



Mayor's Office of
Immigrant Affairs
Bitta Mostofi
Commissioner

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Testimony of Jean Bae, Director of Policy and Legislative Affairs
NYC Mayor's Office of Immigrant Affairs

Before a hearing of the New York City Council Committees on Immigration and Housing and
Buildings

Oversight - Housing Disparities Facing Immigrant New Yorkers

Thank you to Chair Menchaca, Chair Cornegy, and the members of the Committee on Immigration and the Committee on Housing and Buildings for calling this hearing. My name is Jean Bae, and I am the Director of Policy and Legislative Affairs for the Mayor's Office of Immigrant Affairs (MOIA). My role at MOIA focuses on research and helping identify and address barriers to access to public benefits and city services for immigrant New Yorkers. I am also joined by my colleague, Sabrina Fong, Deputy Director of Research at MOIA.

Every New Yorker, regardless of immigration status, deserves to have access to safe, affordable housing. This work goes well beyond MOIA, and I am happy to be joined by Ahmed Tigani, Deputy Commissioner of Neighborhood Strategies and Anne-Marie Hendrickson, Deputy Commissioner of Asset & Property Management at New York City Housing Preservation and Development (HPD). Together, we have collaborated with many other partner agencies who have been tasked with making New York City an affordable city for all.

My testimony today will speak to the data on housing disparities facing immigrant New Yorkers and highlight some of the work MOIA has done with our partners to address the housing-related needs of immigrants during this pandemic.

Housing and Immigrant New Yorkers

Access to affordable housing is an issue that affects all New Yorkers. But the needs are higher for immigrant communities. As 2019 American Community Survey data shows, almost one-half (47 percent) of all New Yorkers are rent-burdened, defined by the U.S. Census Bureau as spending 30 percent or more of their household income on rent. This problem is greater for non-citizens, with the percentage of rent-burdened New Yorkers highest for undocumented immigrants: about 51 percent. One in five (21 percent) immigrant New Yorkers reside in overcrowded households, defined as having more than one person per room. This includes the approximately eight percent of the total immigrant population who live in extremely overcrowded housing, defined here as having more than 1.5 persons per room.

The pandemic has exacerbated these barriers. Higher rates of overcrowding have made social distancing more difficult for our immigrant communities. Moreover, many immigrants and mixed-status families were left out of federal stimulus relief, even though immigrants have shown to be more vulnerable to the economic impact of the pandemic. While the state and federal eviction moratoria provided temporary relief for many families, housing insecurity is interconnected with underlying socioeconomic disparity and challenges immigrants have faced long before the pandemic, and the City has taken steps to address affordable housing from the beginning of the de Blasio Administration.

MOIA's Housing Work

The fight for affordable housing is a multi-pronged one, with various agencies providing support to address homelessness, providing tenant protections, and the creation and preservation of housing stock. My colleague from HPD can provide additional details about the ways in which the City has tackled affordable housing, including for immigrants. I also want to recognize the role of HRA's Office of Civil Justice, the Mayor's Office to Protect Tenants, and the City Commission on Human Rights in ensuring that all New Yorkers have access to the housing they

need. MOIA's role in this area is to advise the agency partners who are focused on housing issues on immigration-specific issues, serve to amplify the unique needs of immigrants, and share crucial information with the immigrant community.

During the COVID-19 pandemic, as it became clear that federal assistance would not address the urgent needs of our immigrant population, MOIA worked with agency partners in identifying ways to alleviate the immediate housing needs of immigrants. While MOIA was able to advocate for and help secure private funding for direct payments to immigrant New Yorkers, we recognized that further, housing-specific support was needed. Through MOIA's and the City's advocacy, we secured \$12 million from various private funders to serve those unable to access traditional rental arrears assistance programs. Building on the existing and successful efforts of the Homebase program in helping keep New Yorkers in their homes, the Funds and Services for Tenants Experiencing Need (FASTEN) program has helped vulnerable and underserved New York residents stay in their homes during COVID-19 by providing them with rental arrears assistance, landlord mediation and legal assistance, financial counseling, and job search assistance as well as referrals to resources like food relief, affordable health services, utility arrears assistance, and other services.

Further, at the onset of the pandemic, MOIA helped identify that immigrants were more likely to reside in overcrowded households and worked with NYC Health + Hospitals to inform the creation of the City's COVID-19 Hotel Program to help all New Yorkers safely quarantine or maintain social distance from their family or other household members as needed. MOIA also worked with the program to address concerns raised by immigrants on a variety of issues, including concern around language access, privacy, and childcare, and to ensure information about the program was made available in multiple languages. MOIA also promoted the program through various digital and in person outreach and collaborated to create videos providing a tour of hotels and explaining the application process.

This is in addition to the day-to-day work of MOIA to promote the various housing resources available to New Yorkers. Throughout the last year, MOIA shared information about FASTEN, Homebase, the Tenant Hotline, as well as the newly updated Housing Connect 2.0, to tens of thousands of New Yorkers through "Know Your Rights" presentations, direct outreach through messenger apps, and our other programs.

Housing Connect 2.0 is a new affordable housing lottery system launched by HPD that expands access and opportunities to all New Yorkers in need, regardless of their current immigration status. In 2019, HPD established an alternative option to credit checks by allowing applicants to provide 12 consecutive months of rental payment history, essentially eliminating the requirement of an SSN or ITIN. Additionally, MOIA recently collaborated with HPD to ensure IDNYC would be an accepted form of identification in the new system. HPD's Housing Ambassador program provides direct assistance for this affordable housing lottery process, including working with applicants to obtain an ITIN. Housing Ambassadors serve New Yorkers where they are and in their language, and HPD offers this training to any Council staff. About 50 local organizations participate in the program and speak more than 20 languages.

MOIA also supports our agency partners in addressing the language access needs of tenants. For example, during COVID-19, MOIA helped translate critical materials that MOPT developed related to the eviction moratorium and eviction prevention. MOIA also worked with MOPT to make its website more accessible by adding multilingual links on its homepage that connect users to translated information and resources for people impacted by COVID.

Finally, MOIA also works with our agency partners to oppose policy changes that would exacerbate housing challenges for immigrant New Yorkers. As just one example, when HUD proposed a now withdrawn rule to bar mixed-status families from residing in public housing or receiving Section 8 benefits, MOIA worked closely with agency partners to oppose that change through the submission of a multi-agency federal comment. This is in addition to working with these same agencies to oppose the public charge changes, which had housing implications and which would have devastated our immigrant communities.

Moving Forward

As I mentioned earlier, MOIA and the City are gratified to see that the state has committed billions of dollars to providing much needed support to immigrant New Yorkers, both in rental assistance and more generally. This support will help address some of the immediate needs of immigrant New Yorkers, but we know that more work remains to be done and the City is committed to making continuous efforts to achieve affordable housing for all.

I look forward to addressing any questions you have. Thank you again for holding this hearing.



Chinese-American Planning Council, Inc.
Testimony at the New York City Council Committees on Immigration and Housing and Buildings Joint Hearing on Housing Disparities Facing Immigrant New Yorkers
Honorable Carlos Menchaca and Honorable Robert E. Cornegy, Jr., Chairs
April 13, 2021

Thank you Chairs Menchaca and Cornegy and the Members of the City Council for the opportunity to testify today. The mission of the Chinese-American Planning Council, Inc. (CPC) is to promote social and economic empowerment of Chinese American, immigrant, and low-income communities. CPC was founded in 1965 as a grassroots, community-based organization in response to the end of the Chinese Exclusion years and the passing of the Immigration Reform Act of 1965. Our services have expanded since our founding to include three key program areas: education, family support, and community and economic empowerment.

CPC is the largest Asian American social service organization in the U.S., providing vital resources to more than 60,000 people per year through more than 50 programs at over 30 sites across Manhattan, Brooklyn, and Queens. CPC employs over 700 staff whose comprehensive services are linguistically accessible, culturally sensitive, and highly effective in reaching low-income and immigrant individuals and families. With the firm belief that social service can incite social change, CPC strives to empower our constituents as agents of social justice, with the overarching goal of advancing and transforming communities.

To that end, we are grateful to testify about the housing disparities that impact the individuals and families we serve, and we are grateful to the Council for their leadership on these issues.

Housing Stresses for Immigrant New Yorkers

Immigrant New Yorkers face disproportionate housing barriers, even prior to COVID-19. Immigrants are more likely to be increasingly rent-burdened, live in overcrowded spaces, and live in substandard conditions that don't receive regular maintenance. First generation immigrants are more likely to be low income and significantly rent-burdened (more than 50% of income for rent) than second generation immigrants, at 19-35%. AAPI immigrants are also more likely to live in multi-generational households, which are more prone to crowding. Additionally, AAPI immigrants face significant language barriers and access with public housing and assisted living. In combination with the long waiting lists of NYCHA and Section-8 Housing, AAPI immigrants are left with fewer opportunities to find truly affordable housing.

Economic Impacts of COVID-19 Exacerbated Housing Disparities

It goes without saying that the economic impacts and health impacts are inextricably related. Communities of color are both bearing the brunt of the economic hit, while simultaneously being forced to endanger ourselves while working on the front lines of this crisis. Some of the things we have seen include:

- More than half of our community members surveyed reported that they are out of work or income, and will run out of money in the coming weeks;
- Many of our community members continue to work, either because they are essential workers or because they cannot afford to stop working since they are left out of Federal relief and State unemployment benefits;

- In one of our preschool families, 20 out of 24 families lost all income within two weeks, and less than half qualify for Federal relief or State unemployment, leaving them unable to pay rent, buy groceries or pay for prescriptions;
- Our young people reporting caring for their younger siblings while their parents work (and juggling remote learning simultaneously), and rationing their daily food intake because they are running out of food;
- Our homebound seniors unable to get food delivered through the City's meal program, or receiving inadequate meals- including two pieces of bread and two pats of butter as a meal, or meal boxes featuring items like pudding, fruit cups, crackers, cheerios, and applesauce as a five-day meal supply;

Anti-Asian and anti-Asian American Discrimination

Our Asian American, particularly East Asian community members are experiencing a double virus of discrimination and racism. We are grateful to the City and the City Council for taking a strong stand on this issue and for your leadership. Our community members have been experiencing:

- Verbal and physical harassment while traveling to work or running errands. This includes frontline healthcare and essential workers who have become increasingly scared of going to work.
- Fears of going outside, seeking treatment, or getting the COVID-19 vaccine because of reports of harassment and violence against Asian Americans.
- Continued social isolation from fear of Anti-Asian violence.

Yet while all of this happens, the City is slashing funding to the very programs and social safety net programs that support these communities and help combat disproportionate health outcomes. Services like senior food programs, homeless services, youth development and summer programs, public health and others are experiencing more demand than ever before, yet instead of boosting funding to these programs, the City is cutting them. Discretionary funding, often the way that small organizations and people of color-led CBO's access city funding, has been cut retroactive to March 22nd with the exception of programs that are the same as they were before the PAUSE order.

These services are more important than ever in addressing the disproportionate impacts of COVID-19 on communities of color. Our staff have been designated as essential workers, yet we are on the front lines without adequate PPE, and many of us barely making minimum wage. We need to fully fund our essential workers, and fully fund these essential programs and safety net services. CPC urges the City to fully fund all services and contracts through at least FY21, and ensure that contracts have maximum flexibility to allow organizations to meet emerging and changing needs.

Additionally, in order to fully address the housing disparities that low-income immigrants in New York face, New York City needs to fully invest in truly affordable and mobility-accessible housing that is language accessible in its application process. There needs to be increased accountability processes with landlords to ensure that affordable units are rent-regulated without loopholes, regular maintenance procedures are followed through on, and that all uncertified units comply with safety conditions for residents. Currently, the Section 8 housing application requires identification, which discourages and prevents many undocumented immigrants from applying to public housing. New York City needs to keep a lookout on the Section 8 Voucher Reform Act and the Omnibus Public Housing Preservation bills, two pieces of federal legislation that require identification on public housing applications, which will significantly impact immigrant access to public housing.



At the same time, while key social services are being cut, the NYPD budget remains largely untouched. Overpolicing of communities of color and the increasing expanding of the NYPD into social services- from homeless shelters to the subways- contributes to adverse public health impacts, and fails to keep our communities safe and healthy. Rather, we urge the City to invest in critical programs and social safety nets, in relief for everyone, regardless of work or status, and in keeping the organizations that serve communities of color and low income communities whole.

CPC appreciates the opportunity to testify on these issues that so greatly impact the communities we serve, and look forward to working with you on them. If you have any questions, please contact Carlyn Cowen at ccowen@cpc-nyc.org



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BROOKLYN DEFENDER SERVICES

Presented before

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Committee on Immigration
Jointly with the Committee on Housing and Buildings**

Oversight Hearing on Housing Disparities Facing Immigrant New Yorkers

April 13, 2021

I. Introduction

My name is Alexandra Dougherty, and I am a Senior Staff Attorney and Policy Counsel in the Civil Justice Practice at Brooklyn Defender Services (BDS). I want to thank the Committees on Immigration and Housing and Buildings, in particular Chair Menchaca and Chair Cornegy, for holding this important hearing. I am here today to express our strong support for expanding eligibility for housing subsidies and public benefits for New York City's immigrant residents.

Brooklyn Defender Services provides multi-disciplinary and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, for

nearly 30,000 clients in Brooklyn every year. BDS' Civil Justice Practice (CJP) aims to reduce the civil collateral consequences for our clients who have had involvement with the criminal, family or immigration legal systems. We also serve our clients with additional civil legal needs, such as accessing and maintaining public benefits, obtaining critical repairs, and reclaiming seized property. Even a minor housing or benefits issue, if unaddressed, can have insurmountable repercussions for our clients and their families who are often navigating legal issues in multiple systems. Our expertise lies in the intersection of these legal systems that have historically targeted Black, Latinx and low-income communities and the ways they contribute to the disproportionate rates of unemployment, homelessness and unequal access to education among the communities we serve.

BDS' immigration practice is a multi-unit practice that works to minimize the negative immigration consequences of criminal charges for noncitizens, represent our clients in applications for immigration benefits and defend our clients against ICE detention and deportation. Since 2009, we have counseled, advised, or represented more than 15,000 clients in immigration matters including deportation defense, affirmative applications, advisals, and immigration consequence consultations in Brooklyn's criminal court system.

II. Barriers to Housing Facing Immigrant New Yorkers

New York City is the most populated city in the United States and is home to large and growing vibrant immigrant communities. At the same time, it is a city characterized by a long-term affordable housing crisis that has only been exacerbated by the COVID-19 pandemic. Black and Latinx New Yorkers are disproportionately affected by the affordable housing crisis and live with the greatest rent burdens. For Black and Latinx immigrants, the crisis is even more acute. Immigrant-headed households are more likely to be rent burdened, severely rent burdened, and overcrowded than their nonimmigrant renter counterparts.¹ Now, when hundreds of thousands of tenants have lost employment due to COVID-19 and the vacancy rate of the most affordable housing stock is consistently under one percent, the intensifying housing crisis threatens the survival of the City's immigrant communities.

- **Access to benefits**

Faced with a dwindling supply of affordable housing, immigrant New Yorkers are further barred from accessing the federal, state, and local benefits that could help secure stable housing. The available public benefits and rental assistance programs in New York have strict eligibility criteria that exclude most non-citizens. NYCHA, for example, is the largest provider of affordable housing in the city, but many immigrant families are excluded due to residency requirements, which permit only households with at least one member who is a citizen or eligible

¹ 52% of immigrant-headed NYC households are rent burdened and 24% are severely rent burdened, as opposed to 42% and 17% of nonimmigrant-headed households. Likewise, 15.9% of immigrant-headed households are overcrowded (defined as more than one person per room), as opposed to only 9.6% of all households. Protecting Immigrant Homes: The importance of strengthening and expanding tenant protections for immigrant New Yorkers, Make the Road New York, April 2019.

noncitizen. Likewise, many non-citizens are ineligible to receive Public Assistance benefits, and accordingly are unable to access FHEPS or CityFHEPS for critical rental assistance.

Although mixed-status households who have at least one member who is a citizen or eligible non-citizen can access many benefits and subsidized housing, the family will get reduced assistance or be required to pay a pro-rated share of the rent. This complicated system of eligibility rules ultimately results in devastating consequences for immigrant families. Many mixed-status households are forced to choose between an affordable undersized and overcrowded apartment or a safe appropriately-sized home where the family's insufficient benefits will soon put them at risk of eviction.

- **Access to the formal housing market**

Many immigrant New Yorkers are barred from the so-called formal housing market because landlords routinely require excessive documentation like proof of credit, state identification, bank account information, and employment and rental history, much of which is impossible to obtain without citizenship or certain legal status. Without this documentation, immigrant New Yorkers resort to informal, unstable, and unsafe housing arrangements.

One BDS client, Ms. G, has consistently tried to get an apartment for herself but has not had a social security number long enough to establish credit. To arrange for housing, Ms. G to illegal subletting, where she has one bedroom to herself in a shared apartment and pays cash to the actual tenant. Ms. G has been feverishly applying for housing lotteries to get a low-rent unit but is unable to provide proof of her previous tenancies (lease, rent receipts, or letters from landlords) when asked.

Non-citizens often find themselves without the identification required by housing applications. Many of the people we serve are unable to access IDNYC or other government-issued IDs because eligibility requires an existing form of identification and proof of residency. Many non-citizens lack the necessary documentation to prove residency, such as bills, leases, bank accounts, or mail.² In our experience, only people who have access to their original birth certificates and unexpired passports have been able to successfully obtain a NYS driver's license after passage of the Green Light law. People who have experienced ICE detention or incarceration face additional hurdles to obtaining identification, as many times their documents are confiscated, not returned, or lost in the process. Other times, discrepancies in spellings of names or dates on IDs issued outside of the US make them unusable.

New Yorkers who lack traditional documentation remain stuck without a viable pathway to access housing, employment, or credit. Even with assistance through the application process, it is exceedingly difficult to obtain this documentation without existing identification. When Mr. A applied for IDNYC, he did not have any bills with his name as proof of residency, so he brought a piece of mail sent by our office and another piece of mail to his appointment. Knowing he may

² See list of accepted Identity and Residency Documents *available at* <https://www1.nyc.gov/site/idnyc/card/documentation.page>

experience challenges in the application process, a BDS social worker accompanied him to the appointment. While our social worker was able to provide copies of other pieces of mail—including mail from the IRS and a rental agency—the IDNYC employee refused to accept them and Mr. A’s application was denied.

Without access to this vital documentation, many non-citizens cannot demonstrate eligibility for services like supportive housing, are forced to resort to informal, unstable and unsafe living arrangements. Mr. P, for example, has been a BDS client for about 10 years. Despite living with serious mental illness and receiving consistent mental health treatment, Mr. P does not qualify for affordable housing through the City’s supportive housing services because he has no documentation to prove his immigration status. After his release from ICE detention, Mr. P’s employment authorization card application was erroneously denied, and he remains without proof of his status until that matter is resolved. His BDS attorneys continue to advocate for him on this matter. Although stable housing is essential for Mr. P to manage his mental health, his current arrangement staying with a friend is increasingly precarious. He will soon need to help his friend pay rent, but without his employment authorization card he remains unable to work, and his housing will be disrupted.

- **Harassment, discrimination, and fear**

Undocumented New Yorkers are at risk of harassment and discrimination based on their immigration status. Many of undocumented New Yorkers experience stigma and live in fear that revealing their status will result in punishment by the government or retaliation by their landlord or lessor.

Frequent and unpredictable changes to immigration policy throughout the Trump Administration stoked fear and uncertainty in immigrant communities. A February 2020 change to the public charge rule, for example, sought to broaden the definition of public charge, making more immigrants ineligible for a green card, visa, or admission based on their family’s receipt of public benefits. Early on, our office saw how the mere proposal of this rule immediately made immigrant families afraid to seek out programs and benefits that support their basic needs. The Department of Homeland Security (DHS) announced in March 2021 that they would no longer enforce the 2020 rule change. Pursuant to the current rule, the use of most public benefits programs, such housing programs, will not have an impact on an individual’s immigration status for purposes of public charge. However, the policy’s “chilling effects” have been devastating to the stability of immigrant families.³ The policy’s impact has been far-reaching, as it led many immigrant families to continue to be afraid to use public programs for basic needs for which they

³ In 2020, the Urban Institute found that approximately one in seven adults in immigrant families (13.6%) reported that they or a family member avoided public benefit programs, such as Medicaid, CHIP, SNAP, or housing assistance, because of concerns about future green card applications. Among families in which one or more members did not have a green card, the chilling effect was more severe - more than one in four (27.7%) adults in these families reported avoiding benefits because of green card concerns. *See* Hamutal Bernstein, Michael Karpman, Dulce Gonzalez, and Stephen Zuckerman, Urban Institute, “Immigrant Families Continued Avoiding the Safety Net during the COVID-19 Crisis” February 2021, *available at* <https://www.urban.org/sites/default/files/publication/103565/immigrant-families-continued-avoiding-the-safety-net-during-the-covid-19-crisis.pdf>

are eligible. The policy also created widespread confusion and general reluctance among our immigrant clients to access life-saving benefits that persists even after these policies have been revoked.

One BDS client, Mr. G, was facing eviction in Housing Court and eligible for CityFHEPS, which would protect his family from eviction and assure affordability going forward. However, he was unwilling to apply because he was fearful that the rules would change again and result in his green card application getting denied based on his family receiving the subsidy. Mr. G's decision was similar to that of many BDS clients who fear jeopardizing their immigration status.

III. The Impact of the COVID-19 Crisis

The COVID-19 pandemic is exacerbating existing housing problems for our immigrant clients. Many were already afraid of illegal eviction and hesitant to assert their rights in housing court. The pandemic has added job loss, food insecurity, and escalating landlord harassment to this precarious housing situation, all while courts remain closed and tenants feel unable to assert their legal rights. Unlike other vulnerable communities, many immigrant New Yorkers do not have access to the government assistance that could help them survive pandemic job loss and hardship. Undocumented workers and others with jobs in the informal economy have faced difficulty accessing COVID relief programs, such as expanded unemployment insurance. At the same time, immigrant New Yorkers are reeling from the fallout of closed immigration courts and limited and dysfunctional operations of United States Citizenship and Immigration Services (USCIS).

Without access to benefits or programs aimed at financial assistance or canceling rent, clients in already unstable or informal living situations will face self-help evictions or be evicted in holdover proceedings when landlords realize they cannot pay. Ms. R is an undocumented BDS client whose landlord threatened deportation if she did not move out. Although that is illegal harassment, she was afraid to risk further (illegal) repercussions, primarily that her landlord would resort to an illegal eviction rather than waiting for Housing Court to resume operations. She had nowhere else to go and did not want to risk her family's safety by entering shelter. Therefore, she chose not to pursue a housing court case against her to stop the harassment. To minimize scenarios like Ms. R's, access to financial assistance and housing subsidies is necessary for all New Yorkers, regardless of their immigration status.

IV. Recommendations

Brooklyn Defender Services supports the preconsidered Resolution calling on the State Legislature to pass, and the Governor to sign, legislation that would expand eligibility for the Disability Rent Increase Exemption to include certain categories of immigrant New Yorkers who are currently excluded.

State and local benefits and housing subsidies should be available for all people regardless of their immigration status. It is especially critical during our current public health crisis that these benefits be made available to all of those in need. However, these programs are narrow and only available to tenants in rent regulated or subsidized apartments who are either disabled or seniors.

Few, if any, of our clients would be affected by this change. As we described above, many of our clients, like many immigrant New Yorkers, have no choice but to rent unregulated apartments and accept informal living arrangements. The City can and should go beyond asking state legislature to act and should instead take action to ensure that all New Yorkers, regardless of income and immigration status, have access to safe, affordable, and permanent housing.

In addition to the resolution being considered today, we respectfully offer the following recommendations:

- **Expand eligibility for City FHEPS and public assistance, regardless of immigration status.** Instead of enforcing barriers to existing housing subsidies and vouchers, the City should be funding more accessible and better vouchers so that more tenants can secure and remain in affordable housing. Similarly, the City should be removing barriers to accessing and maintaining public benefits and grants so that New Yorkers in crisis have a real social safety net.
- **Replicate the SCRIE/DRIE structure on the local level by providing landlords with tax abatements to freeze rent at an affordable level for income-qualifying immigrant New Yorkers.** There is no justification for limiting access to affordable housing to disabled and senior New Yorkers.
- **Expand affordable housing options for immigrant New Yorkers beyond the immediate emergency of the COVID-19 pandemic.** New York could replicate a model implemented in Oakland, CA in which local financial institutions provide zero interest loans specifically intended to help recipients build credit. Programs like this seek to address underlying problems barring immigrant tenants from stable housing.
- **Expand documents accepted for IDNYC proof of identify.**⁴ Lack of access to photo identification creates a barrier to services for many immigrant New Yorkers. While both the City and State have taken steps to reduce barriers to getting an ID, required documentation can be impossible to provide for residents who are excluded services. Lowering barriers to obtaining IDNYC will in turn remove barriers from other services.
- **Expand eligibility for supportive housing and services, regardless of immigration status.** Expanding eligibility for supportive housing through New York's Single Point of Access (SPOA) Program would non-citizen New Yorkers remain connected to the treatment and stability they require.
- **Continue to fund civil legal services for low-income New Yorkers.** In addition to City Council funded Right to Counsel in Housing Court, we urge the City to continue to invest

⁴ Some examples documents that could be accepted as proof of identity are jail identification cards, medical records from jails, Immigration and Customs Enforcement (ICE) release paperwork, Department of Homeland Security Order of Supervision Program (OSUP) and Intensive Supervision Appearance Program (ISAP) documentation, and proof of a pending application with United States Citizenship and Immigration Services, such as a [Form I-797](#) Receipt Notice.

in and fully fund civil legal service providers that support New Yorkers before their housing situation escalates to housing court.

V. Conclusion

BDS will be celebrating 25 years since we opened our doors and began representing clients in Brooklyn. We have worked to protect the rights of the people in our communities every day since, but the Council continues to play a critical role in safeguarding New York City's immigrant community. As the devastating consequences of the COVID-19 pandemic continue to disproportionately affect low-income immigrant New Yorkers, we urge the City to consider the recommendations outlined above.

We thank the City Council for the opportunity to testify today and for your continued support of low-income immigrant New Yorkers. If you have any questions or concerns, please do not hesitate to contact me at adougherty@bds.org.

The NYC Eviction Prevention Roundtable to

The Committee on Immigration and the Committee on Housing and Buildings of the New York City Council Regarding T2021-7349

On behalf of a diverse group of property owners and operators, tenant advocates, community dispute resolution centers, and legal service providers known as the New York City Eviction Prevention Roundtable, we thank the Committee on Immigration and the Committee on Housing and Buildings for the opportunity to support Resolution T2021-7349.

The NYC Eviction Prevention Roundtable, comprised of a diverse partnership of stakeholders that included representatives from Enterprise Community Partners, Real Estate Board of New York (REBNY), Legal Aid Society, Homeless Services United (HSU), Court Appointed Special Advocates for Children (CASA), New York Association for Affordable Housing (NYSFAFH) and others was convened by Enterprise to develop upstream solutions to prevent evictions as part of the broader [Project Parachute](#) initiative.

Together, roundtable participants are seeking to develop options for assisting lower-income tenants who are in arrears to avoid eviction through interventions “upstream” of the legal eviction process. The Roundtable created a set of [policy recommendations](#) to streamline and expand eligibility for existing assistance programs, align them more closely with the cost of housing, and address growing economic need.

FASTEN (Funds and Services for Tenants Experiencing Need) and Lessons Learned

The Roundtable was convened as part of Project Parachute, a coalition of owners, non-profit organizations and service providers based on the shared commitment to help vulnerable tenants during the pandemic and in its aftermath. Through FASTEN (Funds and Services for Tenants Experiencing Need), Project Parachute has provided funding, administered by Enterprise, to the City’s seven Homebase community-based providers, organizations that are already on the frontlines of helping those experiencing or on the verge of homelessness and have the existing experience and infrastructure, such as walk-in clinics, to provide a range of social services to help more low-income New Yorkers impacted by COVID-19, especially those in the undocumented community.

Our undocumented neighbors have suffered through a hostile federal administration which instilled deep fear in the community, particularly of access to government resources. They have also suffered disproportionately in the wake of COVID-19 given the industries impacted by shutdowns and exposure risk. The private resources provided through FASTEN have been a lifeline for the community, who has not been able to access any government resources to date. Even as new government resources become available, we anticipate that fear and extensive documentation requirements may limit participation.

From our work administering FASTEN, we have learned some key lessons regarding how to best support the housing needs of our undocumented neighbors. We encourage you to keep these in mind when designing or updating government programs, and to encourage these strategies in any complementary programs outside government:

- Given their vulnerability and the open hostility of the last four years, many are extremely hesitant to come forward for government resources. It takes a lot of effort on the part of community-based organizations to build trust in this community – this includes focused and thoughtful outreach strategies, providing access to translation services, building partnerships with organizations already trusted in this community, and leveraging word of mouth referrals.
- FASTEN offers comprehensive support beyond rental arrears assistance, including landlord mediation and legal assistance to help them remain housed in the immediate crisis once eviction moratoriums lift; helping them stabilize more holistically with resources like food relief, affordable health services and utility arrears assistance; and helping them sustain stable housing through access to financial counseling and job search assistance, and other service referrals. This holistic approach is helpful because offering things like emergency food resources helps build early trust to help with larger matters later like rental arrears and landlord mediation.
- Since many do not have documents traditionally required to demonstrate needed, flexibility in application requirements is important, including allowing self-attestation.
- This population is particularly vulnerable to illegal eviction and landlord harassment, so many face the threat of eviction regardless of the moratorium. They also tend to live in complex arrangements, including being doubled or tripled up, or lacking a lease, which requires creative solutions to confirming and paying arrears. Primary tenants and landlords may also be hesitant to participate in programs when they are leasing to the undocumented community

Expanding Eligibility for DRIE

Government programs such as DRIE are crucial to our neighbors who have disabilities, with 34% of working-age individuals who are differently-abled in New York City living in poverty, over twice the rate of individuals without disabilities, according to a report produced by the State Comptroller in October 2019.¹ We must prioritize protecting these vulnerable populations and ensure that they are able to keep up with rental payments on fixed incomes, as property owners increase rents commensurate with increasing taxes, operating costs, maintenance costs, sustainability requirements, labor and capital improvements.

DRIE vouchers expand housing choice for New Yorkers across neighborhoods and provide for mobility and increased opportunity for people with disabilities. Programs such as DRIE are proven cost-effective methods of ensuring people can stay in their homes. Academic papers from both the Center on Budget and Policy Priorities and the National Bureau of Economic Research document that it is more cost-effective for government intervention to keep or place someone in their home than it is to provide temporary shelter. Landlords want services and support that help ensure the long-term stability of tenants and timely, complete payment.

The Eviction Prevention Roundtable therefore supports the expansion of eligibility of the DRIE program while recognizing that improvements can be made in its administration and enforcement of source of income discrimination laws. Over the past eight months administering FASTEN, we have learned a few key lessons for success: a holistic approach is critical for program success, there must be dedicated outreach strategies to address resident concerns around accepting government assistance, and lastly, property owners and city agencies must fully cooperate and be bought in to the program.

Ensuring Undocumented Residents Can Access Rent Relief

¹ “Employment trends for People with Disabilities in New York City,” Office of the New York State Comptroller, October 2019. <https://www.osc.state.ny.us/osdc/rpt7-2020.pdf>

Lastly, we are encouraged that the new emergency rental assistance program will be available to undocumented individuals. We strongly encourage prompt and efficient administration of these resources, with a particular emphasis on messaging and accessibility. New Yorkers must be made aware of the assistance available to them. Language barriers and a lack of access to technology or digital literacy tend to impede otherwise eligible foreign-born persons from pursuing and receiving such resources, as evidenced by the months of efforts FASTEN caseworkers put in ever for non-governmental assistance. Many foreign-born tenants will need assistance, accommodations, and alternative application methods to access emergency rent relief.

The emergency rental assistance program is an urgently needed intervention to address the pandemic rent arrears crisis. While we applaud that effort, we must acknowledge that undocumented New Yorkers also desperately need and deserve solid city and state funded mechanisms to combat the housing disparities they face overall and to have access to ongoing assistance as needed, not just DRIE. Thank you for the opportunity to provide testimony on this important issue. The members of NYC Eviction Prevention Roundtable are available for further discussion on the recommendations.

Signed,

Enterprise Community Partners
Real Estate Board of New York
The Legal Aid Society
Homeless Services United
New York State Association for Affordable Housing (NYSFAFH)
New York Peace Institute
LISC NYC
WIN
Phipps Houses
L & M Development Partners
C & C Management
Supportive Housing Network of New York

CONTACT:

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Testimony re: Housing Disparities Facing Immigrant New Yorkers
Submitted to
NYC Council Committee on Immigration and Committee on Housing and Building

Submitted by
Yamilka Mena
Director of Immigration Initiatives
Hispanic Federation

April 13, 2021

Good afternoon. My name is Yamilka Mena and I am the Director of Immigration Initiatives at the Hispanic Federation. I would like to thank Chairs Menchaca, Cornegy and all committee members for bringing us together today to discuss the housing disparities that immigrant New Yorkers continue to face.

The past year has created unprecedented challenges for all communities worldwide. The COVID-19 pandemic has pulled the curtain back, highlighting the inequities that have long existed in the immigrant and Latino communities, and putting them at the forefront of continuous debate. In the face of these devastating challenges, Hispanic Federation has provided an unparalleled response by investing millions in emergency assistance to address inequities in COVID-19 response amongst the Latino immigrant community. Our COVID-19 Relief Fund has committed over \$8.1 million dollars to provide vital food, health, housing, immigration, and employment services supporting 300 frontline Latino, Black, and immigrant-led organizations. These efforts have also provided direct relief to support struggling families and 711 small businesses with grants totaling \$5.1 million dollars, in addition to committing another \$2.5 million dollars to address the growing concerns of food insecurity in communities of color by restocking food pantries.

Recent federal initiatives largely excluded immigrants, particularly the undocumented community, from receiving much-needed aid. Undocumented immigrants and their families were denied stimulus support, unemployment benefits and the expansion of social benefits such as non-emergency Medicaid, SNAP, SSI, TANF, and most housing assistance programs. This is perpetuated more so during the pandemic where immigrants have continued to be disproportionately affected by rent increases, illegal evictions, and overcrowded households. While we are proud to have supported the Excluded Workers Disaster Income Replacement Fund that recently passed through the state legislature, the lack of sustainable response is still concerning for us.

The state's \$2.1 billion fund creates two tiers in which one-time unemployment benefits will be provided to undocumented immigrants:

- **Tier 1:** Excluded Workers can receive \$15,600 (calculated at \$300 per week for 52 weeks). These workers must show a valid Individual Taxpayer Identification Number (ITIN), or a letter from an employer, valid pay stubs, W-2, and more.
- **Tier 2:** Excluded Workers can receive \$3,200 (the same amount of federal stimulus payments) if they can certify their identity, residency and show alternative proof of work-related eligibility.

This legislation is a huge win for our communities but was never meant to be a sustainable solution to existing housing disparities that immigrants face. The proposed Resolution to expand Disability Rent Increase Exemption (DRIE) benefits to additional immigrant communities can be a step toward supporting those who have been continuously left out in a more sustainable way.

Impact of COVID-19 on Immigrant New Yorkers & Housing

According to the Center on Budget and Policy Priorities, nearly 1 in 5 renters are not caught up on rent during the pandemic, with renters of color facing the greatest hardship. Specifically, 36% of Black (non-Latino) and 29% Latino (any race) vs. 12% White (non-Latino) renters say they are not caught up on their rent. Paired with high unemployment rates and increased demand for hunger relief and other critical supports, our communities are facing an economic crisis never imagined. The moratorium on evictions and foreclosures has provided some relief during these uncertain times but what will happen once the moratoriums end and New Yorkers cannot pay the rent that is due.

Despite Governor Cuomo's Executive Order signed to extend eviction protections in New York State, our immigrant community continues to struggle with the risk of eviction. Although eviction protections have been extended to May 1, 2021,¹ if a hardship form is filled out, immigrants who have experienced job loss and health issues have no means to cover rent expenses potentially dating back to last year. Additionally, as tenants moving forward will now have to prove financial hardship directly tied to COVID-19, landlords are more likely to take vulnerable immigrants to court seeking rent payments. These are fees, time, and energy that New York's immigrant community does not have the luxury to address during these pressing times. Furthermore, throughout this pandemic, immigrants have been the largest target of illegal eviction attempts by landlords exploiting immigration status and widespread fear of contacting the police to address such threats. A lack of culturally and linguistically competent information regarding the many updates to eviction protocols and rights of New York tenants has meant that immigrants have inordinately been excluded from city protections increasing their exposure and vulnerability during this public health crisis. This lack of information extends to the DRIE program and its eligibility.

DRIE and Immigrants

The DRIE program was created in 2005 to keep disabled individuals in their homes by protecting their rent from increasing. The 2019 American Community Survey states that about 6.8 percent

¹ NYC Eviction Moratoria and Courthouse Operations FAQ

<https://www1.nyc.gov/content/tenantresourceportal/pages/eviction-moratorium-and-courthouse-closures>

of New York City's population lives with a disability, and as many as 208,620 of those individuals are foreign-born. Because the program requires proof of disability that only U.S. Citizens or certain immigrants can provide, disabled undocumented immigrants are left out. By expanding this program, the city is creating a more sustainable form of monetary support for undocumented disabled immigrants. This underserved population can benefit immensely from a longer lasting benefit like DRIE.

Recommendations

New York City must acknowledge and address the inequities of COVID-19 responsiveness towards immigrants by immediately implementing and prioritizing services that address the varied challenges disproportionately affecting our community by:

- Passing the Resolution to expand access to DRIE for other immigrants, including undocumented immigrants.
- Expanding the commitment of City funding towards emergency cash assistance programs to continue addressing the unprecedented economic challenges still faced by immigrant New Yorkers, particularly with the rent assistance.
- Emphasizing the distribution of multi-lingual community updates pertaining to the ever-changing status of eviction protections and current NYC tenant rights.
- Support continued expansion of food pantries, all City feeding programs, and increasing food allowances for all emergency housing programs.

Thank you for your time. Hispanic Federation is committed to work with the New York City Council to continue to protect immigrant New Yorkers during the COVID-19 pandemic and towards an equitable recovery.

Testimony Before the New York City Council
Committee on Immigration
Testimony of Jean Park – Project Coordinator
The Korean Community Services of Metropolitan New York, Inc. (KCS)

Good afternoon. My name is Jean Park, and I am a project coordinator at Korean Community Services (KCS). KCS is a non-profit organization located in Bayside, NY. KCS has been serving the Korean-American community with programs focusing on Aging, Education, Immigration, Workforce Development, Public Health and Mental Health. We aim to assist those in need to overcome economic, health and social difficulties to create independent and thriving people in the community.

I would like to highlight our needs in immigrant health initiative-Tobacco Cessation Funding and ask for your support in reducing the use of tobacco in the immigrant communities of NYC. KCS is part of the Coalition Against Smoking in Immigrant Communities that seeks to implement a Tobacco Use Navigator Model citywide. Smokers will have contact with clinical providers, tobacco cessation resources and information that fit best linguistically and culturally. Ultimately, the program's goal is to reduce tobacco use disparities among immigrant populations in NYC.

As of November 2019, New York State Department of Health reported 165 patients of E-cig vaping associated lung injury (EVALI) from all regions of NYS, including a EVALI death. There have been 2,051 confirmed cases of lung injury reports nationwide. In NYS, the age range of patients are from 14 to 71 years old with 62% being under the age of 25 years old. As the number of e-cigs and vape users rise, we believe that the number of reports will also rise.

Smoking within the city has decreased from 21.5% in 2002 to 13.4% in 2017 with the efforts of the NYC Council and the Department of Health and Mental Hygiene, but smoking rates in immigrant communities have either plateaued or even increased. Smoking amongst Asian men increased from 19.6% in 2002 to 23.5% in 2016. Assumptions can be made that either the immigrant communities are unaware of the services and efforts to combat smoking or have been resilient against them. The linguistic and cultural barriers are also a reason why the efforts to decrease smoking are ineffective.

During this Covid-19 pandemic, our program has become even more important. Smoking brings adverse health outcomes which weakens the lungs to dangerous respiratory infections and diseases. Covid-19 primarily targets the lungs and smokers are at risk to be affected with the worst symptoms. Those Covid-19 patients may be admitted to intensive care, require mechanical ventilation and suffer more severe health conditions. With our program we can educate our Asian communities about the dangers of smoking with our workshops, outreach team, and counseling service to decrease the amount of smoking among our Asian communities.

Thank you so much for your hard work and time!



**Testimony Before
The Council of the City of New York
Committees on Immigration, Housing, & Buildings
Housing Disparities Facing Immigrant New Yorkers
April 13, 2021**

The plight of the immigrant New Yorker is at the core of this city’s history, culture, and vibrancy. The Legal Aid Society (LAS) is rooted in that plight. Founded in 1876 to provide legal assistance to low-income German immigrants, our client base quickly expanded to a diverse clientele of immigrant New Yorkers hailing from 37 countries. We were the first legal office of its kind in this nation and for 145 years we have remained true to that legacy as tireless advocates for the most vulnerable New Yorkers. We are the largest and oldest provider of legal services to low-income families and individuals in the United States.

From offices in all five boroughs, the Society annually provides legal assistance to low-income New Yorkers in some 300,000 legal matters. The Immigration Law Unit (ILU) provides legal representation to New Yorkers seeking relief for themselves and their families. The ILU assists those in detention and fighting unlawful deportations, and represents low-income individuals in gaining and maintaining lawful status. Combining this representation with affirmative litigation work, the ILU strives to ensure that families are able to stay together and stabilize their living situations. Over the most recent year, ILU assisted in nearly 4,500 individual legal matters benefiting over 10,500 New Yorkers citywide.

The Civil Housing Practice works to promote housing stability and prevent homelessness amongst the city’s most vulnerable families and individuals. We take a three-pronged approach: defending individuals and families facing evictions in housing court; group advocacy work on behalf of tenant associations; and law reform efforts through which we resolve systemic inequities.

Within the last year, the Housing Practice addressed over 18,000 housing matters, benefitting over 46,000 people.

Yet despite our best efforts—from 19th century tenement living, when our firm was founded, to this modern day—one challenge remains constant for immigrant New Yorkers: a gross disparity in housing. It is our undocumented neighbors, many of whom were deemed “essential” at the height of the COVID-19 pandemic in this city, that today bear the brunt of this lasting inequity.

New York’s affordable housing crisis is dire in general; for undocumented New Yorkers, it is acute.

The housing inequities facing undocumented New Yorkers are rooted in their lack of immigration status, and are a result of the conditions under which they are compelled to live and work. Although undocumented New Yorkers are significant contributors to the city economy, and have greater relative participation in the city’s labor force compared to U.S.-born workers (almost 78% for the former compared to less than 65% of the latter), their median annual earnings (\$25,300), even with increases in educational attainment, are significantly lower than the earnings of U.S.-born New Yorkers (\$45,500).¹ This is due in part to the heavy concentration of undocumented immigrants in vulnerable construction and service occupations.^{2,3} Considering the low wages and high poverty rate observed amongst undocumented New Yorkers,⁴ it is no surprise that immigrant-headed households carry a higher gross rent burden than households headed by

¹ NYC Mayor’s Office for Economic Opportunity (MOEO), *An Economic Profile of Immigrants in New York City 2017 11* (February 2020), <https://on.nyc.gov/3s016wL>.

² *Id.*

³ NYU Furman Center, *What are the Housing Costs of Households Most Vulnerable to Job Layoffs? An Initial Analysis* (Mar. 30, 2020), <https://furmancenter.org/thestoop/entry/what-are-the-housing-costs-of-households-most-vulnerable-to-job-layoffs-an>.

⁴ NYC MOEO, *An Economic Profile*.

U.S.-born New Yorkers.⁵ In New York City, forty-nine percent of immigrant-headed households were severely rent-burdened before the COVID-19 pandemic.⁶ Immigrant New Yorkers also face substantially higher overcrowding rates, the percentage of units with more than one person per room, than New Yorkers overall.⁷ For low-income households, 22.1 percent of immigrant-headed households lived in these overcrowded conditions.⁸

Undocumented New Yorkers face unique barriers in finding and keeping homes. In our experience, undocumented clients are often constrained by standard apartment applications which require specific forms of identification, including Social Security Numbers. These clients lack credit history, and are often unable to provide proof of income due to informal employment arrangements. As a result, they have difficulty in finding apartments through typical avenues. This makes undocumented tenants more vulnerable to unscrupulous landlords and neighbors, who may exploit their circumstances and threaten to call ICE should the undocumented person attempt to seek repairs, heat, or hot water. As such, undocumented tenants are often afraid to seek assistance from authorities when experiencing substandard living conditions, harassment, or illegal evictions.

The Trump Administration's immigration enforcement was indiscriminate, and its immigration policies were brutal. Many noncitizens still live in fear of detention and deportation. Those fortunate enough to have been released from ICE detention immediately confront potential homelessness, as there are no housing plans or options for such individuals, apart from the city shelter system. This housing instability can make reintegration after incarceration difficult, and can also complicate efforts to secure immigration relief, since the lack of a fixed address can make

⁵ Make the Road New York (MRNY), *PROTECTING IMMIGRANT HOMES: The importance of strengthening and expanding tenant protections for immigrant New Yorkers* 7-8 (April 2019), <https://maketheroadny.org/protecting-immigrant-homes/>.

⁶ *Id.*

⁷ *Id.* at 9.

⁸ *Id.*

it harder to demonstrate ties to the community, which is a discretionary factor considered by immigration judges.

By far, the biggest barrier to bridging the housing gap for undocumented New Yorkers is the lack of access to government assistance. Undocumented immigrants are largely ineligible for means-tested housing programs and subsidies, like NYCHA public housing and Section 8, due to restrictions related to immigration status. These rules wholly exclude entirely undocumented families and can render unaffordable otherwise affordable housing for families with mixed immigration status. The Mayor’s Office of Immigrant Affairs (MOIA) estimates that “there are about 161,000 undocumented residents who would be eligible to apply for and receive state and federal means-tested public benefits due to their low-income (below 200% of the Federal Poverty Level), but for their immigration status.”⁹ MOIA acknowledges that the actual number is likely much larger.

Undocumented New Yorkers are “essential,” yet bear the brunt of COVID-19 devastation alone.

Undocumented New Yorkers were disproportionately affected by the devastation at the height of the COVID-19 pandemic and are still dealing with its ramifications. The housing challenges facing undocumented New Yorkers—particularly the troubling intersection of job insecurity, low wages, overcrowding, and high rent burdens—are magnified at this time. Over half of the city’s essential workers are immigrant New Yorkers,¹⁰ city-dwellers who are more likely than others to live in units with more than one person per room.¹¹ This means that the immigrants

⁹ NYC Mayor’s Office of Immigrant Affairs (MOIA), *FACT SHEET: COVID-19 HEALTH AND ECONOMIC IMPACTS ON IMMIGRANT COMMUNITIES* (July 2020),

<https://www1.nyc.gov/assets/immigrants/downloads/pdf/covid-immigrant-fact-sheet-20200731.pdf>

¹⁰ *Id.*

¹¹ MRNY, *PROTECTING IMMIGRANT HOMES*.

who were able or required to work throughout the pandemic (for example, delivery workers), were more likely to return to denser homes and neighborhoods, placing themselves, their loved ones, and their communities at higher risk of contracting COVID-19. In fact, MOIA found a correlation between the concentration of immigrants in a ZIP code and the rates of both COVID-19 infection and death in those ZIP codes.¹²

At the same time, immigrant workers were also most susceptible to job loss due to pandemic closures and preventative measures. “The economically at-risk occupations that employ the largest number of undocumented immigrants include service occupations, such as housekeepers, security guards, and nail salon workers, as well as construction workers and sales workers.”¹³ Restaurant workers faced a dual reality: although they may have been deemed “essential” by the state, a decrease in the demand for services still rendered them jobless.¹⁴ Undocumented workers are ineligible for unemployment insurance benefits, and were largely excluded from federal stimulus relief.¹⁵ Without government relief aid, our unemployed, undocumented neighbors were largely left to fend for themselves with no income and little opportunity for employment as many businesses remained shuttered or at limited capacity.

Many of the Society’s undocumented housing clients are enmeshed in non-payment cases due to a loss of income as a result of the pandemic. These are our most difficult cases as there are few, if any, options for addressing high rent arrears accrued during the pandemic. Applicants must show proof of income and a future ability to pay ongoing rent to receive a One-Shot Deal from the Human Resources Administration (HRA) or aid from most city charities. Undocumented clients

¹² MOIA, *FACT SHEET*.

¹³ *Id.* at 5.

¹⁴ *Id.* at 4; fn 6.

¹⁵ Center for an Urban Future, *Under Threat & Left Out: NYC’s Immigrants and the Coronavirus Crisis* (June 2020), <https://nycfuture.org/research/under-threat-and-left-out>. See generally, for an assessment of the economic impact of COVID-19 on immigrant communities and the effect of exclusion from government relief assistance.

are often unable to produce such documentation due to the informal nature of their employment. As it stands, the FASTEN grant offered by Project Parachute really is the last hope potentially available to undocumented clients deemed otherwise ineligible for One-Shot Deals. It is their only lifeline. And while the city continues to re-open, the process is slow. Many service workers remain unemployed.

Undocumented New Yorkers need and deserve a solid path forward.

We are heartened that the new emergency rental assistance program will be available to undocumented individuals. We strongly encourage prompt and efficient administration of these resources, with a particular emphasis on outreach and accessibility. New Yorkers must be made aware of the assistance available to them. Language barriers and a lack of access to technology or digital literacy tend to impede otherwise eligible foreign-born persons from pursuing and receiving such resources.¹⁶ We see this firsthand at Legal Aid, as it is particularly challenging during this pandemic to exchange documents and communicate with our clients who lack devices or have difficulty navigating them. It is a burdensome obstacle for our clients and our work. Many foreign-born tenants will need assistance, accommodations, and alternative application methods to access emergency rent relief.

The emergency rental assistance program is an urgently needed intervention to address the pandemic rent arrears crisis. While we applaud that effort, we must acknowledge that undocumented New Yorkers also desperately need and deserve solid city and state funded mechanisms to combat the housing disparities they face overall. Initiatives like the Housing Access Voucher Program, a rental assistance program championed by State Senator Brian Kavanagh which includes eligibility for New Yorkers who are undocumented or in mixed status families, are

¹⁶ *Id.*

a step in the right direction. So too, is the proposed expansion of eligibility for the Disability Rent Increase Exemption (DRIE) to immigrant New Yorkers who are currently excluded. We support Council Member Dromm’s resolution calling on the State Legislature to pass, and the Governor to sign, such legislation. We need more efforts in this vein.

New York deems itself a “sanctuary city,” and we acknowledge a right to housing, yet offer little in the way of refuge for the most vulnerable contributors to our society. For 145 years, LAS has been advocating for immigrant New Yorkers as they struggle to overcome the disparities they face in their quests for a better life. As social reformer Jacob Riis noted in 1890 (in unfortunately gendered language),

The poorest immigrant comes here with the purpose and ambition to better himself and, given half a chance, might be reasonably expected to make the most of it. To the false plea that he prefers the squalid homes in which his kind are housed there could be no better answer. The truth is, his half chance has too long been wanting, and for the bad result he has been unjustly blamed.¹⁷

How much longer shall these essential community members wait, how much more shall they endure, before they are recognized for their contributions and offered an opportunity to attain a stable and affordable place to call home?

Respectfully submitted,

Leslie Ann Caraballo
Law Graduate, Civil Practice

¹⁷ JACOB A. RIIS, HOW THE OTHER HALF LIVES (1890).

Cynthia Jackson v. American Stock Transfer

To: American Stock Transfer [Asher
Richelli

From: Stevie E Hipp [Representative] via
Cynthia Jackson

Re: UnHealthy Work Environment

I [Ms. Cynthia Jackson] being a former employee of the company identified as and / or recognized as [American Stock Transfer- AST]with the location identified 6201 15th Avenue located in the Borough Park section of Brooklyn, N.Y. 11219 Where I [Cynthia Jackson] was present at the previously described location while in the presence of [MS. Aurelia Morales] supervisor where the following conversation occurred and /or took place wherein as the complaint was work related.

As I [Cynthia Jackson] began to inquire about the temperature being adjusted because the company didn't provide heat from the month of November 2019- through the month of March 2020 winter season during the month of when the reply statement made by [Ms. Aurelia Morales] was it is supposed to be on and the conversation ended from there. However I [Ms. Cynthia Jackson] continued and insisted that someone else could make that decision because this affects people's health,life, and most of all their well being.

Subsequent days thereafter immediately following I [Ms.Cynthia Jackson] began to develop and experience sudden illnesses that had never been experienced previously
Such as

On the date of 09/18/2020 I [Ms.Cynthia Jackson] was sent to see a [Pulmonologist - Lung Doctor due to determine the exact extent and/ or severity of my breathing difficulties and it was stated by the doctor that my new condition is a direct result of the unsafe and / or improper Maintenance of the property and / or facility, wherein as I [Ms. Cynthia Jackson] was treated for severe Respiratory distress [Trouble Breathing] where I was given the medical diagnosis of being an asthmatic and also having pneumonia in conjunction with bronchitis which will require the continuous care and / or monitoring of a Pumonologist who can professionally ensure that aspect.

In addition there have been other individuals that have also come across the same situation and the issue has not been resolved yet it has become worse wherein as individuals have acquired multiple illnesses as a direct result of improper maintenance.

At this time I [Ms. Cynthia Jackson] am seeking my proper exit package which is to contain compensatory medical distress incurrances

Insofar as my departure on the date: 07-13-2020 my concern is that both parties hereby agree that parties will claim any and / or all affiliations and / or associations.

In summation American Stock Transfer agrees to compensation in the amount \$125,000.00 with the following to wit:

American Stock Transfer at no time will hold no reservations and / or derogatory defaming statements in conjunction with the severance and / or affiliation within both parties.

Respectfully Yours
Stevie E. Hipp

Paralegal / Investigator
Cell: 646-806-9022
Email: Steviehipp@gmail.com

Print Name: _____
Sign Name: _____
Date: _____



TESTIMONY FOR A PUBLIC HEARING ON:

Resolution calling on the State Legislature to pass, and the Governor to sign, legislation that would expand eligibility for the Disability Rent Increase Exemption to include certain categories of immigrant New Yorkers who are currently excluded.

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL COMMITTEE ON IMMIGRATION
CARLOS MENCHACA, CHAIR

&

THE NEW YORK CITY COUNCIL COMMITTEE ON HOUSING AND BUILDINGS
ROBERT E. CORNEGY, Jr., CHAIR

PRESENTED BY:
TRISHA SOBHA
STAFF ATTORNEY
MOBILIZATION FOR JUSTICE, INC.

APRIL 13, 2021

MOBILIZATION FOR JUSTICE, INC.

100 WILLIAM STREET, 6th Floor

NEW YORK, NY 10038

212-417-3700 ext.3913

tsobha@mjllegal.org

I. Introduction

Mobilization for Justice envisions a society in which there is equal justice for all. Mobilization for Justice's mission is to achieve social justice, prioritizing the needs of people who are low-income, disenfranchised or have disabilities. We do this by providing the highest quality direct civil legal assistance, conducting community education and building partnerships, engaging in policy advocacy, and bringing impact litigation.

For over 50 years, Mobilization for Justice has been providing civil legal services to poor and low-income New Yorkers. Mobilization for Justice began as the legal arm for Mobilization for Youth, a large community-based anti-poverty program founded in 1962. In 1968, we began an independent organization, incorporated as MFY Legal Services, Inc. When the federal Office of Economic Opportunity began funding community-based legal services programs, our model became the prototype for hundreds of new programs. By our 25th anniversary in 1988, MFY Legal Services was recognized as a national leader in poverty law, having served tens of thousands of low-income New Yorkers and won numerous test cases. In 2017, we changed our name to Mobilization for Justice (MFJ) to better reflect the expanded scope of our work while honoring our roots.

Throughout our history, we created a new model of legal representation for the poor – combining direct service with impact litigation to address the underlying inequities facing our clients, which have become even more apparent within the last year.

The Immigration Law Project (ILP) at MFJ works to improve the lives of immigrants and their families by assisting immigrant families and children from Latin America, West Africa, the Middle East, and Asia obtain residency and citizenship. By working directly with community-based organizations to develop clinics in low-income immigrant communities, we help Special Immigrant Juvenile Status (SIJS) children obtain Special Findings Orders in Family Court and assist individuals and families in both affirmative and defensive litigation to obtain Adjustment of Status, Citizenship, Green Card Replacement, U-visa, T-visa, Temporary Protected Status, and Asylum. We provide application assistance and interview advocacy for immigrant families and children at United States Citizenship and Immigration Services (USCIS) offices and represent families in affirmative and defensive matters at the Executive Office of Immigration Review (EOIR), commonly referred to as the New York Immigration Courts. ILP receives funding through the Immigration Opportunity Initiative (IOI) grant, administered by the City of New York Mayor's Office of Immigrant Affairs (MOIA) and the Human Resources Administration (HRA).

In this testimony, we will highlight several reasons why the Disability Rent Increase Exemption (DIRE) should be expanded to include immigrants who are currently excluded. These reasons include:

- Existing eligibility requirements for DIRE currently exclude certain immigrants and undocumented immigrants with disabilities who are otherwise eligible for DIRE but for their immigration status;
- Excluding qualifying people with disabilities from DIRE because of their immigration status is discrimination based on immigration status; and

- The immigrant community have been amongst the hardest hit by COVID-19 and providing no alternative for immigrants to prove their disability makes it increasingly difficult for them to afford future rent increases, inevitably leaving them vulnerable to homelessness, hospitalization, or placement in nursing homes.

II. Existing Eligibility Requirements for DRIE Currently Exclude Certain Immigrants and Undocumented Immigrants with Disabilities Who Are Otherwise Eligible for DRIE, But for Their Immigration Status

DRIE is an essential program that protects low-income New Yorkers who have disabilities by exempting them from future rent increases. DRIE allows people with disabilities to remain in their own home and within their community with dignity. Through DRIE, recipients' rent is frozen and their landlord would receive tax credit equivalent to the amount of future rent increases. DRIE greatly minimizes the risk of people with disabilities becoming homeless or unnecessarily institutionalized.

Under DRIE, the applicant must prove both that they are disabled and that they are eligible for federal benefits. To prove that they are disabled, the applicant must receive one of the following federally funded disability benefits: (1) Federal Supplemental Security Income (SSI); (2) Federal Social Security Disability Insurance (SSDI); (3) U.S. Department of Veterans Affairs disability pension or compensation; or (4) Disability-related Medicaid if the applicant has received SSI or SSDI in the past.¹

For an immigrant to be eligible for federal benefits, including the four benefits that determine DRIE eligibility listed above, they must be a “qualified” immigrant.² Any immigrant who is not a “qualified” immigrant is ineligible for federal public benefits.³ As a result, the DRIE program excludes other immigrants and undocumented immigrants who would otherwise qualify for DRIE, but for their immigration status.

Because certain immigrants and undocumented immigrants do not qualify for the federal disability income assistance required to prove that they are disabled, they are ineligible for DRIE. These individuals are left without any assistance despite their disabilities and are at great risk of being forced out their homes because they are unable to pay future rent increases. Currently, the DRIE program does not provide these individuals with any alternative, non-discriminatory ways, to prove their disability.

¹ NY CLS RPTL § 467-b(5)(a)

² 8 U.S. Code § 1641 (defines “qualified” immigrant for federal public benefits)

³ 8 U.S. Code § 1611(a) “Notwithstanding any other provision of law and except as provided in subsection (b), an alien who is not a qualified alien (as defined in section 1641 of this title) is not eligible for any Federal public benefit (as defined in subsection (c));” 8 U.S. Code § 1611(c)(1)(B) “Except as provided in paragraph (2), for purposes of this chapter the term “Federal public benefit” means—any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States.”

III. Excluding Qualifying Disabled Individuals for DRIE Because of Their Immigration Status is Discrimination Solely Based on the Individual's Immigration Status

Excluding certain immigrants, including those who are undocumented, from DRIE because they do not qualify for federal disability benefits solely because of their immigration status, is discrimination based on immigration status. Under current program rules, a 55 year-old undocumented immigrant has no way to access the DRIE program even if they have the same exact income and disability as a 55 year-old citizen who has DRIE. This is discrimination, and it is completely unacceptable.

It is important to note that Senior Citizen Rent Increase Exemption (“SCRIE”), an equivalent rent assistance benefit available to New Yorkers over 62 years old, does not require that the applicant receive a federal disability benefit in order to be eligible for SCRIE.⁴ Under current program rules, a 60 year-old undocumented immigrant has no way to access rent increase relief from SCRIE or DRIE even if they have the same exact income and disability as a 62 year-old undocumented immigrant who has SCRIE. This is illogical, unfair, and bad public policy because it allows certain immigrants who have disabilities to lose their rent stabilized apartments — sometimes only a year or two before they would have become eligible for SCRIE.

Simply put, the DRIE program must stop discriminating based on immigration status.

IV. Immigrants Have Been Amongst the Hardest Hit by COVID-19 and Providing No Alternative for Immigrants to Prove Their Disability Makes It Increasingly Difficult to Afford Future Rent Increases, Leaving Them Vulnerable to Homelessness, Hospitalization, and Placement in Nursing Homes

Immigrants have been the hardest hit during the COVID-19 pandemic resulting in devastating economic impacts for them. Many immigrants have lost their jobs or are subject to unfair wages and discrimination based on their immigration status. A significant amount of their income is allocated to rent. When immigrants who have severe disabilities are hit with rent increases, they often are faced with the choice between paying for rent or basic necessities, such as medicine or food.

Furthermore, if immigrants with disabilities that prevent them from working are not able to afford future rent increases and do not receive any rent assistance, they are vulnerable to homelessness, hospitalization, or placement in nursing homes that have been plagued by COVID-19. Homelessness has been on the rise in New York City since COVID-19 as a result of many not being able to afford their rent, including immigrants.⁵ Homelessness comes at a great cost, not only to individuals and families but also to New York City and New York State. Unnecessary institutionalization (the Medicaid reimbursement rate for nursing homes in New

⁴ *An Advocate's Guide to the NYC Senior Citizen Rent Increase Exemption (“SCRIE”) Program*, Elderly Project, Volunteers of Legal Service, Inc (2020)

⁵ Rebecca Chowdhury, *COVID-19 is Driving Homelessness for Undocumented Immigrants in New York*, Documented NY (April 8, 2021)

York City is as high as \$320 per night, which comes to well over \$100,000 per year⁶) also places a high financial burden to New York City and New York State. By providing an alternative way for immigrants to prove their disability, city and state officials would enable immigrants with disabilities to stay in homes, avoid homelessness and unnecessary institutionalization, and minimize their risk of contracting COVID-19.

V. Conclusion

It is time for New York to expand DRIE to include immigrant New Yorkers who are currently excluded because of their immigration status.

Undocumented immigrants, who are pivotal and essential to New York City, deserve to receive benefits for which they would otherwise qualify but for their immigration status. Continuing to exclude immigrant New Yorkers from DRIE without providing any alternative way to prove their disability is unfair and undeniable discrimination based on their immigration status.

There are legislative solutions that could be implemented to solve this problem, including allowing a person and their doctor to certify that they have a severe disability that prevents the person from working. By taking the necessary steps to include immigrants in DRIE, we would be on the way to ensuring that no New Yorker is left behind, regardless of their immigration status.

⁶ Department of Health, October 26, 2020 Medicaid Reimbursement Rates, https://www.health.ny.gov/facilities/long_term_care/reimbursement/nhr/2020/2020-10-26_nursing_home_rates.htm.