

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON AGING

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October 26, 2016
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HELD AT: 250 Broadway - Committee Rm.
16th Fl

B E F O R E: MARGARET S. CHIN
Chairperson

COUNCIL MEMBERS: Karen Koslowitz
Deborah L. Rose
Chaim M. Deutsch
Mark Treyger
Paul A. Vallone
Rafael Salamanca, Jr.

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

Jordan Dressler, Civil Justice Coordinator
Office of Civil Justice
NYC Human Resources Administration

Steven Foo, General Counsel
NYC Department for the Aging

Bobbie Sackman
Live On New York

Caroline Nagy
Center for New York City Neighborhoods

Carmen Perez, Director
Neighborhood NORC, Cooper Square Committee

Peter Kucera (sic) Legal Aid Society, Brooklyn

Janette Zelhof, Executive Director
MFY Legal Services

Jane Aoyama-Martin, Project Director
Bronx Legal Services

2 [sound check, pause] [gavel]

3 CHAIRPERSON CHIN: Good morning.

4 COUNCIL MEMBER MENDEZ: Good morning.

5 CHAIRPERSON CHIN: My name is Margaret
6 Chin. I'm the Chair of the Committee on Aging. I
7 would like to thank committee members and Council
8 staff for coming together to hold this hearing.
9 Today's hearing will provide the committee with an
10 opportunity to discuss Intro 96, a bill introduced by
11 Council Member Rosie Mendez who is here with us
12 today. It's designed to ensure that seniors are
13 afforded access to legal counsel in eviction,
14 ejection or foreclosure proceedings. Seniors make up
15 just over 18% of the city's population, and many
16 seniors households are severely rent burdened
17 spending over 30% of their monthly income on rent.
18 Several housing programs exist to alleviate the cost
19 of housing for seniors such as SCRIE and Section 202
20 Housing. However, these programs do not assist
21 seniors who are facing eviction or foreclosure.
22 Intro 96 is designed to fill that gap by requiring
23 the Department for the Aging to establish a dedicated
24 position, the Civil Justice Coordinator to implement
25 and administer a program to ensure seniors are

2 properly represented in Housing Court. Seniors
3 facing eviction are but one part of the population
4 that requires the right to legal counsel, and the
5 committee recognizes that there are several other
6 groups in similar situations. However, the plight of
7 seniors struggling to stay in their homes and their
8 neighborhoods is something that every New Yorker need
9 to hear. But too many of these seniors often the
10 only person standing up for them in Housing Court is
11 an advocate or in some cases a staff from my Council
12 office. Despite our best effort to connect them with
13 either free or low cost legal services. We hope this
14 hearing will provide the Council, the Administration
15 and advocates with an opportunity to discuss ways to
16 increase access to legal services for seniors,
17 improve outreach efforts and unravel the complexity
18 of free or low cost legal representation for our
19 city's seniors. With that said, I would like to turn
20 the floor over to the prime sponsor of Intro 96,
21 Council Member Rosie Mendez go give some remark about
22 her bill.

23 COUNCIL MEMBER MENDEZ: Thank you, Madam
24 Chair, and thank you for being such a great advocate
25 for our older New Yorkers. This is a bill that I've

2 had for 11 years. So, the—the premise of this we did
3 get a hearing about eight or nine years ago, and the
4 premise of this was like would—would your grandparent
5 to court without a lawyer when they're about to lose
6 their home, and everybody would say no, you know.

7 There is another bill in the City Council right now
8 that had a hearing a few weeks back, Intro 214-A,

9 which would give everyone in the city the right to
10 counsel. How this bill differs from the other bill

11 is that for seniors you would qualify for a lawyer
12 based on your income if you were at the SCRIE level.

13 So now that amount is \$50,000, which is a higher
14 income threshold to qualify for an attorney than 214-

15 A. This bill also would provide a senior with an
16 attorney irrespective whether you rent or own your

17 home, and that is important because data shows and in
18 the city that most of our senior citizen homeowners
19 are more apt to be subject to predatory lending.

20 Just a few facts that I want to put out there. In
21 Housing Court 99% of lawyers are represented by 99%

22 of lawyers. There we go. Ninety-nine percent of
23 landlords are represented by lawyers, and 73% of

24 tenants are not represented. In 36% or just over

25 12,000 families have incomes at or below 200% of the

2 federal poverty level. The majority of these seniors
3 would qualify for an attorney under this bill. The
4 poverty level among senior citizens is going up in
5 this city, and the elderly homeless in New York City
6 shelters have gone up by 55%. For all those reasons,
7 I think if we cannot give a right to counsel to
8 everyone, we need to do it for those who are most at
9 risk, and those are our senior citizens in this city.
10 Thank you very much, Madam Chair.

11 CHAIRPERSON CHIN: Thank you and we also
12 have been joined by committee member Council Member
13 Treyger, Council Member Rose, Council Vallone, and we
14 were joined earlier by Council Member Koslowitz.
15 There are other hearings going on today at City Hall,
16 which a lot of us have bills that we sponsored. So
17 later on I might have to step out, and I'm going to
18 ask one of my colleagues to chair the meeting with I
19 do that, but first, we're going to invite up the
20 first panel. Steven Foo from the Department of the
21 Aging, Jordan Dress-Dressler from the Civil Justice
22 Coordinator. [pause] [background comments] The
23 counsel will-will swear you in first.

24 LEGAL COUNSEL: Please raise your right
25 hands. Do you swear or affirm to tell the truth, the

2 whole truth and nothing but the truth in your
3 testimony today?

4 STEVEN FOO: Yes.

5 JORDAN DRESSLER: Yes.

6 LEGAL COUNSEL: Thank you.

7 JORDAN DRESSLER: Good morning,
8 Chairperson Chin and members of the Aging Committee.
9 Thank you for the invitation to provide testimony on
10 Intro No. 96 in relation to providing legal counsel
11 to senior citizens subject to eviction, ejection or
12 foreclosure proceedings as well as to discuss the
13 Office of Civil Justice in the New York City Human
14 Resources Administration. My name is Jordan
15 Dressler, the city's first Civil Justice Coordinator
16 based in HRA and with me is Steven Foo, General
17 Counsel at the New York City Department for the
18 Aging. HRA, which houses the Office of Civil Justice
19 is the nation's largest social services agency
20 assisting more than three million New Yorkers
21 annually through the administration of more than 12
22 major public assistance programs playing a key role
23 in advancing one of this administration's chief
24 priorities, reducing income inequality and leveling
25 the playing field for all New Yorkers. In my

2 testimony today, I will discuss the city's
3 extraordinary investment in civil legal assistance
4 for low-income tenants as one of the tools this
5 administration is utilizing in combatting poverty,
6 addressing income inequality and reducing
7 homelessness. I will discuss the work of the Office
8 of Civil Justice and present recent findings from our
9 first annual report, which has demonstrated a
10 narrowing of the justice gap for tenants facing
11 eviction due in large part to the unprecedented
12 investments in civil legal services and other tenant
13 supports by the de Blasio administration, the City
14 Council and the State Judiciary.

15 Intro No. 96 would require the city to
16 provide free assigned counsel to any individual who
17 is 62 years or older, and is facing eviction or
18 displacement from their home, a legal action or
19 special proceeding including in foreclosure, as an
20 occupant of a rental unit or an owner and occupant of
21 a co-op, shares a condo or one to two-family house,
22 and has a household income that does not exceed
23 \$50,000, the SCRIE eligibility limit, and that would
24 be regardless of household size. As we testified in
25 September in connection with Intro 214-A of this

2 year, we are reviewing the impact of the proposed
3 legislation regarding the provision of counsel in
4 Housing Court on the programs that we have funded,
5 and that we are still ramping up to full
6 implementation through this Fiscal Year. We look
7 forward to continuing our work with the Council and
8 analyzing these issues and discussing these
9 proposals. As a result of the ten fold increase in
10 tenant representation funding from this
11 administration, the legal services community is in
12 the process of expanding the availability of counsel
13 for low-income tenants in Housing Court. Even before
14 these programs have been fully implemented, the
15 percentage of represented tenants has already
16 increased from 1% reported by the judiciary for 2013
17 to 27% as we reported in August, and evictions by
18 city marshals are down by 24%. The programs will be
19 fully implemented during Fiscal Year 2017, and we
20 expect the percentage of represented tenants in
21 Housing Court to continue to increase. We look
22 forward to hearing the testimony today as we evaluate
23 the next steps that our city should take in the
24 unprecedented commitment that we have made so far to
25 expand legal representations for tenants.

2 In 2015, Mayor de Blasio and the New York
3 City Council amended the City Charter with the
4 signing and passage of Local Law 61, which created
5 the Office of Civil Justice. For the first time, New
6 York City has a permanent office to oversee the
7 city's civil justice services and monitor the
8 progress and effectiveness of these programs. The
9 establishment of OCJ was the latest part of our
10 effort to enhance and coordinate these services at
11 HRA that began at the start of the Administration in
12 2014. In addition to consolidating contracts under
13 one roof and establishing the Office of Civil Justice
14 at HRA to oversee performance and progress, New York
15 City has steadily and substantially increased
16 investment in these programs since 2014, and today
17 the city is a national leader in providing civil
18 legal services for low-income people. In Fiscal Year
19 2017, for the first time New York City's overall
20 investment in the civil legal services for low-income
21 city residents will exceed \$100 million. This Fiscal
22 Year, Mayoral programs exceeding \$83 million and the
23 City Council awards of nearly \$28 million will fund
24 free legal services for low-income New Yorkers across
25 a range of areas including immigration, access to

2 benefits, support for survivors of domestic violence,
3 assistance for veterans and the focus of today's
4 hearing anti-eviction legal services and other legal
5 assistance for low-income tenants including seniors.

6 The provision of quality legal representation for
7 thousands of the city's low-income tenants facing
8 eviction and displacement is a key component of our
9 civil legal services initiatives. Mayoral funding
10 for tenant legal services in Fiscal Year 2017 is
11 approximately \$62 million, ten times the level of
12 Fiscal Year 2013. HRA's Homelessness Prevention Law
13 Project is the primary vehicle for our anti-eviction
14 legal services. Through HPLP, HRA contracts with a
15 dozen non-profit legal services providers including
16 both large citywide providers, and smaller community
17 based organizations to provide free legal
18 representation and advice for low-income tenants at
19 risk of homelessness because of eviction. HPLP was
20 funded at approximately \$4.9 million in Fiscal 13,
21 but starting with the de Blasio's Administration
22 first budget in Fiscal 14, funding for this program
23 has substantially increased. In Fiscal 17, HPLP was
24 funded at \$25.8 million providing legal services for
25 low-income tenant respondents in eviction cases

2 throughout the city with additional expanded legal
3 services targeting specific high need neighborhoods.
4 The expanded legal services component of the HPLP
5 program is intended to essentially provide universal
6 legal representation for low-income tenants facing
7 eviction from their homes in ten zones across the
8 city targeted because they include the most at-risk
9 households facing eviction and homelessness as
10 reflected in rates of shelter entry. In Housing
11 Court, all tenants whose eviction cases involve the
12 residents in one of the target zones are offered the
13 opportunity upon their first appearance in court to
14 meet with OCJ staff on site for an initial screening
15 and determination of income eligibility. Eligible
16 tenants are in turn referred to one of the contracted
17 legal providers for immediate screening and intake at
18 the courthouse where barring—barring a conflict of
19 interest or some other extraordinary factor, the
20 tenant is provided free legal defense on the eviction
21 case. In total, HRA's Anti-Eviction Legal Services
22 are expected to serve approximately 20,000 households
23 in Fiscal 17. The Anti-Harassment and Tenant
24 Protection Legal Services Program was launched at HRA
25 by the de Blasio Administration in January of 2016

2 whereas the Anti-Eviction Legal Services programs
3 target tenants who are already involved in Housing
4 Court proceedings. This new program provides
5 resources for tenant outreach and pre-litigation
6 services with the goal of preventing eviction and
7 displacement. In addition to full representation and
8 brief legal assistance for Housing Court and
9 administrative proceedings, AHTP legal services
10 providers offer community education, landlord/tenant
11 mediation and counsel on cooperative tenant actions
12 and building wide lawsuits. Currently, AHTP services
13 are targeted to seven neighborhoods across the city
14 that have been identified of causing high-risk for
15 landlord harassment and/or tenant displacement. AHTP
16 providers work closely with the city' Tenant Support
17 Unit to assist households identified through TSU's
18 outreach campaigns as in need of legal assistance.
19 AHTP was launched in Fiscal 15 with a \$4.6 million
20 initial start-up allocation, was funded at \$18
21 million in Fiscal 16 and will be funded at \$32.9
22 million in Fiscal 17. The program is expected to
23 serve approximately 13,000 households in Fiscal 17.
24 In total, through the administration's investment of
25 nearly \$62 million in tenant legal services, we

2 expect that approximately 113,000 low-income New
3 Yorkers in 33,000 household will receive free legal
4 advices, assistance and representation this year.
5 These programs are part of the administration's
6 effort to preserve and expand the availability of
7 affordable housing for New Yorkers. Affordable
8 housing, a precious resource, is permanently lost to
9 the city when tenants are evicted from rent regulated
10 and rent controlled apartments and rent is increased
11 above affordable levels. Protecting these affordable
12 units throughout New York City for families and
13 seniors, and protecting tenants in small buildings is
14 critical, and the financial and human cost that we
15 avert when tenants avoid eviction and preserve their
16 tenancies are substantial. Every family that stays
17 in its home spares the city the expensive emergency
18 shelter services, and more importantly shares the-
19 spares the family the trauma of homelessness
20 including disruption of education, employment and
21 medical care. Our legal services programs are aimed
22 at keeping these New Yorkers in their homes,
23 preventing displacement, and preserving and
24 protecting the city's affordable housing stock. And
25 we are already seeing results from our programs to

2 protect tenants. As part of our office's first
3 annual report this summer, we sought to update the
4 research on the availability of legal assistance for
5 tenants facing eviction in Housing Court. We
6 partnered with the State Office of Court
7 Administration to undertake a new analysis to assess
8 the current prevalence of legal representation among
9 tenants in court for eviction cases and the need for
10 counsel that remains. We found that a substantially
11 higher proportion of tenants in court for eviction
12 cases have legal representation than ever before.
13 The data further indicate that among tenants with
14 representation more than half are low-income tenants
15 served through not-for-profit legal assistance
16 programs. Even before our housing legal assistance
17 programs are implemented fully this year, more than
18 one in four tenants in court facing and eviction case
19 in New York City, 27% is now represented by a lawyer,
20 a marked increase compared to the Office of Court
21 Administration's findings that in calendar year 2013,
22 only 1% of tenants in New York City Housing Court
23 were represented by attorneys. More than half of in-
24 court representation for tenants is provided by not-
25 profit-non-profit legal services organizations for

2 low-income New Yorkers, and meanwhile, only 1% of
3 landlords in eviction proceedings appeared in court
4 without counsel. These results suggest that we are
5 on the right track with this investment.

6 Furthermore, we see very encouraging signs that
7 making access to legal representation greater leads
8 to improvement in the courts and in the lives of New
9 Yorkers. Residential eviction by city marshals
10 declined 24% in 2015 compared to 2013, a period
11 during with New York City substantially increased
12 funding for legal services for low-income tenants as
13 well as other rental support programs. And during
14 2015, orders to show cause in the city's Housing
15 Court, motions by tenants to reverse the court's
16 order of eviction also declined nearly 14% while the
17 volume of residential eviction cases filed remained
18 largely stable, suggesting increased efficiency in
19 the courts with the increase in legal representation.
20 Our investment of resources in legal representation
21 for civil legal services is taking hold, and in 2017
22 providers will fully ramp up their services. Also,
23 in 2017, the Office of Civil Justice will be
24 releasing its second annual report and along with it,
25 the City's first five-year plan for increasing and

2 enhancing legal services for low-income New Yorkers.
3 We expect that the expansion and full funding of
4 services will mean that even more tenants in need
5 will have a more level playing field in court.
6 However, we also know that we must study these
7 programs carefully to fully understand the impact of
8 the funding increases and how they relate to other
9 investments this administration has made with respect
10 to fighting income inequality. To complement these
11 direct investments in legal services, and as part of
12 HRA's overall reform effort, we created the
13 Homelessness Prevention Administration. While HRA
14 has always provided some homelessness prevention
15 services, over the past two years, we've consolidated
16 all of the HRA Homelessness Prevention programs into
17 a single unit, most recently as a result of the
18 Mayor's 90-day review of homelessness services
19 including Home Base. Home Base plays a critical
20 preventative role, and in addition to transferring
21 the unit from DHS to HRA, we are expanding the scope
22 of Home Base as the first point of entry for those at
23 risk of homelessness so that people can be served in
24 their home borough. Further, we are realigning the
25 roles of HRA staff at Home Base to prevent evictions

2 and provide assistance. This integration will reduce
3 inefficiencies and allow for more seamless and
4 effective client service delivery. Staff will use
5 data analytics to proactively target prevention
6 services for the most at risk. There will be
7 expanded on-site processing and triage for HRA
8 benefits including public assistance and rental
9 assistance and Home Base non-profit staff will expand
10 their case management services to include family
11 mediation, educational advancement, employment, and
12 financial literacy services. Additionally, within
13 the HRA Homelessness Prevention Administration, the
14 Early Intervention Outreach Team receives early
15 warning referrals from Housing Court judges, early
16 warning referrals from NYCHA for tenants in arrears
17 cases, adult protective services referrals and
18 referrals for New York City marshals. This team also
19 works closely with the city's Tenant Support Unit to
20 refer low-income New Yorkers to legal services
21 providers under contract with HRA to help them avert
22 eviction, displacement and homelessness. Another key
23 component of HRA's homeless prevention work is rental
24 assistance. The HRA budget reflects the
25 administration's continuing comprehensive initiatives

2 to prevent and alleviate homelessness within the
3 city, which has built up over many years. During the
4 same time, the Administration's restored rental
5 assistance programs that have been eliminated in
6 2011. After advantage, the state and city's rental
7 assistance program supporting thousands of families
8 was cut in 2011. The City's shelter population
9 increased exponentially from about 37,000 to nearly
10 51,000 between 2011 and 2014. Over the past two
11 years the new rental assistance programs and other
12 permanent housing efforts have enabled 40,540
13 children and adults in 13,806 households to avert
14 entry into or move out of the DHS and HRA shelters.
15 We have also helped more people with emergency rent
16 assistance keeping thousands of New Yorkers in their
17 homes. In Fiscal 13, HRA provided rent arrears to
18 42,000 households at a cost of \$124.1 million. In
19 Fiscal 15, HRA provided rental arrears to nearly
20 53,000 household at a cost of \$180.7 million. The
21 increase in spending the 46% resulted in from
22 increased monthly rents, that families and
23 individuals have to pay, additional households being
24 found eligible due to the increasing gap between
25 rents and income, and enhanced targeting of these

2 services to prevent homelessness through partnerships
3 with community based organizations.

4 From January 2014 through June 2016,
5 about 131,000 households including the 390,000 people
6 received emergency rental assistance to help them
7 stay in their homes averaging about \$3,600 per case,
8 which is much less than the \$41,000 a year for a
9 family in shelter. Providing legal services and
10 rental assistance is much less expensive than the
11 cost of a homeless shelter and, of course, no price
12 can be put on averting the human cost of
13 homelessness. I'm very pleased to see that our
14 efforts to help those in danger of losing their homes
15 avoid eviction or taking hold. There is certainly
16 more work to do, and we look forward to continuing to
17 work with the Council to address the issues that are
18 presented at this hearing, and now I would like to
19 turn it over to Steven Foo from DFTA who will detail
20 services for seniors supported by DFTA.

21 STEVEN FOO: Good morning, Chairperson
22 and members of the committee. As the largest area
23 agency on aging in the United States, DFTA
24 administers and promotes the development and
25 provision of accessible services for older New

2 Yorkers. It is DFTA's mission to work to eliminate
3 ageism, and ensure the dignity and quality of life of
4 New York City's diverse older adults, and for the
5 support of their caregivers through service, advocacy
6 and education. As a city agency, and Triple A under
7 the Federal Administration for Community Living, DFTA
8 receives federal, state and city funds to provide
9 essential services for seniors. Through contracts
10 between DFTA and community based organizations, this
11 funding provides congregate meals and activities at
12 senior centers, home delivered meals, case
13 management, home care, transportation, caregiver
14 services and legal services among other programs.
15 The Federal Older Americans Act, designates legal
16 assistance as a priority service under Title III-B
17 funding. The State Office for the Aging, NYSOFA, is
18 responsible for overall administration of the program
19 while direct legal services to older individuals are
20 funded at the low level through area agencies on
21 aging, and provided by their legal assistance
22 providers. DFTA as a Triple A operates its own legal
23 assistance program. Legal services through the
24 program are accessible and available to those
25 individuals age 60 and over and greatest economic and

2 social need throughout the city. To meet statutory
3 and regulatory requirements and consistent with this
4 administration's efforts aimed at reducing income
5 equality and combatting poverty, DFTA targets its
6 legal assistance programs to particularly needy
7 populations of older New Yorkers. In accordance with
8 the Older Americans Act, this includes those in
9 greatest economic or social need, low-income
10 minorities and rural elders. DFTA's legal programs
11 are, therefore, targeted at senior New Yorkers who
12 have assisted living conditions, have chronic health
13 problems, have particular problems of access to
14 healthcare, are homeless or threatened with homeless,
15 live on a subsistence income or are threatened with
16 the loss of subsistence income, have language
17 barriers, and are victims of abuse, neglect or
18 exploitation. In FY16, DFTA received \$1.25 million
19 of Title III-B funding legal services for seniors,
20 which covered 28,795 direct service hours. The DFTA
21 contracted legal assistance providers are LSNY Bronx
22 Corporation for the Bronx, Legal Services New York
23 City for Brooklyn, MFY Legal Services for Manhattan,
24 JASA for Queens and Legal Aid Society for Brooklyn
25 and Staten Island. These organizations provided

2 legal assistance, advice and representation to senior
3 New Yorkers in areas including income, healthcare,
4 long-term care, nutrition, housing and utilities,
5 defensive guardianship, abuse, neglect and
6 exploitation and age discrimination. In addition,
7 DFTA supports the—supports the Assigned Counsel
8 Project, ACP, which is a joint project of DFTA and
9 the New York City Civil Court Access to Justice
10 program, which pairs staff and supervised social work
11 students with contracted community based legal
12 service providers to represent seniors in Housing
13 Court eviction proceeding, assess these seniors for
14 psychoso—psychological and social needs, and then
15 connect these seniors with needed services and
16 benefits. Seniors are eligible for ACP if they are
17 Housing Court litigants who are 60 years of age or
18 older with economic and social service needs. ACP
19 was funded at \$868,700 in FY16, which covered 511
20 cases in Housing Court. The ACP contract providers
21 are the New York State Unified Court system for the
22 Bronx, Legal Services New York City, and the Legal
23 Aid Society for Brooklyn and FY Legal Services for
24 Manhattan and JASA for Queens. Thank you for the

2 opportunity to testify today. We look forward to
3 your questions.

4 CHAIRPERSON CHIN: Thank you. Thank you
5 for your testimony. I'm just going to start off with
6 a couple of questions, and then I'm going to turn it
7 over to Council Member Mendez on the bill. Now, how
8 do a senior, right—I mean my question to Mr. Foo is
9 for DFTA. How do seniors know about the legal
10 services that you have available? Because back in
11 the old days, when DFTA was administrating SCRIE, for
12 example, just an example even just from the—the Asian
13 community, the Chinese community, everyone knows that
14 they can go to 2 Lafayette Street on the sixth floor
15 and get help with that. Now, if someone are—is
16 facing eviction or some senior, you know, got a legal
17 letter in the mail from the landlord, they might not
18 speak English well, can they go to DFTA and get
19 referral for legal services right now?

20 STEVEN FOO: Yeah, we do get calls all
21 the time. We do get letters that we get also, and we
22 refer them to our legal service providers. The legal
23 service providers also have calling numbers, and I
24 believe they also go to senior centers and do like
25 walk-in clinics for their clients.

2 CHAIRPERSON CHIN: But are you tracking
3 the outreach because like I'm not sure like whether
4 seniors in the general public knows about these
5 services.

6 STEVEN FOO: I'm not sure we track the
7 outreach, but I can look into it further and get back
8 to you on that, but at point I'm sure.

9 CHAIRPERSON CHIN:

10 STEVEN FOO: [interposing] I mean
11 definitely I mean because just recently I—I read and
12 article in the newspaper, and this was in the Chinese
13 newspaper, about a senior who was getting a notice
14 from the landlord that the landlord refused to renew
15 her lease. It's a new—a new landlord, and she didn't
16 really know how to get help, and then she found out
17 that one of the organizations in the community had a
18 legal counsel for that day. That's where she went.
19 So I'm saying that in terms of really getting the
20 word out there, because a lot of people probably
21 don't know what services are available, and because
22 the Mayor is putting a lot of money in legal services
23 and that's great. It's great that we are finally
24 getting results, but I think with the legislation is
25 that we want to make sure that the funding and the

2 mandate is in place so that doesn't matter budget
3 each year that we want to make sure there is a
4 guarantee for legal services for seniors and for low-
5 income New Yorkers going forward. Is that just based
6 on whether we have a certain amount of money, but
7 you—because you see the results from your testimony
8 right? So we just want to make sure that going
9 forward that its institutionalized it's there, and I
10 think that would be a great way to counteract a lot
11 of the harassment that tenants are facing because
12 landlords know that if the tenant doesn't have legal
13 representation, and they have lawyers, they do these
14 cases wholesale. So if we can, you know, provide
15 representation, I think that's going to make a big
16 difference to really scale back the landlord
17 harassment because now they know that the tenant will
18 have representation. So, they might not be as
19 aggressive as they—as they are now. So I think
20 that's going forward. So that's why we think that
21 these legislations are so critical, and to make sure
22 that people know that they are available. Council
23 Member. Oh, we're just joined by Council Member
24 Deutsch on the committee. Council Member Mendez, do
25 you have some questions?

2 COUNCIL MEMBER MENDEZ: Yes, I do. Thank
3 you, Madam Chair. Good morning, gentlemen. Well,
4 first regarding outreach, can you specifically state
5 what outreach is done by DFTA to let individuals know
6 about the Assigned Counsel Program.

7 STEVEN FOO: The outreach currently I
8 believe it's just based strictly on what we have on
9 website, but we do outreach with our providers to
10 make sure that they reached out to the senior centers
11 and to—to the public to ensure that they know that
12 the services are available.

13 COUNCIL MEMBER MENDEZ: So the providers
14 is most—mainly doing the outreach?

15 STEVEN FOO: Yes.

16 COUNCIL MEMBER MENDEZ: So in addition to
17 doing the representation, they also have to do the
18 outreach to let people know about the program?

19 STEVEN FOO: Yeah, we will do a better—we
20 should do a better job at the outreach, too. So we
21 can definitely work with the Council to—we can work
22 out. (sic)

23 COUNCIL MEMBER MENDEZ: Okay, when was
24 the Assigned Counsel Program instituted?

25 STEVEN FOO: 2005.

2 COUNCIL MEMBER MENDEZ: 2005 and it was
3 funded at how much? Do you happen to know?

4 STEVEN FOO: I do believe it's at the
5 same level it is today.

6 COUNCIL MEMBER MENDEZ: The same level as
7 it is today?

8 STEVEN FOO: Yeah, I wasn't here at that
9 time, but I believe it's--that's it's been the same
10 level.

11 COUNCIL MEMBER MENDEZ: Uh-huh. Can you
12 get us that information and confirm--

13 STEVEN FOO: [interposing] Sure.

14 COUNCIL MEMBER MENDEZ: --that it was the
15 same level?

16 STEVEN FOO: Yes.

17 COUNCIL MEMBER MENDEZ: And the amount of
18 cases I'm assuming has gone down, the representation?

19 STEVEN FOO: It's the 511 cases in-in
20 FY16.

21 COUNCIL MEMBER MENDEZ: And do you know
22 how many cases there were in 2005 when the program
23 first started?

24 STEVEN FOO: I don't have that
25 information.

2 COUNCIL MEMBER MENDEZ: Can you get us
3 that information?

4 STEVEN FOO: Sure.

5 COUNCIL MEMBER MENDEZ: It's-it's just
6 that, you know, since 2005, there's been expenses go
7 up. The legal services providers are paying
8 increases in salary, paying more for overhead and
9 insurance, and even just filing with motions and
10 papers costs more. So, that-that would mean in mind
11 that they are representing less seniors since 2005.
12 Otherwise, they're representing about the same and
13 they're just, you know, not billing the hours because
14 they're not going to get reimbursed for it, which is
15 what I suspect is happening.

16 STEVEN FOO: And just to be clear, the
17 Assigned Counsel Project is-is paid on a per-case
18 rate basis.

19 COUNCIL MEMBER MENDEZ: Is what?

20 STEVEN FOO: Paid on a per-case rate
21 basis.

22 COUNCIL MEMBER MENDEZ: Per case. Okay,
23 and that means, yeah that no matter how much work you
24 do, you get the same amount of money. So you could
25 have a case and resolve it in a week or resolve it in

2 a year, and you're just going to get the amount—the
3 same amount of money. Okay. I'm trying to find—I
4 didn't— [pause]. In—on page 4 it says, Residential
5 evictions by city marshals declined 24% in 2015
6 compared to 2013. I'm just wondering when you're
7 saying residential evictions are we talking and do
8 you know if these are cases that have gone through a
9 full trial or are these cases that might have had sue
10 (sic) service or, you know, people didn't get a full
11 trial maybe just signed, you know, agreed to leave?
12 Do—do you know the type of cases?

13 JORDAN DRESSLER: [coughs] I don't think
14 we know the split between the—between those two
15 indicators. What we do know is the residential
16 evictions by city marshals are the best objective
17 measure of the end of a court proceeding that
18 resulted in an eviction as opposed to warrant and
19 eviction, which is before that that might negotiated
20 to bring somebody in, and we're doing our best to
21 combat that, too. It's the best objective indicator
22 that an actual displacement and an actual eviction
23 took place. So we're very pleased to see the
24 reduction over the last two years to such a degree.

2 COUNCIL MEMBER MENDEZ: Thank you. Going
3 back to the Assigned Counsel Program, there's also
4 social workers that are attached to the case, is that
5 correct?

6 STEVEN FOO: Yes.

7 COUNCIL MEMBER MENDEZ: And the social
8 worker is provided by the legal services provider or
9 it's provided by whom?

10 STEVEN FOO: It's--it's within DFTA.

11 COUNCIL MEMBER MENDEZ: It's within DFTA
12 so it's your case workers?

13 STEVEN FOO: Yes.

14 COUNCIL MEMBER MENDEZ: And then--

15 STEVEN FOO: [interposing] Social
16 workers--and social workers.

17 COUNCIL MEMBER MENDEZ: --your social
18 workers, and then they are teamed with the legal
19 services provider?

20 STEVEN FOO: Correct.

21 COUNCIL MEMBER MENDEZ: How many case
22 workers? I mean social workers to you have?

23 STEVEN FOO: We have two.

24 COUNCIL MEMBER MENDEZ: Two, full time?
25

2 STEVEN FOO: But we have social work
3 students.

4 COUNCIL MEMBER MENDEZ: They're social
5 work students, MSWs? I'm assuming MSW students that
6 are doing internship--

7 STEVEN FOO: [interposing] Yes.

8 COUNCIL MEMBER MENDEZ: --and get
9 academic credit, and they are supervised by?

10 STEVEN FOO: They're supervised by the
11 Director of the Assigned Counsel Project.

12 COUNCIL MEMBER MENDEZ: So the Director
13 is supervising these two students, and these two
14 students are the only social workers, and they're in
15 training doing work with?

16 STEVEN FOO: No, the social work--the--the--
17 director of the ACP program actually provides the
18 social work as well.

19 COUNCIL MEMBER MENDEZ: Okay, and there's
20 non one else because the Director and these two
21 students?

22 STEVEN FOO: There's one other part-time
23 person.

24 COUNCIL MEMBER MENDEZ: Part-timers?

25 STEVEN FOO: One part-time social worker?

2 COUNCIL MEMBER MENDEZ: And that part-
3 timer is putting in how many hours?

4 STEVEN FOO: I don't know the exact
5 hours.

6 COUNCIL MEMBER MENDEZ: Okay, the social
7 work students do we know what school they're front?
8 Just because some schools require 14 hours, other
9 schools require 21 hours for academic credit?

10 STEVEN FOO: I don't have that
11 information. I can get that for you if you want.

12 COUNCIL MEMBER MENDEZ: Okay. I don't
13 know. It seems to me like you're—that unit might be
14 understaffed. Okay, that's all my questions for now.
15 Thank you.

16 STEVEN FOO: Thank you.

17 CHAIRPERSON CHIN: Okay. Part of the
18 bill, right, Council Member Mendez, is that we're
19 also asking DFTA to establish a dedicated position,
20 the Civil Justice Coordinator, to be able to
21 implement the legislation. From the council member's
22 questions it seems like right now DFTA is not really—
23 I mean it's really understaffed to be able to
24 coordinate these services. I mean, it—it doesn't—and

2 the amount of funding you got was only 41.2 million
3 and that was money from the state?

4 STEVEN FOO: Correct.

5 CHAIRPERSON CHIN: I mean in your—I mean
6 you've been at DFTA for a long time. Don't you think
7 that it definitely needs--?

8 STEVEN FOO: I think we should we should
9 evaluate it in—in conjunction with the Office of
10 Civil Justice to—to look at the needs that the
11 department needs for seniors.

12 CHAIRPERSON CHIN: Yeah, I think that's
13 really important. I just want to give you a heads up
14 that this committee we're pushing for a big budget
15 increase because we are looking at next year's
16 budget. It's the year of the senior, and I think
17 this is a—a major component because a lot of seniors
18 are facing harassment. They might not even get to
19 the point of going to court, [coughing] but
20 constantly, you know, they need assurance that they
21 have legal protection, and I think that's really
22 important, and I really urge DFTA to do a stout—you
23 know, to do a comprehensive evaluation in terms of
24 what are the—the legal service needs for seniors so
25 that we can really work hard to make sure that they

2 can continue to stay in their home. Because every
3 time there's a new landlord coming in, the first—the
4 first group of people they attack are the seniors,
5 and it's a given. So we got to make sure the seniors
6 have the legal services that they require. So we're
7 looking forward to that evaluation. Next, we have
8 Council Member Treyger with questions. I'm going to
9 ask Council Member Rose to step in and chair the
10 meeting for me so that I can go across the—the street
11 to City Hall to another hearing. Thank you, and I'll
12 be back.

13 COUNCIL MEMBER TREYGER: Thank you to
14 Chair Chin for this very important hearing. I want
15 to strongly commend my colleague Council Member
16 Mendez on this very important piece of legislation.
17 I just want to ask some questions and to get some
18 clarity. So are we in agreement that New York City
19 has a significant aging population?

20 STEVEN FOO: Yes.

21 COUNCIL MEMBER TREYGER: Yes, and we are
22 in agreement that a significant number of senior
23 citizens have faced harassment from landlords or from
24 predatory lenders, is that correct? Do you—do you
25 agree with that assertion?

2 JORDAN DRESSLER: I think it's a real
3 issue in the community officially. (sic)

4 COUNCIL MEMBER TREYGER: And do you agree—
5 I—I read in your testimony that it is actually less
6 expensive for the City of New York to provide legal
7 representation for—for seniors and—and folks facing
8 eviction that money spent on shelters. Is that
9 correct?

10 JORDAN DRESSLER: Yes, on a per family
11 basis for sure.

12 COUNCIL MEMBER TREYGER: So, what I'm not
13 clear on is what exactly is the administration's
14 position on this piece of legislation? If we are in
15 agreement that we have a significant aging
16 population, if we're in agreement that many of our
17 seniors are facing harassment, if we're in agreement
18 that it's less expensive to provide them with counsel
19 or representation than it is to warehouse people in
20 shelters, what is the administration's position on
21 this piece of legislation?

22 JORDAN DRESSLER: As—as we said in
23 connection with Intro 214-A, which would provide a
24 right to counsel for all low-income New Yorkers, not
25 simply seniors, we are actively reviewing the

2 legislation and, of course, what the implementation
3 might look like. We are farther along in
4 understanding the issues on the ground than we ever
5 have before. A lot of the decisions about policy and
6 funding have been made on old research, on outdated
7 data, and with the creation of the Office of Civil
8 Justice, which is to our mind a victory not just for
9 the administration but, of course, for the City
10 Council, which—which championed the office, and
11 championed the position of the Civil Justice
12 Coordinator. We're now in a position to look
13 rigorously at these questions, the questions of
14 prevalence of counsel already in Housing Court. The
15 questions of impact of having counsel in Housing
16 Court. The question of costs and saving around that,
17 and we continue to dialogue with the Council about
18 all of these issues to find a way forward.

19 COUNCIL MEMBER TREYGER: But I—I ask
20 respectfully, this piece of legislation as my
21 colleague noted has been floating for a number of
22 years. Council Member Mendez, how many years ago did
23 you introduce this bill?

24 COUNCIL MEMBER MENDEZ: [off mic] Eleven.
25

2 COUNCIL MEMBER TREYGER: Eleven years.

3 So, granted I understand we were at a transition in
4 the administration about three years ago I guess.
5 There's no institutional memory of reviewing this
6 legislation for the past 11 years. What is--there's--
7 is there any--is there any notes that were saved from
8 the Bloomberg years about what the cost would be, and
9 what the costs are now reflecting the population
10 growth? Is there any data that you can share with us
11 today? What would be the cost of implementing this
12 bill?

13 JORDAN DRESSLER: No, and the reason why
14 is because we're not even at a completion phase for
15 the implementation of our current investments, which,
16 of course, not just include all low-low-income New
17 Yorkers, but do include low-income seniors. Low-
18 income seniors are, of course, eligible for the
19 tenant legal services that we are offering, and they
20 are, in fact, taking advantage of those services.
21 But as a program, we are still in the implementation
22 phase, and through Fiscal 17 our legal services
23 providers will continue to ramp up, continue to
24 penetrate the Housing Courts and provide that
25 representation, and will be in a position to

2 understand at the end of that investment, what
3 remains, what needs remain, what the costs associated
4 with those needs might remain, what benefits and
5 saving might accrue from that increase in
6 representation. Things that we're already looking a.
7 We're not in a position to share data now because
8 we're still looking at it. It's just at the
9 beginning of the fiscal year, and we're continuing
10 to--

11 COUNCIL MEMBER TREYGER: [interposing]
12 But I'm just trying to understand this. Eleven years
13 this bill has been around. Is there any estimate
14 projections even if they are three, four, five years
15 old of what it would cost to implement this bill? Is
16 there any institutional memory or notes that you
17 could share with us about what is the costs of
18 implementing this bill?

19 JORDAN DRESSLER: Not at this time.

20 COUNCIL MEMBER TREYGER: So, who exactly
21 is reviewing it? Because we are not in a position to
22 be waiting any more. I mean just recently we again
23 learned that there are record levels--levels of
24 homeless in--in New York City. The overwhelming
25 majority staying in shelters. The Administration is

2 now taking steps to also put them in-in-into hotels,
3 which has caused some controversy as well. We can't
4 wait, and of the number of homeless in New York City,
5 do you have data how many are 62 and over?

6 STEVEN FOO: I don't have that data
7 today, but we can get back to you on that.

8 COUNCIL MEMBER TREYGER: That's critical
9 data because I venture to guess that that there is a
10 number that we're not going to be comfortable with
11 here, and so I-I read-and I am also reading your
12 testimony that the-the Anti-Harassment and Tenant
13 Protection Legal Services Program was launched by
14 this current administration with HRA, but it
15 currently targets only seven neighborhoods across the
16 city. Can you share with us what those neighborhoods
17 are?

18 JORDAN DRESSLER: Yes.

19 COUNCIL MEMBER TREYGER: And, you know, I
20 want to just bring it to like education for example.
21 Could you imagine if we targeted UPK to only seven
22 neighborhoods in New York City and not the entire
23 city of New York. There should be universal senior
24 coverage. There should be universal coverage for
25 everyone who is vulnerable and seniors citizens,

2 particularly also immigrant seniors, who really are
3 at double the risk because some seniors from—from
4 other countries come from places where they were
5 afraid to challenge authority. My family comes from
6 the former Soviet Union. Many of our Russian
7 speaking immigrants in—in Southern Brooklyn are—and
8 we want to encourage them to fight for their rights.
9 They get nervous. I'm sure that's the case for—for
10 other—other families as well. So, yeah, I'm
11 interested to hear about these seven neighborhoods,
12 but why can't universal senior coverage be the
13 ultimate goal, and that's exactly what Council Member
14 Mendez's bill would help us accomplish. But I'd be
15 curious to hear what neighborhoods are covered.

16 JORDAN DRESSLER: The neighborhoods
17 covered by the Anti-Harassment program are East New
18 York, Brownsville, Ocean Hill, East Harlem, Inwood,
19 Long Island City, Flushing and West Flushing, Morris
20 Heights, High Bridge, Stapleton and Bay Street.

21 COUNCIL MEMBER TREYGER: Alright, so
22 there are significant regions of the city left out
23 including the entire region of Southern Brooklyn, and
24 I—I really believe we need to make this universal,
25 and I think that again it shouldn't take 11 years or

2 three or four years to figure out the cost. Look, it
3 took the administration a short amount of time to
4 figure out the cost of UPK. We could figure out the
5 cost of what universal coverage for seniors would be,
6 and I—I just think that seven neighborhoods is—is
7 insufficient. I think we need to make it across the—
8 the five boroughs, and as you've stated again, it's
9 less expensive to provide them with the
10 representation that they rightfully deserve than to
11 warehouse people in shelters. So this needs to be.
12 If—if we are serious about fighting homelessness, if
13 we're serious about caring for our seniors who have
14 worked hard all their lives, who have done their
15 part, now we have to do our part. And do this—this
16 should be a goal not just with words, but with
17 actions, and I think the interim chair for her time.
18 And I again commend Council Member Mendez on this
19 very piece of legislation. [pause]

20 COUNCIL MEMBER ROSE: Thank you so much,
21 Council Member Treyger, and I—I second that that the
22 data is so important it's really hard to make an
23 informed decision without the supporting data, and we
24 as council members experience calls all the time, and
25 so we are sure that the data will support that the

2 need is far greater than the resources that are being
3 provided. So next is Council Member Deutsch.

4 COUNCIL MEMBER DEUTSCH: Thank you.

5 Thank you very much. Good morning. My first
6 question is would you be able to estimate how many
7 seniors have been evicted over the last 11 years?

8 STEVEN FOO: No, the—the eviction data is
9 not tied to—that we received from courts and from the
10 city marshals, there's no age and the tenant
11 associated with it. So we wouldn't be able to
12 estimate that.

13 COUNCIL MEMBER DEUTSCH: There is no way?

14 STEVEN FOO: I'm not sure. It doesn't
15 make sense.

16 JORDAN DRESSLER: No, I don't believe so.

17 COUNCIL MEMBER DEUTSCH: So I just want
18 to tell you a little story of what happened. About
19 nine months ago I was driving in my district on Kings
20 Highway and South Street and there's a little
21 triangle there where they were several homeless
22 people laying on benches. It was about 2 o'clock in
23 the morning and I pulled up. I walked over to the
24 people sitting on the benches asking them if they
25 need or they want shelter, and one lady yelled out

2 Councilman Deutsch, I voted for you. And I walked
3 over to her, and I asked her what are you doing here
4 at 2 o'clock in the morning? This is a senior
5 citizen. She was carrying the two bags, and she
6 tells me well I got evicted. So I asked her to wait
7 there, and I was going to try make a few phone calls
8 to try to get her shelter. And I went back to my
9 car, and as I walked back, she was gone, and this is
10 a senior citizen who she obviously, you know,
11 participated in the voting process, and she was part
12 of society, and she was evicted, and that was the
13 last time I saw her. So one of the questions I had
14 is that you could have legal defense at the end of
15 the day, which is very important. This piece of
16 legislation is extremely important, but at the end of
17 the day, if you have a senior citizen who cannot make
18 ends meet, after a certain amount of time, that
19 senior will end up out the street just as—just like
20 the senior that I met in my district on Kings Highway
21 and South Street. Is there anything that you know
22 that the Administration is doing regarding senior
23 home sharing where you could have maybe pair up a few
24 seniors to reside in an apartment where they could

2 afford and make ends meet where they can make ends
3 meet, and they can make that living affordable?

4 STEVEN FOO: Yeah, I believe that DFTA
5 has a program for home sharing with one particular
6 vendor, but I don't know too much about it. I can
7 look into it and get back to you with more
8 information.

9 COUNCIL MEMBER DEUTSCH: Okay. I would
10 appreciate that.

11 JORDAN DRESSLER: Okay, actually, can I
12 say one thing—

13 COUNCIL MEMBER DEUTSCH: Yeah, sure.

14 JORDAN DRESSLER: --about the—the role
15 that legal counsel even in cases where making ends
16 meet is—is a challenge. You know, obviously first
17 and foremost the lawyer that is working on a case on
18 behalf of a low-income tenant is seeking to avoid the
19 eviction, but I think some of the legal services
20 providers here in this room will tell you that's not
21 always possible due to the vagaries in the law, due
22 to the facts of the case. And so, sometimes the role
23 of counsel is to make sure that they are negotiating
24 and negotiating aggressively with their landlord's
25 counsel and working with the court to expand the time

2 to make sure that that tenant can make—can make for a
3 better option moving forward maybe renegotiation of
4 the lease, some more time to pay the rent, or even
5 enough time to vacate the residence to make sure that
6 they have another soft place to land, and afford
7 shelter in the interim. So I don't want us to under-
8 estimate the role of counsel at all stages in the
9 proceeding not just simply a win-lose kind of
10 analysis in terms of can they beat the case or can
11 they not? Legal counsel for low-income tenants can
12 be critical from maintaining the residence to making
13 sure they find a new one.

14 COUNCIL MEMBER DEUTSCH: So it's
15 extremely difficult to find a new—a new house.

16 JORDAN DRESSLER: It is. It is.

17 COUNCIL MEMBER DEUTSCH: And that's—and
18 that's a challenge on its own, and in addition to
19 that, a senior citizen they—they know how much
20 savings they have. So they could sometimes estimate
21 okay, you know, I have enough rent to—for the next
22 year or two years or six months, and is there any
23 type of guidance or financial planning or help
24 regarding that because sometimes you want to wait for
25 that eviction notice to come to that senior if you

2 want to plan ahead, and prevent—preventing something
3 like that from happening before an eviction notice
4 comes is—I think is also crucial, you know, and I
5 think all the seniors know how much money they had in
6 their accounts, and how much they need in order to
7 live and move forward. So sometimes they could
8 estimate how much time they have until their life
9 savings is drained. [pause]

10 JORDAN DRESSLER: And I think that's what
11 it's supposed to be. (sic)

12 COUNCIL MEMBER DEUTSCH: And I see both
13 agreeing. No answer?

14 JORDAN DRESSLER: No, I agree. Certainly
15 having that sense of what's possible is critical for
16 all tenants, but certainly most critical for—for
17 seniors where there is that maybe limited pot, you
18 know, fixed income. And I think when counsel is
19 working with a tenant in the context of an eviction
20 case, one of the protections there is to make sure
21 that don't enter into agreements that can't live up
22 to, and set themselves up for a fall moving forward.
23 I think that's one of the great things that counsel
24 does do in connection with eviction cases.

2 COUNCIL MEMBER DEUTSCH: Okay, thanks,
3 sir.

4 COUNCIL MEMBER ROSE: Thank you, Council
5 Member. I—I just wanted to clarify that assistance
6 that is the targeting just ten communities citywide,
7 those were communities that were slated for
8 affordable housing rezoning and those services were
9 to be provided specifically for those communities to
10 avoid the displacement of—of people in—in those
11 areas. I wanted to ask you in your testimony you
12 said that in 2017 OCJ will be releasing its second
13 annual report with its first five-year plan. So,
14 this seems to indicate to me that there was a
15 previous one. If this is the second, this should be
16 the first.

17 JORDAN DRESSLER: That's—that's right.

18 COUNCIL MEMBER ROSE: There should be a
19 first, right?

20 JORDAN DRESSLER: There—there is and we—
21 we issued it in August of 2016. I'm happy to get
22 your office a copy after this hearing. It's on our
23 website. It was the first report of its kind because
24 this office is the first of its kind, and it touched
25 on, you know, many issues about civil legal services

2 funding in the city, but with the prime focus on what
3 we and many others considered one of the most
4 important questions to answer, and answer as
5 definitively as we could, which is today in 2016 in
6 the Housing Courts of New York City, what is the
7 availability of housing-of legal counsel for tenants?
8 This-because of the-the critical nature of these
9 issues, the conversations that are having around
10 right to counsel for low-income tenants. We thought
11 it was very important to present data that helped to
12 inform and promote that discussion. That's where the
13 27% figure comes from. We were able to conduct an
14 analysis, partner with the court system and look at
15 these numbers in a fresh way for the first time in-
16 you know, in-in decades really. There have been
17 numbers floating around and-and a lot of the
18 decisions being made based on those numbers, and we
19 thought it was time for a fresh look particularly
20 given the-the-for the extraordinary investment that
21 the Administration has made in these services, which
22 are still in the process of being implemented. But
23 as a first look and not a last look, we wanted to see
24 what is the impact of that investment? Now, in our
25 second report, we'll take another look at those

2 questions, and we'll continue to look at other
3 related questions about the impact of counsel so that
4 we could continue to have these informed
5 conversations about counsel in-house, of course.

6 COUNCIL MEMBER ROSE: But it didn't
7 include any of the data that Council Member Mendez
8 and--and Treyger alluded to needing?

9 JORDAN DRESSLER: Well, I--

10 COUNCIL MEMBER ROSE: [interposing]
11 Because wouldn't that be important to the outcome of--
12 of that--of your report?

13 JORDAN DRESSLER: It--it--yeah, I mean it
14 did. It didn't specifically speak in terms of cost.
15 It's not a budget report. It's, you know, but I--I do
16 think that there are some building blocks there to
17 start to look at these questions. For example, we
18 know that today 27% of tenants facing eviction in
19 court, in Housing Court have counsel as opposed to 1%
20 just in 2013 has found by State Court system. We
21 know that based on our program data, that
22 approximately 6% of our clients, HRA's legal services
23 clients, and when I say our clients, I really should
24 say our--our legal services provider partners, their
25 legal clients are age 65 and older. We also wanted

2 to do a deep dive on what the unrepresented tenant
3 pool looked like, and so we conducted a survey in the
4 Housing Courts, and in the report we—we find that
5 approximately 11% of the unrepresented that we
6 surveyed were age 65 or older. We looked at 65
7 because of the way we're able to ask the questions,
8 and in terms of SSI receipts. So these findings I
9 think they do inform these discussions. I can't
10 speak for what happened eleven years ago, ten years
11 ago or nine years ago. I do know that with the
12 creation of the Office of Civil Justice that was just
13 created last year, and with the issuance of our first
14 report, just this past summer we really are
15 interested in—inserting data into these questions.
16 And so I do think a lot of the—a lot of the questions
17 that the Council Member had, and that—that you have,
18 and the whole panel may have, will be answered in
19 the--

20 COUNCIL MEMBER ROSE: [interposing] Will
21 be addressed in the 2017 report?

22 JORDAN DRESSLER: Yeah, I do think so.

23 COUNCIL MEMBER ROSE: Okay, DFTA, you have
24 no data or supporting data to—to support any of—of

2 the numbers that—that we were—we're looking for?
3 We're looking to capture?

4 STEVEN FOO: Not at this time. No.

5 COUNCIL MEMBER ROSE: Shouldn't you?

6 STEVEN FOO: We will be looking forward
7 to doing that with the Office of Civil Justice that
8 make sure that that happens.

9 COUNCIL MEMBER ROSE: So this is going to
10 be a collaborative process?

11 STEVEN FOO: Yes,

12 COUNCIL MEMBER ROSE: And we will have a
13 comprehensive report when we get the 2017?

14 STEVEN FOO: Yes.

15 COUNCIL MEMBER ROSE: This will address
16 also our budgetary concerns?

17 JORDAN DRESSLER: I think that's right.
18 I don't want to—I don't want to go too far and say
19 that the report itself will involve budgetary
20 questions. That's not part of the brief of our—of
21 our report, but I do think that we will be in a
22 position to work with the Council on those questions,
23 but from a cost perspective as well as when, you
24 know, we didn't know who we were going to say this
25 perspective to. So, again, this is all happening in

2 the context of discussions around 214-A, around Intro
3 96, around continuing the implementation of our
4 existing tenant legal services programs, and we're
5 actually very pleased to be at this hearing, but also
6 to hear from other members who might testify at this
7 hearing for additional input because it informs our
8 thinking and our discussions with the Council moving
9 forward.

10 COUNCIL MEMBER ROSE: Will you being
11 staying for the entirety of the hearing so you can
12 hear from--

13 JORDAN DRESSLER: [interposing] I
14 personally will stay for as long as I can--

15 COUNCIL MEMBER ROSE: [interposing]
16 Great.

17 JORDAN DRESSLER: --but I know members of
18 our--our--my office are going to be staying for the
19 duration.

20 COUNCIL MEMBER ROSE: Great. Of the \$100
21 million that's been identified for legal services for
22 New Yorkers, which the City Council contributed to,
23 that was prior to this particular legislation. So,
24 with the anticipated increase in seniors that need
25

2 legal services, do you think that that amount is
3 adequate?

4 JORDAN DRESSLER: You know, that amount
5 covers a range of legal issues. The biggest bulk of
6 it is for tenant legal services. But again, those
7 services are funded and now we're in the process of--
8 of continuing the implementation. I think at the end
9 of that process, we're going to be in better position
10 to say this is what's covered and this is what a
11 remaining need might look like whether we're talking
12 about low-income New Yorkers in general or low-income
13 seniors in particular.

14 COUNCIL MEMBER ROSE: I have the pleasure
15 of representing a district that has the least amount
16 of rent regulated subsidized housing in New York
17 City. So most of my seniors live in private homes
18 that are not rent regulated or subsidized. What
19 protections are being put in place for--for these
20 seniors?

21 JORDAN DRESSLER: Well--

22 COUNCIL MEMBER ROSE: [interposing]
23 Because they, too, are, you know, families selling
24 their homes. They want to push them out to bring in
25 another member or whatever, and we're seeing a large

2 rate of displacement. What's being put--what is in
3 place to help these seniors who might not even meet
4 the income eligibility of SCRIE below or above?

5 STEVEN FOO: Well, DFTA's legal services
6 programs are not means tested. So they could still
7 go to one of our providers to see whether or not they
8 could be--get assistance from them.

9 COUNCIL MEMBER ROSE: So they would just
10 be sort of counsel. They would not have a right to
11 legal counsel at the entry point of an eviction
12 process, right? The services that you provide are
13 pretty much counseling. You--you don't provide--

14 JORDAN DRESSLER: [interposing] We
15 provide representation, though.

16 COUNCIL MEMBER ROSE: --that legal--you do
17 provide representation, but you only mentioned five,
18 and none of those five actually says that they were
19 providing services in Staten Island.

20 STEVEN FOO: There is one--there is a
21 provider that covers Staten Island.

22 JORDAN DRESSLER: And Council Member,
23 our--our legal services programs, which are quite the
24 larger. Certainly from Staten Island we have I think
25 at least three providers--

2 COUNCIL MEMBER ROSE: [interposing] Yes,
3 she's there. Yes.

4 JORDAN DRESSLER: --operating in Staten
5 Island. One thing I will say and--and--and you're
6 identifying, you know, a--just a--a reality of--of a
7 difference in terms of the array of legal rights for
8 people who live in regulated housing versus people
9 who don't. We are certainly not restricting our
10 legal services programs to folks who living in that
11 regulated housing, and I know that our providers are
12 looking--one who is in the court, aren't doing that
13 either. So what I think we're seeing particularly
14 with this pretty massive expansion of lawyers in
15 Housing Court are lawyers taking cases because
16 they're contractually obligated to, and because they
17 want to that might have been handled by assigned
18 counsel in the past, and what we are finding, and I
19 read the Law Journal everyday and see decisions that
20 just you didn't see before about what have been small
21 issues about the notice that is provided by a
22 landlord to a tenant in the way they handled the
23 papers. In years past there might not have been
24 resources for those issues even to be brought to the
25 attention of a court, where now we're even seeing law

2 made in decisions by judges saying this not the way
3 you can do it. This is the way you need to it.

4 Decisions that hadn't been even had the opportunity
5 to be made before. So, in—we're creating and I say

6 we, but again it's—it's through our partners in the
7 legal services community, you know, with our

8 contracts, they're a variable army of young

9 aggressive attorneys who are fighting for tenants in
10 the courts everyday making new law, bringing new

11 arguments on behalf of tenants who are facing—you

12 know, protected by regulation and those who aren't.

13 Those without—who aren't, they're still protected by

14 the laws of the city and the state of New York and

15 sometimes particularly in settings where landlords

16 aren't used to having counsel on the other side,

17 they're making mistakes and counsel is quite rightly

18 pointing those out, and making—taking full and

19 appropriate advantage of those. So, I—I don't—I

20 don't want us to walk out of here saying that those

21 low-income seniors or those low-income tenants are—

22 are without protection. They—they do have—they do

23 have protection, and they do have assistance from our

24 legal services providers.

2 COUNCIL MEMBER ROSE: Thank you. Council
3 Member Mendez, did you have another round?

4 COUNCIL MEMBER MENDEZ: Yes, thank you.
5 I have few more questions. Mr. Dressler, are you
6 familiar, were you living in New York in 1994?

7 JORDAN DRESSLER: You're dating me and I
8 was—I was away—I was away at college. I think my
9 legal address was in Queens County.

10 COUNCIL MEMBER MENDEZ: Okay. So, well,
11 I don't know in your current capacity do you know
12 what happened in New York City in 1994 with Legal
13 Services and Legal Aid?

14 JORDAN DRESSLER: Oh, yeah. Oh, sure,
15 yeah. There were a lot of things that happened in
16 '94. [laughs] I didn't know what you—I didn't know
17 what you were pointing to.

18 COUNCIL MEMBER MENDEZ: Okay, so I'm—I'm
19 referring to the big slash that then Mayor Giuliani
20 did to the legal services provider. I know because I
21 was in law school, and I wanted to go work at Legal
22 Services, and I knew there was not going to be a job
23 waiting for me. I actually was lucky enough I
24 applied for a post-graduate fellowship, and did
25 realize my dream of working at Legal Services. So,

2 this unit, the Office of Civil Justice was created
3 recently. It was created in--

4 JORDAN DRESSLER: 2015.

5 COUNCIL MEMBER MENDEZ: 2015. Do you have
6 access to that data from 1994? Because I'd like to
7 know what the representation rate was in 1994 before
8 the cut in funding in Legal Services and Legal Aid.

9 JORDAN DRESSLER: I mean we can—we can
10 look into whatever archives might exist. What I do
11 know is that, you know, the—the cuts were massive and
12 I think in many ways impacted on the criminal side in
13 a very robust way and, of course, there was a radical
14 restructuring of the relationship between the City
15 and its at the time primary legal services provider
16 the Legal Aid Society at that time and so, you know,
17 I think it took a while for those results to--

18 COUNCIL MEMBER MENDEZ: [interposing]
19 What—whatever data you can get me would be helpful.
20 Can you tell me how much of the increased legal
21 services funding is actually being utilized each year
22 by the legal services providers? So the Mayor has
23 been putting funding and so has the City Council.
24 We've been getting the legal services provider in a
25 better place where they have more funding to hire

2 more attorneys but, you know, they don't—they don't
3 get the money until after we pass the budget. By the
4 time they do searchers and hire actual attorneys
5 and/or whatever other support staff they need to get
6 their work done, months have passed by.

7 JORDAN DRESSLER: Right.

8 COUNCIL MEMBER MENDEZ: So were all the
9 legal services providers actually utilizing every
10 dollar that we allocated in the city budget?

11 JORDAN DRESSLER: On the legal services
12 side for our programs at this point, all of our
13 providers are staffed up at both the line attorney
14 and the supervisory level. That did take some time
15 because of the massive influx of funding, I think
16 there was a bit of a gold rush on legal talent, and
17 we were very happy that our providers worked as
18 quickly as they did and as thoughtfully as they did
19 to take on the staff, and at this point, I believe
20 there's a full complement of staff at all of our
21 providers.

22 COUNCIL MEMBER MENDEZ: Okay, and as I
23 stated before, I introduced this legislation back in
24 2006 when there was no Office of Civil Justice. I
25 mean there was just the—what we had before that dealt

2 with the criminal and the civil together. So, when
3 we drafted the legislation—I say we because I work
4 for a lot of advocates—we thought it was important to
5 create this position within DFTA. Circumstances have
6 now changed. How would you feel about the creation
7 of a coordinator position within DFTA to deal with
8 civil legal services for senior citizens?

9 JORDAN DRESSLER: I think the better
10 approach is exactly the one that the Council took in
11 Local Law 61 that the Mayor passed, which is one
12 central repository for all knowledge and all
13 contracts for civil legal services. I think that's,
14 you know, it's an event conceived, but it's working
15 so far. I think we contributed a lot of good facts,
16 and a lot of good insights to these questions, and we
17 are able to look across topic, across population, and
18 be able to coordinate accordingly. That being said,
19 we are very happy to be working with our partners at
20 DFTA, our partners at MOIA, our partners at other
21 agencies where there is that specific subject matter,
22 expertise and institutional knowledge. So, we view
23 this as a partnership and, of course, working with
24 Council staff, too because such a big part of our
25 legal services portfolio has come from the Council.

2 So we continue to work with the Council on that
3 stuff, too.

4 COUNCIL MEMBER MENDEZ: Mr. Foo.

5 STEVEN FOO: Yes, the same question?

6 COUNCIL MEMBER MENDEZ: Same question.

7 STEVEN FOO: Yeah, I think, you know, for
8 DFTA there is a resource issue, but I mean I defer to
9 Office of Civil Justice in some ways because a lot of
10 legal services are also tied to additional benefits
11 that also come through HRA in terms of one-shot deals
12 and other social service benefits, so in—in my mind
13 as well I think it makes more sense to have it
14 consolidated under one office, but I think that my
15 office just doesn't open to further discussions in
16 terms of how that would work, and we also look
17 forward to the further reports coming from the Office
18 of Civil Justice in terms of how the full
19 implementation of their programs will work because
20 some of their—some of their programs do overlap with
21 our legal services as well in terms of clients.

22 COUNCIL MEMBER MENDEZ: Mr. Dressler, you
23 know, well, I've got 14 months left in office. So
24 I'm hoping we pass some kind of right to counsel, and
25 if we were to pass this one, and if that was an issue

2 of discussion of where this coordinator would be, and
3 if we pass this legislation, and the Administration
4 insisted on having it, you know, all within the
5 Office of Civil Justice, do you think we should have
6 someone also with a background and knowledge of
7 seniors and senior services of things that are going
8 on in the city, if they were placed to run this
9 program from your office?

10 JORDAN DRESSLER: I think we have to look
11 at our staffing at the time, and see what background
12 and knowledge we had on hand. We're certainly never
13 going to turn away somebody with—with specific
14 knowledge. I think, you know, as—as we continue to
15 staff up, it will look—and look at what we need to do
16 at the administrative level, we always look for
17 particular expertise. And also making sure that
18 we're in good contact and dialogue and partnership
19 with our other agency partners. So, you know, it's
20 something we could certainly look at.

21 COUNCIL MEMBER MENDEZ: Gentlemen, have
22 either one of you read the IBO Report on Intro 96?

23 STEVEN FOO: yes.

24 JORDAN DRESSLER: And I have not.

2 COUNCIL MEMBER MENDEZ: Thank you. Well,
3 the IBO Report says that the Assigned Council Project
4 has a success rate of 99%. So in 99% of the cases,
5 they're preventing the evictions of seniors in this
6 city. So do either one of you know if that number
7 has changed?

8 JORDAN DRESSLER: No I believe it's—it's
9 still—it's still that high.

10 COUNCIL MEMBER MENDEZ: Yeah, but I'd
11 like get 99.99 comfortable. (sic) So let me just
12 tell you, Mr. Dressler, you say you're doing studies
13 and evaluating lots of things. Now, I'm going to
14 date myself. In 1987, when I was in college, myself
15 and several students were doing research for part of
16 our senior project before we graduated, and we did a
17 study on anti-eviction assistance. Our case study
18 was utilized by Brooklyn Legal Services Corp A where
19 they got a multi-million funding from the federal
20 government back in the late 1980s. Our case study
21 showed that whether someone had rent protections or
22 not, once they had a lawyer, the lawyer was able to
23 stop the eviction in 95—I'd have to go back. 1987 is
24 well back, but I still have that study, and I will

2 make it available to you with the methodology we used
3 to do that--that survey and analysis.

4 JORDAN DRESSLER: We look forward to
5 seeing it.

6 COUNCIL MEMBER MENDEZ: So, I think, you
7 know, if you look at studies now I think we're going
8 to get to the same analysis. A lawyer prevents
9 eviction. More often than not, tenants don't know
10 that they have protection, and sign away their--their--
11 their rights right away particularly when they are
12 confronted by a landlord who does have a lawyer. It
13 was stated, Mr. Foo, that the legal services
14 providers are getting paid per case. How much per
15 case are they paid?

16 STEVEN FOO: For the Assigned Counsel
17 Project, it's \$1,700 per case.

18 COUNCIL MEMBER MENDEZ: \$1,700?

19 STEVEN FOO: One thousand, seven hundred.

20 COUNCIL MEMBER MENDEZ: Per case, and in
21 Fiscal Year 16, they--the different providers did 511
22 cases?

23 STEVEN FOO: There were 511 contracted
24 cases.

2 COUNCIL MEMBER MENDEZ: And that gets us
3 to—I don't know that that gets us to the—

4 STEVEN FOO: [interposing] Yes it does.

5 COUNCIL MEMBER MENDEZ: --\$1.25 million?

6 STEVEN FOO: No, no, it comes—it comes
7 down. It's Assigned Counsel Project. It was funded
8 at about \$870,000.

9 COUNCIL MEMBER MENDEZ: \$800. Okay, I
10 don't know where I got the wrong figures beside me.
11 Mr. Foo, I—I just want you to take this back to your
12 agency. Last year, I had in my office two MSW
13 students. Okay, which is what you have for the whole
14 five boroughs. My—it's very disconcerting to know
15 that you have one full-time director doing the social
16 work with one part-time social worker, and two
17 students. The other part of this is continuity.
18 Sometimes cases take a long time. These students are
19 there for an academic year, less than a year. So
20 that means social work, interns may be changing, and
21 they will be—the—the continuity and services will not
22 have been the same while someone gets up to speed on
23 the case. Do you know, gentlemen, if-- Well, let's
24 get to the Assigned Counsel Program. So how is Local
25 Law 120 being implemented if basically all the

2 outreach is being done by the legal services
3 providers? Do—do know what's Executive Order 120?
4 No? Okay. Back in 2008, Mayor Michael Bloomberg
5 signed a language access bill. I know this because I
6 withdrew my legislation, and we passed his mayoral
7 order. His order was for six languages: Spanish,
8 Chinese, Russian, Korean, Italian and French Creole.
9 So every city agency has to provide language access
10 in those six languages, and often cases and agencies
11 have a language bank, but they don't have the staff,
12 you know, on hand that can do the translation. But
13 if the outreach is being done basically by the
14 service providers, how is it getting done in these
15 different languages? It came to me as Council Member
16 Treyger was talking about in his community, if the
17 legal services provider doesn't have someone who is
18 Russian speaking, and if DFTA is not getting the
19 information to places like senior centers, how are
20 you complying with the executive order, and how are
21 people supposed to know about these services?

22 STEVEN FOO: Well, we do have language
23 access. We do have a language bank. I—I may have
24 misspoke. I'm not exactly to—I don't have that much
25 information in terms of the outreach efforts that—

2 that we do internally. So, I-I probably shouldn't be
3 talking about that. I will need to actually look
4 into it further and get back to you with that.

5 COUNCIL MEMBER MENDEZ: Mr. Foo, how
6 closely does the assigned counsel program work with
7 the OCA or with the administrative judge in Housing
8 Court or in Civil Court?

9 STEVEN FOO: The Director is very-works
10 very closely with them.

11 COUNCIL MEMBER MENDEZ: And so I guess a
12 lot of the cases are being identified by the judges
13 and the court staff--

14 STEVEN FOO: [interposing] Yes.

15 COUNCIL MEMBER MENDEZ: --and then being
16 referred to the Assigned Counsel Program?

17 STEVEN FOO: They're referred by the-by
18 the supervision judge and a Housing Court judge-and-
19 and the Director of the ACP works closely with them
20 to determine if there's additional needs and things
21 like that, but it's the Supervising Judge and Housing
22 Court Judge that ultimate sign off on the referral.

23 JORDAN DRESSLER: Do you know what the
24 percentage of referrals from the judges and from the
25 court system is to the Assigned Counsel Pro--Project?

2 STEVEN FOO: I—I know we're fully
3 utilized in terms of the contract, but I'm not—I
4 guess I'm not sure what you're asking.

5 COUNCIL MEMBER MENDEZ: What—what I'm
6 asking is how many referrals are actually coming from
7 the court system, or how many of them are coming from
8 senior centers or from a council member's office who
9 may know of your program?

10 STEVEN FOO: For the Assigned Counsel
11 Project, the—the referrals are coming strictly—can
12 only come strictly through the Housing Court judge.
13 They cannot come from senior center. They cannot
14 come from an elected official. They—they are
15 litigants within the Housing Court, and the judge is
16 making the first referral to the program.

17 COUNCIL MEMBER MENDEZ: Okay, I'm not
18 quite sure I get that. I have seniors come to my
19 office. They are in Housing Court or getting ready
20 to go to Housing Court, and we inform them to ask for
21 an attorney through the Assigned Counsel Project.
22 So, no data is obtained about how they first heard
23 about the project? So all the referrals are coming
24 from the court because there's a case in court?

25 STEVEN FOO: Uh-huh.

2 COUNCIL MEMBER MENDEZ: But you don't
3 know how this senior actually heard about the
4 program? They heard about, and are asking the judge
5 for an attorney--

6 STEVEN FOO: Uh-huh.

7 COUNCIL MEMBER MENDEZ: --or if someone
8 in the court system is realizing there's a senior
9 here at risk and then referring the case?

10 STEVEN FOO: Right.

11 COUNCIL MEMBER MENDEZ: Yes or no.

12 STEVEN FOO: I'm not sure.

13 COUNCIL MEMBER MENDEZ: You're not sure.
14 That that is not taken?

15 STEVEN FOO: I-I don't-I have to look
16 into that. I'm-I don't-I'm not exactly sure.

17 COUNCIL MEMBER MENDEZ: Mr. Dressler, how
18 is-how is Executive Order 120 being complied with.

19 JORDAN DRESSLER: Well, all of our
20 official communications about any of our programs
21 comply with the EO 120. We have on our website
22 information about how to access our Tenant Legal
23 Services, and I believe our website is fully
24 translated into-I don't think-it's not like just to
25 the EO 120 languages. I think we've probably got

2 more than that. Probably the biggest form of our
3 direct outreach in—for these programs is our actual
4 presence in the courthouses. We have staff and
5 before the court houses working with the Staten
6 Island court to develop a presence there. Where have
7 staff on site to field referrals, that staff has
8 access to language lines. So they have access to any
9 language they need to communicate with tenants. Any
10 communications we have there are translated and, of
11 course, we contract with legal services providers who
12 are, you know, multi-lingual as an organization and
13 culturally competent, and actually I believe is
14 something specifically we had in RFP, and--

15 COUNCIL MEMBER MENDEZ: Uh-huh.

16 JORDAN DRESSLER: --we, of course, have,
17 you know, very reputable providers who are very, very
18 able to access whatever language resources they—they
19 need to—to communicate with clients.

20 COUNCIL MEMBER MENDEZ: How many people
21 do you have? You say you have people in the
22 courthouse. How many people do you have? Do you
23 have an officer there?

24 JORDAN DRESSLER: We do and it ranges, I
25 think, in—in one of the courthouses. I believe in

2 Brooklyn we have three and I believe in Manhattan we
3 have three, and I believe in Queens and the Bronx we
4 have two. Physical space is always a premium in
5 courthouses and, you know, we've—we've been very
6 successful in making sure that we have a physical
7 presence in the courthouses, and also ensuring that
8 our legal services providers also have a physical
9 presence in the courthouse. So that when we receive
10 the referrals and determine eligibility, we can
11 immediately make that referral to the provider who
12 can see the client on site.

13 COUNCIL MEMBER MENDEZ: Okay. Thank you
14 very much, gentlemen and thank you, Madam Chair.

15 COUNCIL MEMBER ROSE: Thank you so much
16 Council Member Mendez for your in-depth probing of
17 this really important topic. I—and I really just
18 want to reiterate the importance of—of the report,
19 the data so that we can make this a possibility if
20 this—in the next 14?

21 COUNCIL MEMBER MENDEZ: [off mic] 14.

22 COUNCIL MEMBER ROSE: Okay, and so I'd
23 like to thank—thank you, Mr. Dressler and Mr. Foo.
24 You are—you're now can leave--

25 STEVEN FOO: Thank you.

2 JORDAN DRESSLER: Thank you

3 COUNCIL MEMBER ROSE: --the table, and
4 our next--our next panel will consist of Ms. Bobbie
5 Sackman, Live On NY; Caroline, the Center for New
6 York City Neighborhoods and Carmen Perez, the Cooper
7 Square Committee, Neighborhood NORC. Thank you.
8 [pause] When you're all seated, please identify
9 yourself and your organization and you can begin.

10 BOBBIE SACKMAN: Bobbie Sackman, Live On
11 New York. [background comments] Do you want them
12 to--? Okay. [background comments] Oh, okay. Okay.
13 Well, thank you for today's hearing, and for giving
14 us a chance to discuss Intro 0096 or Intro 96 and--and
15 the big issue of the right to counsel. So Live On
16 New York is an active member of the New Yorkers Right
17 to Counsel Coalition, and it has supported these
18 evictions prevention efforts for a number of years.
19 Actually, we've been active for three or more years
20 with the coalition. We applaud Council Member Mendez
21 and her initiative and foresight towards the need for
22 right to counsel in Housing Court. In part, through
23 Council Member Mendez's bill, this need for the right
24 to counsel in Housing Court has long since been
25 recognized and expanded upon to include all low-

2 income New Yorkers up to 200% of the poverty level
3 regardless of age. I wanted to say one thing about
4 that. It says that we've kept seeing this front and
5 center. The original—the other bill 214-A it was at
6 125% and because of the—that whole thing where the
7 average amount of Social Security is \$15,000 for
8 seniors, which gives them very little money to live
9 on, but then they lose out on certain benefits. We
10 were very clear that it needed to be increased. It
11 comes to about—it's a little over \$23,000 for a
12 single adult, the single person. It's obviously
13 because the household grows. So we were satisfied
14 with that. Seniors have remained front and center or
15 on the forefront of our efforts regarding the right
16 to counsel, and Council Member Mendez's initiative of
17 this dialogue has been both laudable and integral to
18 the coalition's success. We also find it laudable
19 that the City's progress it has been—this hasn't been
20 here. That has been described today in a report
21 released by Jordan's office in the summer and, of
22 course, we just keep asking the questions and it
23 shows that such success lays in disarray. I think—I
24 think the next reports will just keep building the
25 case and obviously all the questions you've asked

2 today. This is—by a providing low-income protection
3 for New York, this will be groundbreaking. For
4 seniors the prospect of eviction is—is eve more
5 devastating as research clearly shows the importance
6 of aging in place to a senior's health and quality of
7 life. And the stress of possibly losing your home
8 and being disconnected from the social network built
9 over decades can have substantial adverse effect on
10 the health of an older adult. Rates of depression
11 are decreased and life expectancy has increased by
12 aging in place, which can only be achieved through
13 secure and stable housing in a community. There was
14 a recent study done, actually, I think in England
15 they showed that social isolation is—is ahead of
16 obesity in terms of predicting longevity and death.
17 That's how important it is. I'm—I'm going to skip a
18 little bit here through the—the rest of this. We did
19 a study through the whole ZQA process called Through
20 the Roof, and uncovered that there are 200,000
21 seniors waiting. Basically, that's in Section—
22 Section 202 Housing throughout the city. So, we're
23 not going to build 200,000 apartments. It—it shows
24 the deep dire need and how far behind we are, and
25 that's why if you look at a multi-leg stool, as I

2 keep calling it, that one of those important legs is
3 a right to counsel in terms of prevention, and want
4 to stay where they live. We—we—our understanding is
5 that there is an estimated 3,000 seniors a night who
6 are homeless. We would actually love to get exact
7 numbers. We've had a hard time getting that. The—
8 the Right to Counsel Coalition, and it—it came up
9 during a discussion with Jordan Dressler about
10 phasing in, and setting up the infrastructure,
11 ramping up. And we have discussed that when we win
12 this right, that the first year phase-in will target
13 seniors, people with disabilities and formerly
14 homeless. So once again, there's been a lot of
15 thought going in, and seniors really have remained
16 in—in the fore—sorry—in the forefront of the
17 thinking. And I think the rest of this is really
18 just saying that, you know, why don't we just have a
19 right? We want the Mayor to declare right to counsel
20 by the end of 2016. We have even less time than you
21 have to be in office, but we feel that the case has
22 been made, and that this is a legacy for the Mayor,
23 the City Council. It's totally groundbreaking for
24 any civil court. We all know that, and so the
25 question is—is why are we waiting?

2 COUNCIL MEMBER ROSE: Thank you. Thank
3 you, Bobbie.

4 CAROLINE NAGY: [off mic] Hi. Is this
5 on? [background comments] Alright, now it is. Thank
6 you and good morning, noon-afternoon. [laughs]

7 COUNCIL MEMBER ROSE: [off mic] It's our
8 noon.

9 CAROLINE NAGY: I'm Caroline Nagy and I'm
10 from the Center for New York City Neighborhoods.
11 Thank you so much to all of you for holding this
12 hearing and bringing attention and seek reforms on
13 this very important issue of seniors at risk of
14 losing their home. I'm here from the Center for New
15 York City Neighborhoods, and we work to promote and
16 preserve affordable homeownership in New York City.
17 So, I'm really here today to talk about the
18 importance of counsel in foreclosure proceedings, and
19 also some-discuss some of the special vulnerabilities
20 of seniors because I know the-the numbers of seniors
21 who are in need of attorneys in foreclosure
22 proceedings is much lower than in eviction in Housing
23 Court. However, you know, it's a very vital
24 population, and with a lot of special needs. So I'll
25 get into it. I'm not going to read my testimony. I

2 don't want to kind of call attention to some of the
3 special vulnerabilities of senior homeowners in New
4 York City. So clearly income insecurity is an issue
5 for senior homeowners as well as renters. Of the
6 seniors who have received foreclosure prevention
7 services from the Center for New York City
8 Neighborhoods network, they have an average income of
9 \$29,600, which compared overall of the homeowners
10 that we serve who are in foreclosure, the average
11 income is \$61,000. So it's significantly low. You
12 know, even though we have—there's a stereotype that,
13 you know, homeowners in New York City are—are rich.
14 That's simply not the case. Another major issue that
15 impacts senior homeowners especially those who are at
16 risk of foreclosure is their vulnerability to scams
17 and there's a lot of ways that homeowners are
18 targeted. Homeowners who are at risk of foreclosure
19 are targeted. If they're on the city's tax lien
20 sales list even if they manage to get off before the
21 lien sale, it's still a public record and that's
22 basically, you know, like a map for any speculator
23 who wants to seek to buy or, you know, flip the
24 property. Also, foreclosure filings itself are
25 public. So basically what you'll see is these people

2 will target home—target any homeowner who is in
3 trouble especially those seniors because they're very
4 vulnerable. They are also more likely to have equity
5 in their homes. So that combination. There's wealth
6 there's a vulnerability whether it's isolation,
7 physical health issues, issues with cog—cognition or
8 other disabilities that would make them more
9 susceptible to scams. We've seen some really
10 horrible cases over the last few years of senior
11 citizens especially in neighborhoods like Bed-Study
12 where you have cash poor people sitting on properties
13 that are extremely valuable being tricked into
14 signing over their homes for nothing, next to
15 nothing. Sometimes involving, you know, family
16 members or senior care—elder care workers. So it's—
17 it's a huge problem. Also, seniors have are very
18 often living in older homes and have very high home
19 repair needs, and this is another way that people
20 can, you know, lose control of their finances very
21 quickly. And then the other issue is reverse
22 mortgage foreclosures, which reverse mortgages are
23 only for people 62 and older, and they—they do make
24 sense and they're a good product certain people if
25 they're working, you know, with competent people to

2 help them basically take advantage of the equity in
3 their home, and then risk mortgage isn't paid until—
4 after a resale or relocation. Unfortunately, we've
5 actually seen a huge spike in reverse mortgage
6 foreclosures over the last year at the center. We
7 don't—it's so new we don't even have data on it, but
8 all of our attorneys are seeing it, and what they're
9 seeing is—they find behind on taxes. If you fall
10 behind on your taxes, home repairs or you don't fill
11 out a form every year saying yes I still live in this
12 property we're seeing mortgage servicers move really
13 aggressively towards a reverse mortgage foreclosure.
14 And so this is something like we're just kind of
15 sounding the alarm bell now because it's like it's
16 become a huge concern. And the other issue is
17 reverse mortgage foreclosures unlike for regular
18 forward mortgage foreclosures do not have the
19 protections under New York State law such as
20 settlement conferences or 90-day pre-foreclosure
21 notices that home—you know, that homeowners receive
22 regularly. And so this like makes it even more
23 vulnerable and very—this can move very fast. So,
24 obviously when a foreclosure filed—is filed against a
25 homeowner-- Do you have a question? [laughs] Okay.

2 Alright, sorry. When a foreclosure filing is filed
3 against a homeowner, they have a very quick period in
4 which they need to write a response, and this is
5 where it's crucial to get people connected to counsel
6 right away because if they don't respond, then they
7 waive all of their defense and, you know, the—they
8 can get a default judgment against them, and there's
9 very little that can be done at this point. There
10 are great resources for homeowners. The New York
11 City Council is a strong supporter and funds a number
12 services including services especially targeted at
13 seniors, and we also get a lot of names from the
14 Attorney General's Homeowner Protection Program,
15 which is funded by Bank Settlement. The two biggest
16 challenges are making sure people—getting to the
17 homeowners before the scammers do because it really
18 is like—like moths to—to flames when a foreclosure is
19 filed and, you know, these scammers have a lot more
20 resources than, you know, than—that non-profits. And
21 so we're really trying to get out and get our word
22 out to these people. You know, but it really needs
23 the cooperation of community based organizations and
24 the City Council especially, you know, reaching out
25 to people who are in trouble. And the other issue is

2 that the vast majority of our Foreclosure Prevention
3 funding is going to—is funding through these one-time
4 settlements or financial institutions due to the
5 foreclosure crisis, and that's all going to expire
6 next October. So this is a huge issue. We're
7 obviously. I didn't—and another issue is a number of
8 foundations, private foundations that also funders
9 have, you know, lost interest because foreclosure is
10 no longer, you know, the flavor of the month or, you
11 know. However it has been gone throughout big
12 circles. (sic) So we're working to get the word out
13 about this upcoming gap in credit. I mean it's—it's
14 huge. It's, you know, the vast majority of our
15 foreclosure funding is going to be gone in October,
16 next October, and we're working obviously with the
17 state government to try and get the funding back, you
18 know, within the executive from—where it always has b
19 been with the Attorney General, but also I mean I
20 think this is, you know, going to require, you know,
21 a concerted effort on the part of everyone. That is
22 everything that I have right now. Thank you so much
23 for the opportunity to testify.

24

25

2 COUNCIL MEMBER ROSE: Thank you. When
3 everyone is finished, then we'll—we'll allow
4 questions, okay.

5 CARMEN PEREZ: Well, at least for the
6 next three minutes anyway. Good morning. My name is
7 Carmen Perez, and I am Director of the Neighborhood
8 NORC program, with the Cooper Square Committee. The
9 Cooper Square Committee is a tenants' rights
10 organization in the Lower East Side. Our mission is
11 to work with area residents to contribute to the
12 preservation and development of the affordable
13 housing so that neighborhoods remain racially,
14 economically and culturally diverse. We also seek to
15 maintain the integral diversity of the neighborhood,
16 which is only becoming richer as long-time tenants
17 age. Also, as the elderly in our community and
18 across the New York City become more numerous, we
19 must recognize and prepare for specific threats to
20 their housing stability and affordability. I am
21 delighted to submit testimony and show support for
22 Intro 96, which will provide critical legal services
23 to elders in our community facing eviction, ejection
24 or foreclosure proceedings. Intro 96 will address
25 the needs of a growing and distinctly vulnerable

2 population. The Cooper Square Committee is
3 accustomed to counseling low-income tenants in their
4 rights and responsibilities as they confront the
5 often confusing legal structures governing their
6 housing. Through our decades of work, we have seen
7 how easily eviction proceedings can overwhelm even
8 the savviest of tenants especially if the landlord is
9 engaging in misinformation campaigns, deceitful
10 practices of rental withholdings, or mortgage loan
11 fraud, lease denials, harassment, and outright
12 bullying. The majority of the people in Housing
13 Court do not have an attorney, and as we've heard,
14 about 73% and all too many of these cases are settled
15 in the hallways often in the landlord's favor. These
16 intimidating pressures weigh more heavily on seniors
17 who account for 10% of eviction cases. For example,
18 during the second half of 2014, Cooper Square
19 Committee worked with a senior who was in his 80s,
20 and he was sued by Jarish-Jared Kushner's real estate
21 company Westminster City Living. [laughter] The
22 senior in question did have a number of issues in his
23 apartment at the time. However, Westminster was
24 actually working through all the problems in the
25 building with our organization, and despite open

2 lines of communication, Westminster never disclosed
3 problems with the senior in question. Westminster
4 instead chose not to dis-discuss the issues that led
5 them to serving the senior with court papers and
6 subsequently taking him to Housing Court. Our
7 organization has resources that could have helped to
8 avoid the situation of going to court. We later
9 learned about the court case through the senior who
10 came to our offices, and thankfully, early enough to
11 intervene with his evictions, and implement a plan to
12 provide the senior with legal support in addition to
13 other resources he needed. Cooper Square Committee
14 was able to assist him and guide through a
15 potentially detrimental situation and preserve his
16 housing. And it frightens us to think of what might
17 have happened had we not been involved. A senior's
18 right to counsel would provide a comprehensive legal
19 support network for seniors who are sued by their
20 landlord, and are not connected to resources such as
21 our organization in their communities. Displacement
22 threatens many members of our community, but seniors
23 are particularly susceptible to its worst
24 manifestations. Many seniors in our community
25 whether they are renters or homeowners, live on fixed

2 incomes. Their homes are stable base for which they
3 live healthy and connected lives within the community
4 they helped to build, nourish and sustain. We have
5 seen building owners prey on the elderly in their
6 campaigns to remove non-rent regulated tenants
7 viewing them as easy targets. Fortunately, we are
8 able to prevent many of these cases from escalating
9 through counseling advocacy and organizing, but not
10 all seniors in New York City can depend neighborhood
11 housing advocates to provide that first line of
12 defense, if they are even aware of these resources to
13 begin with. When swept up in the current eviction-in
14 the current of eviction, many seniors are sources of
15 resilience. Their deep social ties or support
16 networks within the community are weakened. The
17 impacts fall harder on the elderly. The stress
18 relocation puts seniors at a high risk for chronic
19 health problems, psychological effects and
20 homelessness. The elderly homeless population is on
21 the rise. In 2012, it was reported that the number
22 of elders in homeless shelters rose to 55%. Yet,
23 there is evidence that points to a partial solution.
24 The Assigned Counsel Project from the Department of
25 the Aging has already implemented a program to assist

2 seniors in housing court. This program has
3 successfully prevented eviction in 99% of their
4 cases. With the measures proposed in Intro 96,
5 adults over 62 facing eviction proceedings in both
6 Housing Court and ejectment proceedings in Supreme
7 Court will be able to access legal assistance
8 provided by the city. Ejectment proceedings are an
9 especially important part of this bill since seniors
10 are subject to predatory lending and schemes to
11 defraud owners of their homes. According to
12 Independent Budget Office, compared to the rate of
13 seniors facing foreclosure, about 750 homeowners
14 could be assisted with this legislation. Intro 96
15 proposes Senior Citizen Citizens Rent Increase
16 Exemption Program or SCRIE to increase the threshold
17 of \$50,000 per year as the income eligibility
18 yardstick. A SCRIE, a level threshold is higher than
19 the federal poverty level criteria included in—Oh,
20 boy. I guess I don't have the rest of my stuff.
21 [laughs] [background comments] Toward it. Exactly,
22 so we're trying to bring that in. But with this—with
23 this bill what we do intend to do is the following.
24 [laughs] Thank you. There wasn't much to it.
25 [laughs] Which means more seniors without the

2 resources to defend their legal rights, would be able
3 to access essential counsel and representation. Of
4 the 40,000 plus homeowners served by foreclosure
5 prevention partner organizations since 2008, the
6 average family income in the household is roughly
7 \$46,500. Furthermore, of the families served, 36% or
8 just over 12,000 families had incomes at or below
9 200% of the federal poverty level. Using 200% of the
10 poverty level levies a large—or leaves—excuse me—a
11 larger group of ineligible for legal representation.
12 This bill would expand access to low and moderate
13 income seniors. We know from our experience that
14 seniors making more than 200% of the poverty level
15 are still very likely to be living on fixed incomes,
16 and would otherwise be unable to afford these
17 critical legal services. In conclusion, we are
18 pleased to support these common sense measures to
19 protect our elders as we continue to fight for the
20 right for legal counsel for all New Yorkers. Thank
21 you so much for your attention and consideration.

22 CHAIRPERSON CHIN: [pause] Do my
23 colleague have any questions? Oh, you. Council
24 Member Mendez.

2 COUNCIL MEMBER MENDEZ: Thank you. Well,
3 that's—there's a lot going on in my head right now.
4 Well, let—let me start with—I'm sorry, Carolyn Nagy
5 because you speak about something that we didn't get
6 into before with the Administration, which is
7 foreclosures. Do you know what SCHAP is?

8 CAROLINE NAGY: Yes.

9 COUNCIL MEMBER MENDEZ: Do you know,
10 SCHAP is the Senior Citizen Homeowners Assistant
11 Program. In another life at a not-for-profit I
12 actually processed SCHAP applications for seniors and
13 we helped them take care of their arrears, tax
14 arrears and get big systems like boilers and roofs.
15 Do you know of these seniors who are going into
16 foreclosure are any of them or how many of them are
17 being helped through the SCHAP program?

18 CAROLINE NAGY: I don't have numbers.
19 This is a—this is a program that assists with home
20 repairs. But yeah, Cypress Hills Community
21 Development Corporation has a very strong home repair
22 program, and then there's a few others throughout the
23 city. They are wonderful. They are very important
24 resources. We're actually in the process of making
25 some recommendations for how the city can streamline

2 and increase the pool of home repair programs because
3 they are all completely over subscribed and there are
4 a lot of--there's like several different small pro--you
5 know, programs, and they have different requirements.
6 And so there's--it's kind of hard. Often times the
7 counselors will sort or build things together like,
8 for example, if someone owes taxes to the city they
9 don't qualify for all of the funding, and those are
10 the people who need the help the most because they're
11 financially vulnerable. So then they have to seek
12 out other sources of unrestricted funding from, you
13 know, return loans or something like that. So, it--it
14 is an important resource that--and we're looking--we're
15 seeking ways to improve it, and we hope to have some
16 recommendations out this year.

17 COUNCIL MEMBER MENDEZ: Okay, there was
18 also a program with SCHAP, unless it had a different
19 name, that also dealt with tax arrears and helping
20 the seniors pay off the tax arrears.

21 CAROLINE NAGY: I'm not sure. I don't--
22 I'm not familiar with that. I don't know if it still
23 exists. It very well might. Our Mortgage Assistance
24 Program or MAP at the Center for New York City
25 Neighborhoods provides interest free loans. It can

2 also be used to cover tax arrears in the cases where
3 that's almost putting someone at risk of foreclosure.
4 It's often—or to pay off on tax liens, if they're in
5 a tax lien foreclosure.

6 COUNCIL MEMBER MENDEZ: Okay. We ran
7 this program from the—what's now call the Parodneck
8 Foundation.

9 CAROLINE NAGY: Yes.

10 COUNCIL MEMBER MENDEZ: So—so I'll be
11 following up with them to find out if the program is
12 still in existence and whether they're still running
13 it for HPD. Ms. Perez, do seniors in your community
14 know about the Assigned Counsel Project?

15 CARMEN PEREZ: Through DFTA?

16 COUNCIL MEMBER MENDEZ: [off mic]

17 CARMEN PEREZ: Not that I'm aware of.
18 Usually they'll just come to our office.

19 COUNCIL MEMBER MENDEZ: And so you're
20 aware about the program, is that correct?

21 CARMEN PEREZ: Yes, I am.

22 COUNCIL MEMBER MENDEZ: And when a senior
23 comes that may be has a pending court date, do you do
24 any follow up to try to get them serviced through the
25 Assigned Counsel Program?

2 CARMEN PEREZ: The way we do it in our
3 offices, yeah, we do the initial intake and then we
4 review whatever paperwork they have, and if they
5 haven't started anything or if the landlord hasn't
6 exactly started any proceedings, then we just do it
7 through our channels.

8 COUNCIL MEMBER MENDEZ: Thank you.
9 Bobbie, do you know, I mean you--you know everything
10 I think, but do you know if all the--

11 BOBBIE SACKMAN: [interposing] No, I
12 don't know everything.

13 COUNCIL MEMBER MENDEZ: --seniors who--who
14 are risk of eviction how many of these seniors are
15 taking care of grandchildren? Like we're displacing
16 whole families that have just--

17 BOBBIE SACKMAN: No, I-I don't.

18 COUNCIL MEMBER MENDEZ: Just a person or
19 two is that enough?

20 BOBBIE SACKMAN: I don't know if-I mean I
21 could check that out, but I don't even know if that
22 kind of data would exist in terms of we heard earlier
23 that Housing Court doesn't give data out by age. So,
24 I don't know how one would actually cross-check other
25 than anecdotally. I know, for example, DFTA has the

2 Grandparents' Resource Center. I don't know if
3 they've got any data, but other than anecdotally,
4 I'm—I'm not quite sure how long we would get a full
5 picture of that.

6 COUNCIL MEMBER MENDEZ: And would you
7 know if between senior estates and evictions and
8 seniors facing foreclosure like what—like are we
9 seeing an increased numbers in both those areas?

10 BOBBIE SACKMAN: So you're asking me a
11 lot of questions I don't know.

12 COUNCIL MEMBER MENDEZ: Wow.

13 BOBBIE SACKMAN: So I actually don't. I
14 can't—I can't sit here and speak about what the
15 increase in terms of the—the data has shown in terms
16 of evictions, and—and in terms for foreclosures, you
17 know, we are seeing an increase in—in homelessness.
18 We're seeing it among seniors. We're seeing an
19 increase in what we all call couch surfing, which
20 means that, you know, they don't show up in the
21 shelters and—and I think that doesn't take into
22 account a lot of the city's policy that the
23 definition of homelessness, and that's a really
24 serious problem in terms of what people do without
25 meaning and literally getting into shelters,

2 especially seniors what they're doing to take care of
3 themselves as best they can. So I can't—I'm sorry I
4 can't--

5 COUNCIL MEMBER MENDEZ: [interposing]
6 Thank you, that's-

7 BOBBIE SACKMAN: --answer your initial
8 question.

9 COUNCIL MEMBER MENDEZ: --that's helpful.
10 Thank you.

11 BOBBIE SACKMAN: Yes.

12 COUNCIL MEMBER MENDEZ: That's all, Madam
13 Chair. Thank you.

14 BOBBIE SACKMAN: Thank you.

15 CHAIRPERSON CHIN: Thank you. I just--
16 just wanted to answer what Bobbie is saying because
17 in your testimony you were talking about an estimated
18 3,000 seniors are homeless, and in the shelter system
19 I think their number is much less because these are
20 seniors that got into the system, but there are a lot
21 who are living doubling up, tripling up, and what I,
22 you know, have been talking a lot about is the hidden
23 homeless, and they're the ones that are not able to
24 get like the rental assistance or other programs
25 because they're not at the point where they're in the

2 shelters. I think that we really have to figure out
3 a better way of, you know, getting support to these
4 seniors.

5 BOBBIE SACKMAN: [off mic] Can I comment?

6 CHAIRPERSON CHIN: Yes.

7 BOBBIE SACKMAN: Can I just add something
8 it's-it's sort of related at least in my head, and-
9 and that's the SCRIE program, and we can't turn this
10 into a hearing about SCRIE, but there's a lot of ways
11 to strengthen the Senior Citizen Rent Increase
12 Exemption program, now called the Rent Freeze Program
13 in terms of outreach and awareness. And what's
14 interesting is that SCRIE starts at 62, and not only
15 are we under-are seniors underutilizing the program
16 even at that age and older, but we're not educating
17 the 60-year-olds or maybe in the late 50s even. So
18 that by the time they're eligible for this kind of
19 program they would already know about it, and-and my
20 organization Live On New York, with the Enterprise
21 Foundation back in May released a major study on the
22 underutilization of SCRIE, and one of the
23 recommendations is a roll back so that everybody
24 SCRIE gets capped at one-third of their income and
25 rent. So it's another leg of the stool I sort of

2 mentioned earlier of prevention of homelessness.
3 We're putting money into the pockets of seniors that
4 then they would spend locally. It's good for local
5 businesses, and the other thing I just so at another
6 time if—if we could talk more. But the other thing—
7 and this is a question. I don't know the answer to
8 this. I'm wondering if—if there were a right to
9 counsel that became a true right, what would be the
10 impact on the Assigned Counsel Program, which we're
11 all going to agree is like a drop in the ocean
12 program, and it has remained a drop in the ocean
13 program. But would it free some of that drop so that
14 there could be other legal services that seniors
15 could receive through it because housing would be
16 taken care of for the most part through having an
17 absolute right to counsel. So they might able to
18 stretch what they're able to do or at least maximize
19 what their dollars could do because obviously seniors
20 do have other legal needs other than just housing
21 needs. So I'm just putting that out there that it's
22 a way to look at how this—this right could actually
23 help the Assigned Counsel Program as well.

24 CHAIRPERSON CHIN: Yes, but Bobbie, we
25 definitely agree with you, and we have to continue to

2 pursue that because we—because seniors have so many
3 other legal issues that they need help address.
4 Housing is the main one. If we could get housing
5 taken care of then we can work on the other one.

6 BOBBIE SACKMAN: Check that one off.

7 [laughs]

8 CHAIRPERSON CHIN: Works continues.

9 BOBBY SACKMAN: Right.

10 CHAIRPERSON CHIN: Thank you all for
11 testifying. We're going to call up the next panel.
12 Robert Kucera (sic), Legal Aid Society, Janette
13 Zelhof, MFY Legal Services, and Jane Aoyama-Martin,
14 Browns Legal Services. [pause] Also—we've also been
15 joined by Council Member Salamanca. I didn't get a
16 chance to thank Council Member Rose for chairing the
17 committee for me while I was at City Hall. Thank
18 you. [pause] You may begin. [pause]

19 ROBERT KUCERA: Good afternoon. Thank
20 you, Chair, for having this hearing, and we thank the
21 body also for holding this hearing, and also for
22 bringing forth this important legislation. We at the
23 Legal Aid Society we're also part of a coalition that
24 is championing the right to counsel, Intro 214. So
25 we're very grateful that the body is taking—paying

2 large attention to this issue, and also prioritizing
3 seniors. The Legal Aid has long prioritized the
4 needs of our aging population. In our Brooklyn
5 Office we have we have the Brooklyn Office for the
6 Aging also known as BOFTA, that assists residents age
7 60 or older with civil legal matters. While our
8 services are provided for issues related to
9 government benefits, rights of persons in care
10 facilities, family law, consumer law, advance
11 directives and estate plannings, eviction prevention
12 services are of particular concern. Over half of our
13 elderly New York City residents that seek our
14 assistance are tenants that are dealing with a
15 landlord-tenant matter. At that office we use a team
16 of lawyers, social workers, paralegals, volunteer
17 attorneys and support staff to provide a
18 comprehensive approach to tackle the many problems
19 that low-income elderly people in Brooklyn face.
20 Clients served through the project benefit not only
21 from the services offered by BOFTA, but also from the
22 in-house presence of legal services expertise in the
23 area of practices throughout the society because as
24 we know, while housing is an important issue, there
25 are many issues that facing our senior population.

2 Seniors, as we know, are specifically vulnerable,
3 particularly vulnerable to the eviction for reasons
4 that don't affect the general population. They
5 frequently live alone. Their incomes are usually
6 fixed. Their health is in decline or already
7 compromised. They are susceptible to financial and
8 an emotional abuse by family members or other
9 individuals posing as caretakers, and their capacity
10 to care for themselves is greatly diminished.

11 Seniors are attractive targets for ruthless and
12 profiteering landlords who seek the recovery of long-
13 term rent regulated tenancies. These landlords find
14 it easier to intimidate seniors, and often use scare
15 tactics to force them to surrender their homes. A
16 right to counsel program can prevent the campaign of
17 baseless eviction against seniors by directly
18 connecting them to legal services. In addition to
19 benefitting from legal counsel, seniors referred to
20 offices like BOFTA are also linked with important
21 social services that can further stabilize seniors'
22 lives. So, I'm not going to belabor. I know that,
23 you know, a lot has been discussed and, you know, as
24 I said, this is something that is being worked on,
25 and it should be noted that the—Intro 214 prioritizes

2 seniors as—as a population to be the first wave to
3 receive legal services. So I thank you for the
4 opportunity to testify. I want to reiterate that a
5 right to counsel for those facing the loss of their
6 home is critical to the stability of our communities,
7 and the families that inhabit them. No one should be
8 placed in such jeopardy without the benefit of highly
9 qualified counsel to protect their rights. We thank
10 the City Council for introducing this legislation
11 that will help vulnerable populations maintain their
12 homes.

13 JANETTE ZELHOF: Good afternoon. My name
14 is Janette Zelhof. I'm the Executive Director of MFY
15 Legal Services, and I thank all of you for the time
16 today, and for your leadership on this very important
17 issue, Council Member Mendez, that you've been at
18 this for 11 years, if only. When we think of all the
19 housing that's been hemorrhaged over the past ten
20 year, and the number of seniors who have lost their
21 homes, it's—it's very disturbing. As many of you,
22 MFY Legal Services has been serving poor and low-
23 income New Yorkers for over 50 years. We represent
24 people in the areas of government benefits,
25 foreclosure, consumer employment, disability rights

2 and housing, and we fully support the passage of
3 Intro 96. This is critical legis—legislation that
4 will ensure equal access to justice for elderly
5 tenants who without legal representation would be
6 unjustly stripped of the most fundament human right,
7 a home. As the law currently stands, as you know,
8 tenants in eviction proceedings do not have a right
9 to an attorney. They are therefore on their own,
10 confronting complex legal doctrines an intimidating
11 court system, and in nearly all cases, an experienced
12 landlord's attorney. The consequences of this
13 imbalance of power are especially grave for elderly
14 tenants who are more likely to be disabled, ill,
15 isolated and to live in rent regulated housing. As
16 tenants of rent regulated housing they might as well
17 have a large red and yellow target on their back.
18 Landlords—we have heard landlords specifically say
19 that they are targeting elderly people because
20 they've been in their homes for 20 years. The rents
21 are far lower than what they can otherwise get. So
22 we are looking at a very vulnerable population and
23 Intro 96 would certainly protect these people. We
24 see Intro 96 as a complement to Intro 214 that people
25 have been talking about today, which is also

2 critically important to preserve and stanch the flow
3 of the loss of affordable housing. MFY does a lot of
4 work in facilities. We go to a lot of adult homes.
5 We go to a lot of nursing homes, and assisted
6 facilities, and it is heartbreaking to talk to people
7 who are in these facilities. These facilities are
8 really targeted for people with severe mental illness
9 or people who are too old to take care of their
10 personal needs and need to be in these facilities.
11 And time after time in interviewing people living in
12 these places, we find out that they lost their homes.
13 They lost their rent regulated apartments because
14 they had a short hospital stay, or a short—you know,
15 they—they—they got sick. They lost their apartment
16 through an eviction proceeding where they had no
17 representation, and didn't know what to do. On all
18 cases, I would say based upon my years of legal
19 experience those evictions could have been
20 prevented. So now those people are living in these
21 homes that cost the city and the state a lot of
22 money. People living in adult homes get double the
23 SSI rate than they would get if they're living in the
24 community, and people living in nursing homes I guess
25 Medicaid pays anywhere—I guess we average something

2 like \$10,000 a month for a nursing home. In nursing
3 homes where the criteria is that someone not be able
4 to live on their own because of the medical—the
5 medical condition. We find people who could very
6 well live on their own with just a few support
7 services. So, the city may want to consider bringing
8 the state in as a partner on this because with
9 Medicaid paying all that money, they have a financial
10 stake as well in preserving the homes for seniors.

11 I want to talk about MYFY's work with the
12 Department for the Aging. I want to also clarify
13 that there's two—there are two pots of funding from
14 the Department for the Aging. One is the ACP Program
15 that I'll talk about a little bit, but there's also
16 another pot of funding that goes for civil legal
17 services for seniors that operates differently.
18 It's—it's a grant to certain service providers, and
19 we can represent people in eviction proceedings,
20 government benefits and other needs that they might
21 have. So there's two aspects to the funding of DFTA.
22 Today, I want to talk about the work that we do with
23 DFTA and the Assigned Counsel Program, and that in
24 partnership with Northern Manhattan Improvement
25 Corporation we divide up the city. And as you know,

2 ACP has been in many ways a pilot right to counsel
3 project. Tenants who are over 60 and in particular
4 need of legal assistance are identified by judges.
5 It's somewhat random. It's up to a particular judge
6 to identify a litigant who is over 60 who appears to
7 be particularly vulnerable. This is no set criteria,
8 and then most cases are referred to DFTA, and then
9 referred to MFY regardless of the merit of the case,
10 regardless of the income of the litigant. Those
11 cases tend to be far more complex, and pose greater
12 challenges than the average Housing Court case.
13 Obviously, the clients are elderly. Many are
14 disabled. Many are isolated. Many are homebound.
15 Many are hospitalized. Many have limited capacity,
16 and find it difficult to reach out to legal services
17 providers, or even know that we exist. One those
18 tenants are assigned through DFTA into MFY, we do
19 prevent evictions in most cases for some of those
20 clients who are not able to maintain their apartments
21 because they just cannot afford them any more, or
22 they simply need far more care than homecare can
23 provide. We work with DFTA to find alternative
24 housing for them. Our success rate really can be
25 attributed to the synergy that we have with the

2 Department for the Aging, and I do want to
3 acknowledge Ignacio Sylvester who was here earlier,
4 who is the head of that program. Really the work
5 that MFY does is done very closely with Ignacio and
6 his team of social work interns who provide those
7 resources, and Ignacio is--frequently goes to court
8 with us. He will frequently be the voice of reason
9 with the judge who will think that we can go to trial
10 the next day having just been assigned the case, and
11 Ignacio as the representative of DFTA will step in.
12 So, in terms of this right to counsel and where it
13 would housed, I-I do want to argue for the importance
14 of this being placed in an agency where you have
15 those support services because these cases cannot be
16 done solely by lawyers. Obviously, we think we do a
17 great job. Obviously, these are complex cases, but
18 these are also very complex individuals with very
19 complicated needs, and it is the relationship between
20 DFTA and the legal services providers that make it
21 successful. And so, I thank you for your leadership
22 on this, and fully support this initiative.

23 JANE AOYAMA-MARTIN: Good afternoon. I'm
24 Jane Aoyama-Martin. I'm the Project Director of
25 Bronx Legal Services, and I thank the Committee on

2 the Aging for giving us the opportunity to testify in
3 favor, in strong support of Intro 96. Bronx Legal
4 Services is a—is the Bronx program of Legal Services
5 NYC, which I guess everyone is familiar with. We're
6 in all five boroughs, and we do full service property
7 civil legal services practice, a large part of which
8 is housing. In 2015, there were over 230,000
9 eviction actions filed in the Housing Courts, and
10 less than 7,000 HP actions by tenants seeking repairs
11 throughout our nearly 45-year history in the Housing
12 Courts, this imbalance regarding the actions
13 considered by the Housing Courts has been mirrored in
14 an imbalance in legal representation. Although the
15 causes of homelessness are very complex, there can be
16 no doubt that the most direct and immediate cause of
17 homelessness and the—and the destruction of
18 affordable housing in the city today is the power
19 imbalance in New York City's Housing Courts. Without
20 lawyers, tenants have no chance of successfully
21 navigating the complicated system plus the—the laws
22 that are there to protect them. In 2015, there were
23 nearly 22,000 families evicted and in unknown but
24 substantial numbers of families who involuntarily
25 moved before the marshals came. Each apartment

2 that's—that's vacated results in a less—a lesser
3 amount of affordable housing units because of the—the
4 laws that result in increasing the rent upon
5 vacancies. So for decades our attorneys have worked
6 tirelessly to—to set this imbalance right. It's like
7 pushing a boulder up a mountain. Our attorneys we—we
8 are very successful in the cases that we are able to
9 provide representation for. We are successful in
10 over 95% of the cases, but we always have far more
11 people seeking our assistance than we can actually
12 represent. With the recent increase in the funding
13 for civil legal services and housing, the proportion
14 of tenants has increased tenants, the number of
15 tenants represented in court has increased I guess to
16 27%. I have over 25% in my statement. That—that
17 means that nearly 6,000 families who would have
18 otherwise become homeless were able to remain in
19 their homes. There are—it's estimated that there are
20 10,000 seniors in the five boroughs who may be
21 eligible for free legal services to fight the
22 evictions, and many others who may be eligible to
23 fight foreclosures. Once seniors lose their homes,
24 the costs are tremendous both financially for the
25 city and in human costs. It's unconscionable for

2 seniors among society's most vulnerable to lose their
3 shelter merely because they can't afford a lawyer.
4 The data—data reflects what we've known for decades:
5 Most evictions are preventable with the help of
6 experienced lawyers, and Intro 96 would put that into
7 action. I'd like to thank—again thank the City
8 Council for addressing this important issue, and we
9 look forward to working with the City Council and the
10 administration to make legal representation a right
11 for all low-income senior citizens facing eviction
12 and foreclosure. Thank you.

13 CHAIRPERSON CHIN: Thank you. Council
14 Member Mendez, do you have questions.

15 COUNCIL MEMBER MENDEZ: Yes. Thank you
16 very much. Have any of you had any tenants that the
17 landlord filed cases for action and ejectment in
18 Supreme Court? [pause]

19 JANETTE ZELHOF: We—we've represented a
20 number of people in ejectment actions. I can't
21 remember if they're seniors, but we frequently—not
22 frequently, but we see a fair number of ejectment
23 actions in Supreme Court.

24

25

2 COUNCIL MEMBER MENDEZ: And would those
3 individuals be eligible for representation either
4 under Intro 214 or seniors in-in this case?

5 JANETTE ZELHOF: If they're a senior we
6 would probably represent them not through the ACP
7 program because that comes through Housing Court, but
8 through the other funding from DFTA for general legal
9 services for people over 60.

10 COUNCIL MEMBER MENDEZ: Anybody who wants
11 to add anything, Robert.

12 ROBERT KUCERA: I believe that the
13 language of Intro 214 does, in fact, include the
14 ejectment proceedings.

15 COUNCIL MEMBER MENDEZ: Okay. In-for
16 everyone on this panel, in cases where your offices
17 has represented a senior, do-do you know how often
18 these seniors actually were grandparents and had
19 children in the household? [pause]

20 JANE AOYAMA-MARTIN: I mean I-I don't
21 know off the top of my head, but our database would-
22 would reflect that because we--e track how many kids
23 are in the household.

24 ROBERT KUCERA: Right, I-I would say
25 similarly we track like who's living in the

2 household. You know what benefits they're receiving
3 in making our assessments about the representations,
4 but we do have that information. I'm not--You know I
5 don't have it readily before me but, you know, that
6 could easily be captured in the process.

7 JANE AOYAMA-MARTIN: I mean just
8 anecdotally, I know that's very common.

9 COUNCIL MEMBER MENDEZ: Yeah, if you--

10 JANETTE ZELHOF: [interposing] And--and
11 that's a very different client because a grandparent
12 who is taking care of children first of all would be
13 receiving public assistance for the children. So
14 that's added income in the household, and it's also
15 higher level of capacity if they're taking care of
16 children--

17 COUNCIL MEMBER MENDEZ: Right.

18 JANETTE ZELHOF: --grandchildren. So it's
19 a--it's a different kind of senior that we're
20 representing, and I would also speculate we probably
21 10 to 15% of our clients in that situation.

22 COUNCIL MEMBER MENDEZ: So regarding the
23 \$1,700 that you guys get for the--in the Assigned
24 Counsel Program, how much money do you actually send
25 if you were to have billable hours and any other

2 support staff in a given case, and give me like the
3 high end and a low end on a case that might get
4 resolved quickly and one that is you said a lot of
5 them are very complicated cases.

6 JANETTE ZELHOF: You know, I would say
7 that an average is probably \$2,500 for a case. Cases
8 that require a lot of motion practice or appellate
9 work can obviously cost far more. It's rare that we
10 go into court and be able to sift these cases out
11 quickly, but there are some of those cases. But we
12 generally subsidize most of the work that we do under
13 citizen's contracts.

14 COUNCIL MEMBER MENDEZ: And are you able
15 to give any other grants to supplement that to take
16 care of this extra work or not?

17 JANETTE ZELHOF: Well, not really because
18 funders will see that the work is being funded by the
19 city, and they want to fund, underfunded, you know,
20 project every- Anybody else can answer that.

21 JANE AOYAMA-MARTIN: We, you know, we're-
22 we didn't-we don't have the contract for the assigned
23 counsel. ACK (sic) I guess, yes, in the Bronx for-or
24 Bronx Legal Services anyway, but just generally
25 speaking--

1 COMMITTEE ON AGING 113

2 COUNCIL MEMBER MENDEZ: [interposing] You
3 do? I thought—I thought that's—hold on. Let me see
4 what they had here.

5 JANE AOYAMA-MARTIN: I mean the--

6 COUNCIL MEMBER MENDEZ: [interposing]
7 Their—their written testimony---

8 JANE AOYAMA-MARTIN: I mean I—I know—I
9 don't know who gets that grant in the Bronx.

10 COUNCIL MEMBER MENDEZ: Leslie Bronx
11 Corporation for the Bronx.

12 JANE AOYAMA-MARTIN: For--?

13 COUNCIL MEMBER MENDEZ: That's what they
14 wrote here.

15 JANE AOYAMA-MARTIN: No. [laughs]

16 MALE SPEAKER: No.

17 COUNCIL MEMBER MENDEZ: No? [background
18 comments]

19 JANE AOYAMA-MARTIN: I mean we get DFTA
20 money for the other part but, you know.

21 COUNCIL MEMBER MENDEZ: Uh-huh.

22 MALE SPEAKER: [off mic] [background
23 comments]

24

25

2 COUNCIL MEMBER MENDEZ: I'm—I'm sorry.
3 Can we get you—can we capture this and can you tell
4 us your name?

5 MALE SPEAKER: [off mic] No.

6 COUNCIL MEMBER MENDEZ: You can't.

7 MALE SPEAKER: Yes, I probably will.

8 COUNCIL MEMBER MENDEZ: Okay. Maybe I
9 can—maybe if you could just tell me so I can know
10 going forward.

11 MALE SPEAKER: [off mic]

12 COUNCIL MEMBER MENDEZ: So then this—this
13 testimony is—is correct?

14 MALE SPEAKER: [off mic] Isn't correct.

15 JANE AOYAMA-MARTIN: There's two
16 different programs. Okay, I'm looking. Alright,
17 well here it goes over here on this side. Okay, got
18 it, got it. Got it.

19 JANE AOYAMA-MARTIN: Oh, but anyway, my—
20 in answer to your question, most of the grants,
21 government grants that we get don't really pay for
22 the actual services we do there. And so, we have
23 other sources for funding or look for other sources
24 of funding and that's—you know, it's one of the
25 reasons why we all do fundraising and everything in

2 order to—to supplement the cost, the actual cost of
3 the program, which is I mean a—which is—which is good
4 because we want to provide services, and we want to,
5 you know, serve as many people as we can. So most—
6 you know, typically most programs are like sort of
7 pieced together with funding.

8 COUNCIL MEMBER MENDEZ: Anyone else?

9 Okay. Ms. Zelhof, you mentioned Ignacio who seems to
10 be like a super hero. I'm assuming that's the
11 Director of the--

12 JANETTE ZELHOF: He's the Director of the
13 Program . He was here earlier.

14 COUNCIL MEMBER MENDEZ: Okay, oh, okay,
15 and—and he is actually going to Housing Court in
16 addition to supervising two interns and a part-time
17 intern?

18 JANETTE ZELHOF: He's the contact for the
19 Assigned Counsel Program in Manhattan. I don't know
20 who it is in the other boroughs because that's our
21 contract, and he's very committed and he's very
22 hands-on, and he is the point person with the court
23 for the assignment from the judges, and so he has a
24 presence within the Courthouse as a result of being

2 there to be the conduit for the cases that the judges
3 identify.

4 COUNCIL MEMBER MENDEZ: And has your
5 office worked with the social work interns that are
6 in this program--

7 JANETTE ZELHOF: [interposing] No.

8 COUNCIL MEMBER MENDEZ: --and how helpful
9 is it to have the component not just be

10 JANETTE ZELHOF: [interposing] Oh, it's
11 critical.

12 COUNCIL MEMBER MENDEZ: --legal
13 representation?

14 JANETTE ZELHOF: It's critical, it's
15 critical and that's why it employs the same kind of a
16 program for all our other work, which is we have a-a
17 paid licensed social worker, and then we have
18 anywhere from four to five social work interns from
19 the area social work schools for the academic year
20 who support our clients. And they'll help on the
21 other DFTA cases from the legal services part. DFTA
22 social workers will work on the ACP cases, but that
23 kind of support is critical to-to serving in
24 particular our elderly clients, but by and large most
25 of our clients who are challenged in many ways.

2 COUNCIL MEMBER MENDEZ: Okay, thank you
3 very much.

4 JANETTE ZELHOF: Thank you so much.

5 CHAIRPERSON CHIN: Well, thank you for
6 all the great work you do. I mean Council Member
7 Mendez, one of the great things about this hearing is
8 actually finding out free sources that are available
9 in the city in terms of all the legal services
10 agencies, but also with DFTA. I mean I think this is
11 the first time I've heard about their ACP program.
12 Because often times we're aware of eviction cases, we
13 refer directly to your office.

14 JANETTE ZELHOF: Well, you can't refer an
15 ACP case. Right, you can't. The City ACP referral
16 comes from the judge in the court. That's why there
17 is the ACP Program.

18 CHAIRPERSON CHIN: [interposing] So the--
19 so the senior will have to be in court first?

20 JANETTE ZELHOF: Yes or on their way
21 there and they have an active case.

22 CHAIRPERSON CHIN: Uh-huh. So we
23 definitely need to publicize these resources.

24 JANETTE ZELHOF: Absolutely.

25 CHAIRPERSON CHIN: Thank you very much--

2 JANETTE ZELHOF: [interposing] Thank you.

3 CHAIRPERSON CHIN: --for coming to the
4 hearing. Anyone else wanting to testify? If not,
5 the hearing is adjourned. Thank you. [gavel]

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C E R T I F I C A T E

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



Date November 21, 2016