Legal Services Committee, but I'm here testifying on  
14 behalf of Debbie Raskin [sp?], President of the City  
15 Bar, who regrets deeply that she was unable to appear  
16 before you today. The City Bar, as you many know, is  
17 a membership organization of over 24,000 members, and  
18 our testimony here today is informed by the work of  
19 our pro-bono and Legal Services Committee and our  
20 Housing Court Committee. 736 would create an Office  
21 of Civil Justice to advise and assist the Mayor with  
22 respect to the delivery of civil legal services to  
23 those New Yorkers very much most in need. This bill  
24 explicitly identifies housing related civil legal  
25 services needs as a priority of the office's work,

2 which comports with the growing citywide consensus  
3 that has emerged in support of providing low income  
4 tenants with the right to counsel in Housing Court.  
5 Let me start by saying that the City Bar  
6 enthusiastically applauds the Council's significant  
7 and game changing commitment to addressing and  
8 serving civil legal services needs of New York's low  
9 income individuals. We acknowledge and appreciate  
10 the council's very keen understanding of how  
11 important it is to support a fair civil justice  
12 system in its city. For its part, the City Bar has  
13 long supported the notion that legal representation  
14 should be provided in civil cases involving  
15 fundamental needs to those who cannot afford  
16 attorneys as a way to level the playing field in  
17 court and provide meaningful access to justice. To  
18 that end, as a general matter, we support the  
19 creation of an office within the city government  
20 whose mission is to ensure that civil legal services  
21 are funded and provided in the most efficient way  
22 possible to those most in need. However, in order to  
23 make such a program a lasting reality, legislation is  
24 absolutely needed to establish a right to counsel in  
25 civil cases involving a basic necessity of life like

1 shelter. The place to start is Housing Court.  
2  
3 Therefore, while we support the long term goals of  
4 736, we also very strongly urge the Council to pass  
5 214 post-haste and to expedite the implementation of  
6 a program to provide free legal representation to low  
7 income tenants in eviction, foreclosure and ejectment  
8 proceedings. In this city of growing income  
9 inequality, shrinking affordable housing stock and  
10 increasing homelessness, a clear consensus has  
11 emerged that the Housing Court representation program  
12 is needed and it's needed now. Moreover, getting a  
13 program up and running in Housing Court can provide  
14 important lessons and guide posts, which can then be  
15 studied by the Office of Civil Justice as a part of  
16 its mandate under 736. I've attached to this  
17 testimony our memo in support of 214, and I would  
18 like to highlight a few points here. As discussed,  
19 214 provides low income tenant respondents defined as  
20 individuals at or below 125 percent of the federal  
21 poverty level with a right to counsel in Housing  
22 Court or in other courts where litigants are  
23 defending against ejectment or foreclosure  
24 proceedings. We explain at pages five through seven  
25 of our report why we think financial eligibility

2 should be increased to 200 percent of the federal  
3 poverty level, and I refer you to that discussion. I  
4 recognize that eligibility is not the subject of  
5 today's hearing, but I think it's an important point  
6 for you to consider. Only 20 percent of low income  
7 people in New York City and the United States as a  
8 whole have access to legal counsel in civil legal  
9 cases. The lack of representation dramatically  
10 effects outcomes for low income people. Represented  
11 parties benefit statistically from more fa--and have  
12 more favorable outcomes in Housing Court, and in New  
13 York City Housing Court, the vast majority of  
14 litigants without representation are racial  
15 minorities. The benefits of having a right to  
16 counsel in housing cases are particularly compelling,  
17 and my colleagues have outlined quite a number of  
18 them, so I won't do that again. But I do note that  
19 in addition to supporting families and lowering  
20 crime, we can expect savings, money savings for the  
21 city of New York and New Yorkers. Finally, I should  
22 note that pro-bono legal services should not be seen  
23 as a suitable replacement or an alternative to legal  
24 aid services for the poor, including but not limited  
25 to the housing context. In conclusion, on behalf of

2 the City Bar, I thank the City Council for its  
3 commitment to increasing access to justice and the  
4 significant work that it has done to move awareness  
5 around this issue. Please call upon the City Bar if  
6 we can be helpful as you continue to move these  
7 issues forward.

8 CHAIRPERSON LANCMAN: Thank you.

9 MCGREGOR SMYTH: Thank you. My name is  
10 McGregor Smyth, and I'm the Executive Director at New  
11 York Lawyers for the Public Interest. And definitely  
12 thank you to the Speaker and Council Member Levine  
13 and the Chair for the opportunity to speak today.  
14 You know, under the incredible leadership of this  
15 Council, we really are at this tremendous and  
16 exciting moment of the new investment by the city in  
17 civil legal services. You know, the creation of a  
18 new Office of Civil Justice provides an opportunity  
19 to talk about forging a broader conception of civil  
20 justice and civil legal services to examine the  
21 broader needs within these same communities around  
22 the city that are not met by the current conception  
23 of civil legal services. We are proud to support  
24 Intro 736, and we urge you to take a broad view of  
25 what civil justice means in 2015 as you build this

2 critical infrastructure that everyone has testified  
3 in support of today, to support both traditional  
4 emergency room first responder civil legal services  
5 but also to focus on longer term more proactive  
6 solutions to these really large and complicated  
7 problems that our client communities face. We hear  
8 about these needs every day. For the past 40 years,  
9 New York Lawyers for the Public Interest has been  
10 bridging a gap between traditional civil legal  
11 services and civil rights. Our community lawyering  
12 work is out in communities every day, integrating the  
13 power of individual legal services, impact litigation  
14 and impact work, comprehensive organizing and policy  
15 campaigns. Today, I just wanted to focus a little  
16 bit on two communities with special civil justice  
17 needs, people with disabilities and immigrants. They  
18 share high levels of poverty, significant barriers to  
19 opportunity and significant needs that are beyond a  
20 traditional civil legal services model often. So two  
21 areas in need in particular that I just want to flag  
22 for you. The first is meaningful access to  
23 healthcare. It's not just the kind of paper rights  
24 to health insurance, but it's actually getting the  
25 healthcare that you need to improve your life. We

2 see clients every day who can't get to their medical  
3 providers. They can't physically access the  
4 locations when they get there or the facilities, and  
5 then they can't communicate with their providers when  
6 they get there because of language access problems.  
7 And exponential increase in people who are insured  
8 really feeds this problem. Just an example of the  
9 range of need, we see tens of thousands of New  
10 Yorkers with disabilities who can't use the  
11 traditional transit system because of their physical  
12 disabilities to get to their medical care, but  
13 they're denied access to our para-transit system  
14 because New York City transit refuses to provide them  
15 with interpretation and translation services that  
16 they need, or it's our deaf client who's left scared  
17 in an emergency room here in the city for four hours  
18 when she went there because of an urgent medical  
19 need, and medical providers refuse to provider her a  
20 sign language interpreter or even the right notes to  
21 her. Or our client with physical disabilities who is  
22 denied access to a mammogram that she had to have  
23 because she couldn't physically access the machine,  
24 we see this time and time again. Or it's the  
25 thousands of immigrants, undocumented immigrants with

2 serious health needs who have never seen an attorney,  
3 but with the right immigration services can get the  
4 status that they need within weeks to access full  
5 health insurance. The solutions to these problems,  
6 in a way these are traditional essentials of life,  
7 but the solutions require an integrated mix of  
8 extensive outreach, community organizing, education  
9 as Council Member Gibson mentioned before, and legal  
10 services that few provide outside of the traditional  
11 legal services model. The second big problem to  
12 outline is getting and maintaining accessible and  
13 stable housing, and the way that we see this come up  
14 a lot can't be solved in the context of Housing  
15 Court. Its barriers based on disability and  
16 language, landlord's refusals to provide reasonable  
17 accommodations like grab bars or ramps that lead to  
18 constructive evictions, or the shocking  
19 inaccessibility of new construction. So, just in  
20 conclusion, you know, these real long term solutions  
21 require a range of models of legal services, you  
22 know, that really integrates and combines organizing  
23 and advocacy and legal services, and it's critical  
24 that the City Council help ensure that the wide range  
25 of needs and models are both studied and supported

2 through this new office that you propose creating.  
3 Thank you.

4 CHAIRPERSON LANCMAN: Thank you. Nailed  
5 it. Mark, you have any questions?

6 COUNCIL MEMBER LEVINE: Well, several of  
7 you mentioned the need for data, and I think  
8 understanding impact, and as we make the case for the  
9 investment of the public sector here, that is so  
10 critical, and now we have quite a lot of this pretty  
11 compelling, but I'd like to hear from you about how  
12 we could further fill out the data picture, the  
13 impact picture, what should we be measuring, how do  
14 we get that?

15 ANDREW SCHERER: Yeah, well I'll tell you  
16 where I think the biggest gap--we have a lot of debt,  
17 as Steve Banks said earlier today, we're relying on  
18 some fairly old data, so I'm glad to see that the  
19 city is and that HRA is looking to revitalize that  
20 data or get some new data on some of the questions  
21 that were asked 20 years ago. I was actually  
22 involved in that study many years ago. But we were  
23 looking at who's in Housing Court and the extent to  
24 which they're represented. What we didn't do and  
25 what has been done in other parts of the country

2 particularly by the sociology professor Matt Desmond  
3 at Harvard is look at the long term consequences of  
4 eviction and displacement from people's homes. So we  
5 know a bit about it, we know a fair amount of shelter  
6 entry, but we don't have any hard data about loss of  
7 days in schools about emergency medical care that  
8 gets needed about all the long term consequences on  
9 people's lives, and I think, you know, we already can  
10 show, and if you look at the IBO report and the City  
11 Council finance division report we can show in the  
12 broad sense that there's savings from providing  
13 counsel. What we're not showing is the enormity of  
14 those savings, because we're not looking hard enough  
15 at the long term consequences. So that's one piece  
16 that I would really try to get a handle on, and then  
17 of course, you know, we have limited data. It hasn't  
18 been--these questions haven't been studied enough,  
19 and I really appreciate the fact that that's what the  
20 Office of the Civil Justice Coordinator will do, and  
21 I would suggest that, you know, there are a lot of  
22 resources out there both within the city and without  
23 the city and to really put together a group to par  
24 [sic] us through what it is that we need to be able  
25 to show throw empirical data and what we need to

2 collect. And having run one of these organizations  
3 for many years, I know what an imposition it is to  
4 collect data, so we have to find the right balance  
5 and collect the data that we really need, and I  
6 think, you know, Commissioner Bank's idea of  
7 consolidating the ask and working with some of the  
8 other funders to do that is a fabulous idea. I don't  
9 understand why it hasn't been done over all these  
10 years, because we need the data, but we also need  
11 people to be out there doing the work of represented  
12 clients and not interfering too much with their time  
13 that way.

14 MCGREGOR SMYTH: Just in my yes [sic]  
15 annual [sic], in addition to that there's a need to  
16 study and collect data on community needs and  
17 solutions that are beyond court based interventions.  
18 You know, it's, you know, about early and proactive  
19 intervention, you know, that's been mentioned  
20 throughout the afternoon, but also, you know, putting  
21 a value in valuing the non-court based solutions that  
22 do have a concrete impact on people's live, you know,  
23 that have actually outcomes that aren't just kind of  
24 the basic level of advice and assistance, but that  
25 are out of court that have a real outcome. I think

2 there's a real need to value those because of the  
3 range of needs that our clients have.

4 SUSAN JACOBS: I would just add that  
5 cost-based analysis is important to the savings, not  
6 just for the direct service. You know, I can tell  
7 you what we save in foster care cost, which is about  
8 six million a year, but we don't aggregate the  
9 collateral savings, because we don't have that data,  
10 and I think for the day when--it will probably come  
11 when the same cast of characters is not sitting here,  
12 to be able to still talk about the savings is really  
13 going to be critical.

14 KATE RUBIN: The last thing I would add  
15 to that is that besides data on need and services and  
16 impact, there is also--it would also be helpful to  
17 have more data from the agencies and courts  
18 themselves. So that's something that we work--that  
19 Mayor's Office of Criminal Justice has been really  
20 great about working with on, and they just yesterday  
21 rolled out this big summons project where now we can  
22 see precinct level data about every single type of  
23 summons, and soon we're going to also have race and  
24 ethnicity data, and it would be incredible to have  
25 that kind of data from Housing Court, from HRA, you

2 know, from all these agencies, from ACS, from all  
3 these agencies that impact our client's lives.

4 CHAIRPERSON LANCMAN: Alright, thank you  
5 all very much. Our next panel if they are still here  
6 and wish to testify--so, a number of people have  
7 signed up to testify, identifying themselves as from  
8 CASA. Okay. So we're going to bring them all up in  
9 mass. I have Mario. Well, Mario [sic], I can't read  
10 the last name. De La Cruz, thank you. Carlos  
11 Rivera, Carmen Vega Rivera, Fitzroy Christian, Randy-  
12 -sorry, I can't read the last name, and Joseph Sepedo  
13 [sp?]. [off mic] And Jenny Laurie from Housing  
14 Court Answers, not a CASA person, but I know you've  
15 got a time constraint, so we're going to let you go  
16 first. So, as the day goes on, and the time when we  
17 need to vacate the room gets closer and closer, we're  
18 just going to ask everyone to limit their testimony  
19 to two minutes, since you're all from the same group  
20 in any event, and when we're all ready we will swear  
21 you in and get crackin'. Good. Are you testifying,  
22 sir?

23 UNIDENTIFIED: [off mic]

24

25

2 CHAIRPERSON LANCMAN: But are you going to  
3 speak? I mean, you don't have to. You are going to  
4 speak?

5 UNIDENTIFIED: You just have to rise your  
6 right hand.

7 CHAIRPERSON LANCMAN: No, no, no, I'll do  
8 it. Are you going to testify? Are you going to  
9 speak?

10 UNIDENTIFIED: Yes.

11 CHAIRPERSON LANCMAN: Okay, so just get a  
12 chair and come on the end. We've got a chair right  
13 here. Are you testifying, sir? Alright, you can  
14 pull up a chair. You can fit in whatever you want.

15 [off mic]

16 CHAIRPERSON LANCMAN: So, anyone from  
17 team CASA who has not submitted a slip, but wants to  
18 testify, just make sure that before you leave you  
19 give a slip to the Sergeant at Arms raising his hand.  
20 We've all gathered around the big, you know, table at  
21 thanksgiving, when there's more seats--no, more table  
22 and less eats or whatever, so I know we can do it.  
23 So if everyone--sir, are you testifying also?  
24 Terrific. If everyone would raise their right hand  
25 and respond. Do you affirm to tell the truth, the

2 whole truth and nothing but the truth in your  
3 testimony before this committee and to respond  
4 honestly to Council Member questions?

5 UNIDENTIFIED: Yes.

6 UNIDENTIFIED: I do.

7 CHAIRPERSON LANCMAN: Terrific. So first  
8 we'll hear from Ms. Laurie, and then we'll get onto  
9 the CASA crew.

10 JENNY LAURIE: Thanks very much for this  
11 opportunity to testify. I want to say first of all  
12 that it was such a thrill to hear the Speaker talk  
13 about this Civil Justice Coordinator and just to talk  
14 about the dedication that she has to providing legal  
15 services in civil cases in her State of the City  
16 speech, and it's been a thrill to hear the Mayor talk  
17 about this issue over and over again, and it's been a  
18 real thrill to work with Council Member Mark Levine  
19 and Council Member Vanessa Gibson on the 214, the  
20 Right to Counsel bill. And like some of the people  
21 who testified previously, I've been in this business  
22 for a really long time, through some really harsh  
23 Administrations that did not support legal services  
24 in civil cases and so it's really thrilling. I have-  
25 -my testimony mainly covers what people have already

2 said, so I just wanted to make a couple of points. I  
3 think a Civil Justice Coordinator is a fantastic  
4 idea. I am the Executive Director of Housing Court  
5 Answer. We run the information tables in the city's  
6 Housing Courts and we run a hotline where we help  
7 people who are getting evicted, and so we deal on a  
8 day to day basis with people who are facing eviction,  
9 and I don't have to tell any of you that eviction is  
10 devastating. Andy Scherer talked a little bit about  
11 Matt Desmond's work at Harvard, and it's, you know,  
12 it's been studied, studied, studied. It's a  
13 devastating thing for a family to be evicted. The  
14 outlying effects are, you know, loss of schooling,  
15 loss of jobs, mental health issues for years after.  
16 So we strongly support the provision of legal  
17 services, particularly for people who are in Housing  
18 Court. I wanted to say also that I think part of  
19 that, and people have talked about that and  
20 particularly Council Member Gibson talked about the  
21 importance of educating tenants, and I know CASA here  
22 would support this. We really strongly support this  
23 funding also for organizing and for case management  
24 work and for getting more data out of the Office of  
25 Court Administration.

2 CHAIRPERSON LANCMAN: Terrific.

3 JENNY LAURIE: And thanks.

4 CHAIRPERSON LANCMAN: Thank you very much.

5 So now we'll just go down the line and remind you  
6 that you have two minutes and to emphasize that  
7 there--two minutes each, and there's no shame in  
8 saying, "I agree with what everybody else said." And  
9 just leave it at that. Okay? Please start. State  
10 your name.

11 FITZROY CHRISTIAN: My name is Fitzroy  
12 Christian. I'm a CASA leader. I'm also an employee  
13 of Housing Court Answers. So between my work with  
14 CASA as an organizer and my job as a--at the help  
15 desk in Housing Court, I see a lot of horrors every  
16 day. I'm not going to over what everybody said, but  
17 I would say I appreciate the effort of the City  
18 Council and the Speaker to get this Office of the  
19 Civil Justice Coordinator going, but I just want to  
20 emphasize that we see this as the first step, not the  
21 first of a thousand steps, because we can't wait for  
22 that, but the first of very few steps. Because if  
23 you look at what happens in the Bronx in 2013, 11,000  
24 people were evicted. That worked out to be 40  
25 evictions per day every day the court is open, and

2 that is about 160 people a day if you consider a  
3 family of four that's being evicted. In New York  
4 City, 30,000 in 2013 were evicted. That's 450 people  
5 per day. That's a whole lot of people without homes.  
6 So we are hoping that the very few steps that I  
7 anticipate it's going to take between now and 763  
8 [sic], and bring in Intro 214 into fruition. We're  
9 going to be stopping this time of homelessness, of  
10 evictions. Providing counsel is great, but like I  
11 said, we can't wait for too much longer, and maybe  
12 probably as the next step is not only making legal  
13 counsel a right, but making housing a right, and if  
14 you could have a New York City version of Article 25  
15 from the United Nations, where housing becomes one of  
16 the rights we have, then we know that many of us will  
17 stay in our homes for much longer than we are being  
18 now. Thank you.

19 CHAIRPERSON LANCMAN: Ma'am?

20 MARIA VERA ROMAN: Thank you. Good  
21 afternoon. My name is Maria Vera Roman, Vera Roman.  
22 I am a member of the Banana Kelly Residence Council  
23 and a ten year resident of the Hunts Point Long Wood  
24 Neighborhood of the South Bronx. I'm here today to  
25 speak on the importance of the Right to Counsel in

1 Housing Court for New Yorkers who face eviction.

2 While the establishment of an Office of Civil Justice  
3 is important, the right to counsel must be maintained  
4 as a priority in this creation. In our neighborhood,  
5 our community is threatened by eviction. The median  
6 income in our area is 24,461 dollars for a family of  
7 four. It goes without saying that most cannot afford  
8 a lawyer to help keep them in their housing. People  
9 need tools and support to protect them from eviction  
10 and landlords, many of whom have an army of lawyers.  
11 Many of the constant evictions occurring in our  
12 neighborhood could be prevented through the right of  
13 counsel for tenants. The creation of the Office of  
14 Civil Justice must recognize that a right to counsel  
15 will create a more stable community in turn  
16 sustaining our children, neighborhoods and buildings.  
17 Safety is a key part of this equation. When longtime  
18 residents stay put, it preserves the sense of respect  
19 and belonging to the neighborhood. We all know that  
20 homeliness [sp?], which is a huge concern for  
21 residents of all ages in our community will only  
22 continue to grow without concrete protection for low  
23 income tenants, not just increase further services,  
24

2 but also to clear right to representation of  
3 evictions proceedings.

4 CHAIRPERSON LANCMAN: Okay, thank you very  
5 much.

6 MARIA VERA ROMAN: Thank you.

7 CHAIRPERSON LANCMAN: Thank you. Sir?

8 JOSEPH SEPEDA: Thank you. Oh, there's a  
9 mic. Thank you, and warm salutations, and I'm very  
10 happy that you guys are doing work that you're doing.  
11 I want to say that I appreciate the massive support  
12 of the members of the City Council, particularly the  
13 35 Council Members who have and are co-sponsoring  
14 Intro 214 plus this 736 intro as well. Other  
15 political leaders in our Administration for the  
16 principle access of legal assistance to low income  
17 people who are facing eviction. Homes, for them to  
18 stay in their homes is something that is very  
19 important and they need that sanity. When their  
20 homes are taken away from them, you know, you lose  
21 your center of gravity, and you are placed in a  
22 situation where you feel that you don't have any kind  
23 of rights, and going--like from my experience when I  
24 got evicted was when I went to court I was very  
25 scared because I didn't know what I was facing, and

2 then I was facing a lawyer who had all these terms  
3 that I wasn't familiar with. So I was very, very  
4 much like a fish out of water at that point. And,  
5 you know, I'm very happy that to see that you guys  
6 are taking steps to do something to prevent this kind  
7 of erosion and also this kind of disparity that a lot  
8 of people, especially in the city of New York are  
9 going through. You know, we know that Intro 214  
10 should be the next step after Intro 736 because it's  
11 going to stabilize a patient who has been dying for  
12 over 50 years. It's time for us to, you know, do  
13 what's right and realize that, you know, the scale of  
14 justice is unbalanced, especially in Housing Court.  
15 And just to recap, I mean, to say the ending is that  
16 you know, by you preserving these people in their  
17 homes, you're giving back their sanity and you're  
18 giving them a future to live for.

19 CHAIRPERSON LANCMAN: Can you just state  
20 your name for the record?

21 JOSEPH SEPEDA: Sorry. My name is Joseph  
22 Sepeda.

23 CHAIRPERSON LANCMAN: Thank you. Next,  
24 please?

2 CARMEN VEGA RIVERA: [off mic] Good  
3 afternoon. My name is Carmen Vega Rivera. I'm a  
4 resident of the Bronx and a CASA member. I want to  
5 start my comments by saying that I appreciate and  
6 recognize the importance of the large infusions of  
7 funds into the eviction prevention legal services for  
8 the next year as promised by the Mayor and by the  
9 Speaker, because these funds will greatly enhance the  
10 availability of the legal assistance. I also want to  
11 underscore, and I'm not only speaking--when I say "I"  
12 I'm speaking on behalf of my neighborhoods and  
13 members of my community, which I interact with them  
14 daily. They were somewhat disappointed that the  
15 creation of the Office of Civil Justice has in placed  
16 in a separate bill from Intro 214, which creates a  
17 city funding right to counsel when tenants face  
18 losing their apartments, their homes, and I'm one of  
19 those tenants, and I'll tell you a little bit about  
20 myself in a few minutes. Having said that, we belie  
21 that these two measures should be linked and that the  
22 first priority of the Civil Justice Coordinator's  
23 Office should be to implement a right to counsel for  
24 people who face losing their homes in legal  
25 proceeding. In 2008 my life was turned upside down

2 when I was on top of game. I became disabled.  
3 Unbeknownst to me, immediately thereafter my landlord  
4 started to harass me and threatened me with  
5 displacement multiple times. I winded up on Housing  
6 Court. I have been there since 2009 and continue to  
7 fight the fight trying to keep a roof over my head.  
8 My background is that I'm a not for profit executive  
9 director formally for a youth agency, ran a  
10 philanthropic initiative for a teacher's college and  
11 what is a Associate Director for major museums here  
12 in New York City. People look just like me, could be  
13 different than me. They'd have the same economic  
14 background. They could be different than me. All we  
15 would have in common is that when we go through  
16 Housing Court and we're pro-se [sic] tenants, we lose  
17 the battles. The scales are not in our favor. We  
18 have to tip the scales, and we have to level the  
19 playing field. By getting involved with CASA and by  
20 having CASA behind me and learning about what  
21 organizing is and having urban justice, I was able to  
22 win my case. Right to Counsel does work. Thank you.

23 CHAIRPERSON LANCMAN: Terrific. Thank you  
24 for your testimony. Sir, if you could state your  
25 name and give your testimony.

2 RANDY GILLARD: My name is Randy Gillard  
3 [sp?], and I'd like to thank Mark and Vanessa Gibson  
4 and Andy, and this lady who I've been--we've been  
5 working together for Intro 214. I want to thank the  
6 City Council for this hearing. I agree on a Office  
7 of Civil Justice that will assist the needs of all  
8 sorts of civil legal services. I also appreciate the  
9 massive support from members of the City Council as  
10 well as other political leaders in the coalition and  
11 other active groups, particularly the 35 Council  
12 Members who are co-sponsoring Intro 214, and I'm  
13 disappointed that the creation of the Office of Civil  
14 Justice has been placed in a separate bill from Intro  
15 214, which creates a city funding right to counsel  
16 when people face losing their home. I believe that  
17 736 and 214 should be linked. The first priority of  
18 the Civil Justice Coordinator should be to implement  
19 a right to counsel. The funding does not help me  
20 right now. It only helps tenants who's being rezoned  
21 right now under the zip code 10452, 10453. It does  
22 not help much for tenants living outside the two zip  
23 codes areas. Tenants cannot wait for a five year  
24 plan to be implemented. They need the right to  
25 counsel now. I am a victim of Housing Court three

2 years, and it was not for paying my rent, but having  
3 a slum lord for a landlord not doing repairs. Housing  
4 Court is a very frightening experience when you don't  
5 know your rights. I had a lawyer and still was a  
6 nightmare, but without my lawyer I would have been  
7 homeless and in a shelter costing tax payers money.

8 CHAIRPERSON LANCMAN: Alright, sir? Its  
9 two minutes. We get it. I appreciate it. That's  
10 very powerful personal testimony. We understand.  
11 Thank you very much.

12 CARLOS RIVERA: Okay, good afternoon,  
13 Council Members. I applaud your presence today.

14 CHAIRPERSON LANCMAN: Just state your  
15 name for the record, please?

16 CARLOS RIVERA: Carlos Rivera.

17 CHAIRPERSON LEVIN: Thank you.

18 CARLOS RIVERA: My name is Carlos Rivera  
19 as I stated, and I am a resident of the Bronx and a  
20 member of CASA. We are disappointed that the  
21 creation of the Office of Civil Justice has been  
22 placed in a separate bill for Intro 214, which  
23 creates a city funded right to counsel for people who  
24 face losing their homes. We believe that the two  
25 measures should be linked and that the first priority

2 of the Civil Justice Coordinator Office should be  
3 implement the right to counsel for people who face  
4 losing their homes in legal proceedings. I was born  
5 and raised in the city. While living in my  
6 residence, I attended and graduated high school,  
7 worked in the neighborhood and managed to obtain a  
8 college education. However, since my new landlord  
9 bought the property and building where I live, the  
10 property manager in the current building I live in  
11 has deprived the building and my apartment of  
12 essential services such as heat and hot water. Many  
13 tenants have been evicted and given up their  
14 apartments entirely while also landlords is  
15 warehousing apartments. Over the past 20 years, the  
16 landlord and I have been in Housing Court ten times  
17 over lack of breech of warrant--over breach of  
18 warranty of habitability [sic]. The landlord has  
19 been engaged in a pattern of malfeasance, misconduct  
20 by not--by depriving my apartment and building in a  
21 safe, clean and habitable condition. The landlord--

22 CHAIRPERSON LANCMAN: [interposing] Thank  
23 you very much. We get it.

24 CARLOS RIVERA: I wish I could have  
25 finished. Thank you. Thank you Council Members.

2 CHAIRPERSON LANCMAN: One more sentence?

3 CARLOS RIVERA: I'm sorry?

4 CHAIRPERSON LANCMAN: One more--in  
5 conclusion?

6 CARLOS RIVERA: One paragraph?

7 CHAIRPERSON LANCMAN: No, now you're  
8 getting greedy. We get it. We hear you.

9 CARLOS RIVERA: Thank you.

10 CHAIRPERSON LANCMAN: And we're  
11 supportive. Yes, ma'am? You're last on this panel.

12 MARIA DE LA CRUZ: Thank you for the  
13 ma'am. Good afternoon members of the City Council.  
14 Council Member Levine and Gibson who I've met and  
15 know a little bit better now. My name is Maria De La  
16 Cruz [sp?], an organizer of Community Action for Safe  
17 Apartments. It's an organization that works to  
18 preserve affordable housing and builds community  
19 power in the Mount Eden area of the Bronx. First and  
20 foremost, I would like to thank you for the increased  
21 funding for legal service providers proposed by the  
22 Mayor and the Speaker and also for having us here  
23 today and having the Civil Justice Coordinator  
24 position being discussed. Why do want the Right to  
25 Counsel? The funding and the understanding that

2 tenants need representation is important, but the  
3 increased funding can easily be taken away and the  
4 right to counsel cannot. We're extremely concerned  
5 that Intro 736 being separated from Intro 214. The  
6 separation can further delay the right to counsel,  
7 which is not something our communities can afford.  
8 Providing the right to counsel in eviction  
9 proceedings is a simple issue of human rights.  
10 Providing the right to counsel also assists people  
11 that are going to Housing Court and run the risk of  
12 losing their homes, creating instability in their  
13 lives, and as we've seen in some communities, just  
14 stabilizing them. Many folks get evicted from the  
15 place that they can most afford. People keep asking  
16 why now. Because the Mayor and the Council are  
17 committed to preserving affordable housing and  
18 bringing the number of homeless families down. If it  
19 doesn't happen now, there might be a possibility that  
20 a future Administration deciding this is not  
21 important and putting it down the shelf. We have  
22 heard about a discussion of the cost. So let's  
23 discuss a little bit or a few numbers. When it comes  
24 to someone getting evicted, the city pays about 3,000  
25 dollars a month for shelter cost and other social

2 costs. The human cost is greater. Children miss  
3 days of school. Adults miss days of work, loss of  
4 employment and stress. But the cost for an attorney  
5 would cost about 2,000 to 3,200 per case. We need to  
6 preserve units now. So, I just wanted to say,  
7 providing funding like we said is not enough, and  
8 there's a few examples here like Esti [sp?] whose  
9 gone through massive harassment from their owners,  
10 and owners use this as a method of getting people out  
11 of their apartments. So we don't have a few years.  
12 The Mount Eden area of the Bronx experiences heavy  
13 harassment and every day we see people that are  
14 getting evicted from their units. Thank you very  
15 much. That was my "in conclusion."

16 CHAIRPERSON LANCMAN: Very good. Thank  
17 you very much. Thank you all for your testimony.  
18 Our last panel for the day--our last panel for the  
19 day, Garrett Wright [sp?], Community Development  
20 Project at the Urban Justice Center, Naila Moore, the  
21 Pratt Community--Pratt Area Community Council, James  
22 Heart [sp?], Carmen Canjonis [sp?], Masacatsu [sp?]  
23 Suzuki [sp?], Alejandra Nassir [sp?] from the  
24 Southside HDFC Closures. Please be seated so we can  
25 proceed. If--oh, thanks. Terrific. If you would

2 each raise your right hand to be sworn in. Do you  
3 affirm to tell the truth, the whole truth and nothing  
4 but the truth in your testimony before this committee  
5 and to respond honestly to Council Member questions?  
6 Terrific. Let's begin. Gentleman on my right, if  
7 you could state your name, and we have two minutes on  
8 the clock.

9 JAMES HEART: Okay. My name is James  
10 Heart, and I just heard about this recently, and I  
11 decided to come down today and just talk about  
12 certain aspects of this legislation that I'd like to  
13 see you put into place, that you have some sort of  
14 quality assurance, that all of the attorneys and all  
15 of the providers are able to provide a baseline  
16 quality advice and service.

17 CHAIRPERSON LANCMAN: I hear you, but I  
18 think you'd do better if you just move the mic down a  
19 little bit and closer. There you go. Close to your  
20 mouth.

21 JAMES HEART: Okay, better? Outstanding.  
22 No, I just wanted to make certain that we establish  
23 some sort of level of quality of service, your office  
24 does that, so that you can disseminate best practices  
25 to all of the agencies that are under your

2 coordinator function so that they can implement them  
3 in their own individual organizations so that the  
4 participants and the, yeah, the clients get quality  
5 service regardless of what the nature of their civil  
6 litigation practice, you know, service needs are.  
7 Thank you.

8 CHAIRPERSON LANCMAN: That's an excellent  
9 point, and it's something that the Council is very  
10 much focused on. Sir, you're just going to need to  
11 bring that mic closer. I can tell.

12 MASACATSU SUZUKI: Good afternoon. My  
13 name is Masacatsu Suzuki [sp?]. I play music a long  
14 time. I have lived in New York City and a jazz  
15 musician. I played at Stevie Wonder, Ray Charles and  
16 other great musicians. I was playing over 40 years,  
17 and I came to testimony--my English is not so great,  
18 so--

19 CHAIRPERSON LANCMAN: [interposing] Well,  
20 I can understand you, and if you'd like the lady next  
21 to you to translate or read your testimony, whatever  
22 you're comfortable with.

23 TRANSLATOR: Well, as you know, hello, my  
24 name is Masacatsu Suzuki and I am a New Yorker. I  
25 have lived and worked as a jazz musician in New York

1 City for over 35 years. Although Japan is my home  
2 base, New York is my home. I manage to make a life  
3 here for myself, but it has been very hard to keep  
4 it. I live at 85 Habermayer [sic] Street in  
5 Brooklyn, and since I entered into my apartment in  
6 1995, it has been a constant struggle to keep my  
7 home. I have struggled with my landlord shutting off  
8 my heat for days in the winter and cutting off  
9 electricity for weeks when I needed to work and teach  
10 music. I have been attacked with threats of eviction  
11 and racial slurs when I fought for my rights. My  
12 landlord has taken me to court many times and used  
13 the justice system to push me out of my home. When I  
14 would go to court I had no way to defend myself and  
15 did not get access to a lawyer or even a translator  
16 to understand what was going on. I was rejected by  
17 the court system, and the landlord's lawyers  
18 constantly pressured me to sign and agree to things I  
19 had no understanding of. I had no way to defend  
20 myself in court. I took all of my money to pay for a  
21 lawyer, but he did not provide the right support or  
22 defense for me and did not ensure that I would  
23 continue to be protected in that apartment. I went to  
24 Le Suarez [sic], a place that helps people like me  
25

2 who are beat down by landlord harassment and provides  
3 me the support to keep fighting. They find me a  
4 lawyer at Brooklyn Legal Services, and I finally feel  
5 like I have found the help that I have been searching  
6 for for all these years, but it does not end here. I  
7 will continue to fight for myself and my home in the  
8 face of harassment and discrimination. And in  
9 conclusion, Mr. Suzuki thinks that Intro 736 is just  
10 the start but it does not end here. We need to pass  
11 Intro 214, the Right to Counsel, so that we can  
12 continue to fight for a better tomorrow and hold out  
13 hope, because for our New Yorkers, they continue to  
14 lose their homes and they continue to lose their  
15 hope.

16 CHAIRPERSON LANCMAN: Got it. Thank you  
17 very much. Thank you, sir.

18 ALEJANDRA NASSIR: And luckily--

19 CHAIRPERSON LANCMAN: [interposing] Are  
20 you testifying on your own as well?

21 ALEJANDRA NASSIR: On behalf of my  
22 organization La Suarez [sp?].

23 CHAIRPERSON LANCMAN: Sure, thank you.

24 ALEJANDRA NASSIR: So, hello. My name is  
25 Alejandra Nassir. I'm a community organizer and

1           tenant's right advocate at Los Sudez [sp?], a  
2           community based organization that has worked  
3           endlessly for over 40 years to preserve and provide  
4           the longstanding Southside Williamsburg community  
5           alive. I am here today on behalf of Los Sudez [sp?]  
6           to voice support for the creation of the office of  
7           the Civil Justice coordinator and this is just the  
8           first step on the journey towards justice for all New  
9           York City tenants. I'm here to remind you our  
10          champions, our elected officials of the  
11          responsibility and imperative that you have for New  
12          York City tenants who continue to be evicted from  
13          their homes and struggle to survive homelessness on  
14          the streets and in shelters due to not having the  
15          right to counsel in eviction proceedings. I pledge  
16          support for the creation of this office, but with the  
17          creation of this office, we must remind ourselves of  
18          the 30,000 families who were evicted in New York City  
19          last year. With the creation of this office we must  
20          remind ourselves of the 58,056 homeless people  
21          sleeping in overcrowded New York City shelters every  
22          night. With the creation of this office, we must  
23          remind ourselves that 24,631 of those people  
24          struggling to make it through are children. With  
25

2 passing Intro 736 we must remind ourselves that it  
3 does not end here. We must take action and take  
4 priority of the homes and lives we have lost and will  
5 continue to lose if we do not continue to fight for  
6 Intro 214, the Right to Counsel. With establishing  
7 an office, we are at the door. With establishing a  
8 right we are opening the door to opportunity, to  
9 justice and to equality for New York City tenants.  
10 Intro 214 is much more than just cost benefits. It's  
11 much more than saving 3,600 dollars per year for each  
12 bed in a New York City municipal shelter, and 250,000  
13 in the development of just one single unit of  
14 affordable housing. Intro 214 is preserving our New  
15 York, which was founded on people who fought for  
16 freedom and justice to protect their families, their  
17 livelihood and their homes. I am just one voice out  
18 of 8.4 million residents, and in conclusion, we  
19 continue to fight because it cannot end here with  
20 Intro 736. It must continue on to Intro 214 to have  
21 the right to counsel, because we are no longer in a  
22 housing crisis. This is not an issue. This is not a  
23 problem. This is a plague, and it is unrelenting.  
24 Thank you.

2 CHAIRPERSON LANCMAN: Thank you very  
3 much. Sir?

4 GARRETT WRIGHT: Thank you. Good  
5 afternoon. My name is Garrett Wright, and I'm a  
6 Senior Staff Attorney at the Community Development  
7 Project at the Urban Justice Center, which is also a  
8 member of the Right to Counsel Coalition. Intro--we  
9 are here today in support of Intro 736, which would  
10 establish an Office of Civil Justice in New York  
11 City, but we are also here in support of the growing  
12 movement for the establishment of a right to counsel  
13 for low income tenants in Housing Court. The  
14 Community Development Project formed in September  
15 2001 to strengthen the impact of grassroots  
16 organizations in New York City's low income and other  
17 excluded communities by winning legal cases,  
18 publishing community driven research reports,  
19 assisting with the formation of new community  
20 organizations, and providing technical and  
21 transactional assistance in support of their work  
22 towards social justice. The housing practice area of  
23 CDP, which I practice in, has sued hundreds of  
24 landlords on behalf of thousands of New York City  
25 residents to help preserve and protect affordable and

1 decent housing. In cooperation with community  
2 organizers, we bring actions against landlords to  
3 compel the removal of housing code violations, file  
4 7A proceedings to have independent administrators  
5 appointed to manage severely neglected buildings and  
6 file harassment cases against landlords who are  
7 constantly devising new tactics to force rent  
8 regulated tenants from their homes, including the use  
9 of construction and renovations as harassment. We  
10 whole heartedly agree that the city should create an  
11 Office of Civil Justice to better understand the  
12 urgent legal needs of low income and working class  
13 New Yorkers, including their housing needs. We  
14 believe this office will also greatly enhance the  
15 coordination and effectiveness of legal service  
16 providers. I would offer the suggestion that the  
17 office also analyzes the need for legal services for  
18 affirmative litigation such as HP 7A and harassment  
19 cases. And I would also recommend that the office  
20 take into account the vital importance of funding  
21 community based organizations who are often on the  
22 front line of providing support to tenants in their  
23 housing struggles, including by accompanying tenants  
24 to court, assisting with the filing of pro-se HP  
25

2 cases, and assisting tenants filing complaints with  
3 DHCR, HPD and other government agencies. However, we  
4 had hoped that this legislation would have remained  
5 connected with Intro 214, which would create a city  
6 funded right to counsel. While the--that's it for  
7 me. I gave--there are printed copies if you want to  
8 read more. Thank you.

9 CHAIRPERSON LANCMAN: By the way, if you  
10 do have written testimony, you can give it to us and  
11 it'll be part of the record. The last witness of the  
12 last panel.

13 NAILA MOORE: Good afternoon. My name is  
14 Naila Moore. I am the Program and Policy Manager at  
15 Pratt Area Community Council, a 51 year old community  
16 development corporation that has been providing  
17 assistance to tenants across central Brooklyn who've  
18 been facing evictions. In the last year alone, Pratt  
19 Area Community Council's Tenant Organizing Department  
20 has worked alongside 55 tenants in Brooklyn that were  
21 facing evictions. Most of these tenants were women,  
22 low income heads of households. The vast majority of  
23 them could not afford an attorney, and as you well  
24 know, in New York City facing an eviction  
25 unrepresented in Housing Court can be a difficult

2 experience, one that often ends with negative  
3 outcomes for too many tenants. Today, I want to  
4 thank the City Council for making a step in the right  
5 direction. Intro 736 is a bold move that will help  
6 many of our clients because it strengthens legal  
7 services directed at assisting the most vulnerable.  
8 However, I want to urge you strongly to consider the  
9 more permanent and lasting effect of also enacting  
10 Intro 214 which would not only set a huge precedent,  
11 but would level the playing field in Housing Court,  
12 securing a permanent right to counsel for more New  
13 York City tenants. Thank you.

14 CHAIRPERSON LANCMAN: Yeah, terrific.  
15 Thank you all very much. Mark, Vanessa, do you have  
16 anything to say to close? Otherwise, we will bring  
17 the hearing to a conclusion.

18 COUNCIL MEMBER GIBSON: Just a couple of  
19 things. So, as we are closing this very important  
20 hearing, I just want, you know, those that are still  
21 here, the last two panels to really understand that  
22 yes, we are in very challenging times, but this is  
23 really our unique opportunity to make a lot of  
24 change and give a lot of investment where there has  
25 been no investment. Many of you I have been with

2 from the beginning. We have been in the struggle and  
3 in the trenches in so many ways. Prior to me coming  
4 here, I was in the State Assembly for four years, and  
5 we have fought with state issues on rent regulation  
6 and MCI, rent overcharges, decreases in community  
7 services; we have been together. So, I want everyone  
8 to understand that this Intro 736 is a start and can  
9 be a major catalyst and a stepping stone to get us to  
10 the universal right to counsel, which is what we  
11 ultimately want. So, I don't want you to be  
12 discouraged. I don't want you to think that this  
13 council is not committed. If anything, I'm even more  
14 encouraged by the fact that I hear the stories every  
15 day, not just in this setting, but in my office in  
16 the Bronx, because if you look at the numbers, this  
17 is really coming out of communities of color in  
18 Brooklyn, the Bronx and upper Manhattan, and they  
19 come from my district, and I recognize that. I've  
20 been with you at Bronx Housing Court over and over  
21 again. One of the things I want to mention for the  
22 record that we have been successful in doing is  
23 working with the Office of Court Administration, our  
24 state oversight, OCA, in reforming some of the  
25 physical implementations in Housing Court through

2 language access through identification for court  
3 staff, because many tenants going in Housing Court  
4 didn't know who they were simply talking to. So we  
5 are not stopping there, and I know CASA and others  
6 have put forth a number of recommendations for OCA.  
7 So I guess I am just saying for the record that I  
8 want to assure you of my firm commitment that we're  
9 not going to stop at 736. We're going to continue to  
10 push for 214 and we're going to continue to push even  
11 further than that. And I think someone said it, this  
12 has to be a matter of life, because when you save  
13 families from evictions, you stabilize community's,  
14 you give people dignity and respect, and people feel  
15 like someone cares about their situations. And I  
16 guess I'm saying that because all of you know that I  
17 deal with this in my office every single day. So I  
18 know the importance, and I thank all of you for the  
19 work that you do, because it matters. It's going to  
20 make a difference at the end of the day. So, I just  
21 want you to go away from this hearing understanding  
22 that we are not, you know, rescinding at all. we're  
23 not taking away on our commitment to 736, 214, and  
24 there are other bills that have been put forth around  
25 some of our protected classes and New Yorkers with

2 disabilities, LGBT New Yorkers, and others that are  
3 low income. Seniors that we also want to make sure  
4 we protect as well. So, I just wanted you to be  
5 clear on that, and certainly encourage all of you to  
6 keep up the incredible work that you are doing. We  
7 have a lot of work ahead. We have several months to  
8 fight and go to Albany, by June 30<sup>th</sup>, right? Because  
9 we're going to make sure that rent reform and rent  
10 regulation is a priority, and I wanted to make sure  
11 that you knew that I will be there with you. So, I  
12 want to thank you and I want to thank my colleague,  
13 Council Member Levine, who has been a tremendous  
14 leader. It has been a pleasure working with, and we  
15 make a good tag team, right? We've been working  
16 together on this quite a bit, because we recognize  
17 the lives that are at stake. So I want to thank you,  
18 and I want to thank our Chair as well for his  
19 leadership on this very important effort. So thank  
20 you all for being here this afternoon.

21 CHAIRPERSON LANCMAN: Thank you. Council  
22 Member Levine?

23 COUNCIL MEMBER LEVINE: Well, thank you  
24 Mr. Chairman for your leadership and for this hearing  
25 today. The last two panels were so powerful just to

2 hear your personal accounts of the human toll that  
3 the crisis in Housing Court has taken on every day  
4 New Yorkers really left a big impact on me, and it's  
5 really important that that's now been entered into  
6 the official record of this council. I'm now going  
7 to model good brevity in testimony and say that I  
8 agree with everything that Council Member Vanessa  
9 Gibson just said so I won't repeat it. But of  
10 course, she and I will continue this fight shoulder  
11 to shoulder with all of you as long as it takes.  
12 Thank you.

13 CHAIRPERSON LANCMAN: Terrific. Thank  
14 you all very much. [gavel] That concludes this  
15 hearing. Thank you for your testimony.

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COMMITTEE ON COURTS AND LEGAL SERVICES

C E R T I F I C A T E

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



Date April 27, 2015